

24/10/2013

9:48:57 AM Begin Partial Recording
9:49:20 AM NEW: John Bradley ATKINSON (K. Hyslop)
706/11

Day 2 of Trial
Raymond Summerfield
Deborah Campbell
Daniel Summerfield
Detective Chris Lewis

10:12:35 AM AFFIRMED: Daniel Summerfield

10:12:56 AM Cr: DOB - July 26, 1989 - mom is Deborah - 2 older brother Luke and Raymond
10:13:21 AM Cr: knows Atkinson - dated my mother a while back
10:13:31 AM Cr: July, 2010 - in college that year - in Etobicoke
10:13:51 AM Cr: mother lived at home - outside of Tottenham - Hwy 50
10:14:03 AM Cr: living with John
10:14:10 AM Cr: grandparents lived there too
10:14:21 AM Cr: living with mom when he started living there? yes
10:14:30 AM Cr: stay there when he started? a little while - then moved out and back after he left
10:14:49 AM Cr: ever drive Toyota? 88 Corolla - still driving it
10:15:06 AM Cr: driving it then? yes
10:15:13 AM Cr: to go to school - visit g/fs - get to visit mom
10:15:29 AM Cr: permission? yes - my mother's
10:15:37 AM Cr: July of 2010 - recall hearing from mom about your driving it? no - no issue with driving
10:15:59 AM Cr: specific event - was called by police while i was driving north from TO to go home
10:16:17 AM Cr: asked me to pull over - may be an issue
10:16:26 AM Cr: told that my mother was informed i had been threatened to be run off the road
10:16:46 AM Cr: safer to not come home that night
10:16:51 AM Cr: say who ? he said John was looking to run me off the road that night
10:17:04 AM Cr: speak to mom? after - over the phone - didn't return home
10:17:17 AM Cr: can't say i recall perfectly - know she was frightened - asked police to make sure she was okay
10:17:36 AM Cr: frightened that i may be hurt or she may be
10:17:46 AM Cr: anything else? can't specifically
10:18:04 AM Cr: how did you feel? frightened - more for mom
10:18:28 AM Cr: frightened i would be run off the road - was already halfway home
10:18:45 AM Cr: ever see him after that except in court? in hosp when mom was injured i think
10:19:24 AM Cr: in collingwood? yes
10:19:30 AM Cr: briefly moved back when she was in hosp - saw him there
10:19:45 AM KH: cross
10:19:53 AM KH: what you heard he was going to do to you

10:20:49 AM KH: July 2010 =- they contacted me
10:21:00 AM KH: spoke to officer on cell - on route to mom's - going home
10:21:13 AM KH: living with mother? no - had apt in etobicoke - consider it home
10:21:31 AM KH: living with girlfriend? with room mate and brother Raymond
10:21:45 AM KH: coming from g/f's house? to mother's house
10:21:54 AM KH: instead of going to own apt - going back to g/fs house? may not have had that apt at that time
10:22:21 AM KH: yes, back to g/fs house
10:22:34 AM KH: Ray at other apt? yes
10:22:40 AM KH: confirmed for police? yes
10:22:55 AM KH: going to mom's house? just to visit - maybe do laundry
10:23:04 AM KH: what time? late in the evening - maybe 9 or 10
10:23:15 AM KH: pulled off road - not onto 427 yet
10:23:37 AM KH: how far? g/fs house in mississauga - mom in tottenham - 80km
10:24:08 AM KH: maybe 60
10:24:14 AM KH: bout hour and a half - i was halfway - turned around
10:24:26 AM KH: first call from police - how they had your number? suppose mother gave it
10:24:48 AM KH: speak to police - pulled over - called mother? sounds right
10:25:04 AM KH: or officer was with my mother - not certain
10:25:12 AM KH: spoke with officer again? yes - to make sure she was okay
10:25:27 AM KH: may have given me his number or with her at the time - can't remember
10:25:54 AM KH: miss any calls? don't recall
10:26:00 AM KH: missed calls from mom? don't recall
10:26:07 AM KH: any other contact with police within the next month? asked me to come make statement
10:26:40 AM KH: not sure if within the month - at some point made statement
10:26:51 AM KH: video? i think so - dec 23, 2010 - possibly - did I?
10:27:05 AM KH: only statement formally? think so
10:27:14 AM KH: brief conversation - also call and leave message? possibly
10:27:30 AM KH: if note saying you left message - possible? certainly
10:27:48 AM KH: Det Conway arrange? yes - how that came about?
10:28:22 AM KH: only made one statement - don't think i had multiple contacts
10:28:41 AM KH: went to police station - in person - video statement? yes
10:29:18 AM KH: have opportunity to review? no
10:29:26 AM KH: review before prelim? no point seen it
10:29:36 AM KH: accurate? i was attempting to be as accurate as possible - honest - serious matter
10:29:51 AM KH: incident from July 2010 - first formal interview in Dec - 5 months
10:30:20 AM KH: thought about it since? no
10:30:31 AM KH: would normally have chance to review
10:30:42 AM KH: July 22, 2011 prelim - review that testimony? rec'd package of my testimony
10:31:03 AM KH: read it through a month ago
10:31:09 AM KH: no corrections made? couldn't think of any
10:31:21 AM KH: got driver's license - i was 17 - winter
10:32:02 AM KH: living with mother and father? not at 17 - they separated

before that

10:32:22 AM KH: in relation with mother when you got lic? yes

10:32:40 AM KH: what vehicles? merc grand marquis - also the toyota

10:33:04 AM KH: what year? 2006? yes

10:33:30 AM KH: around the time when John started living with mom? yes

10:33:49 AM KH: about a year after - maybe - met in the summer

10:34:12 AM KH: summer/fall of 2005 - about right - lived there

10:34:51 AM KH: when you moved out? during summer - the next summer

10:35:17 AM KH: living in res for a number of months together

10:35:28 AM KH: got g1 in dec of 2006 - wouldn't have been at the residence

10:36:00 AM KH: July of 2006 - you were 17 - moved out that summer? yes

10:36:15 AM KH: didn't have license - started learning to drive? mother taught me

10:36:33 AM KH: living with her at home

10:36:38 AM KH: have the toyota then? may not have had it

10:36:59 AM KH: learning on mercury - yes

10:37:08 AM KH: commuting in toyota - mr. atkinson there when using toyota? while i was in college

10:37:31 AM KH: second year of college - 2010

10:37:41 AM KH: possible using it in summer 2009 - yes

10:37:53 AM KH: believed mom's car - how long did you drive it? still driving it

10:38:18 AM KH: how often you were using it? frequently

10:38:28 AM KH: school in summer? no

10:38:34 AM KH: summer 2009 - moved to TO - 8 month lease - second year 1 year lease

10:39:12 AM KH: had apt -

10:39:29 AM KH: started college in 2008? fall - into summer 2009 - 8 month lease

10:39:42 AM KH: summer of 2009 lived at home

10:39:48 AM KH: second year - fall 2009 - 1 year lease to fall of 2010 - yes

10:40:02 AM KH: opted out of it early - mom in accident

10:40:23 AM KH: using it at school? not usually but had permission to use it

10:40:52 AM KH: not hiding use of car - not a secret

10:41:13 AM KH: april 2010 - mom had accident - you moved home

10:41:31 AM KH: another vehicle driving too? could be driving mercury

10:41:44 AM KH: was driving mercury at that time - not sure - maybe primarily

10:41:58 AM KH: recall a time when she was still in hosp - you exchanged merc for toyota?

10:42:23 AM KH: logical to exchange - better on gas - may have done that

10:42:35 AM KH: know where John was living in April 2010? don't know - maybe with mother

10:42:51 AM KH: he would come to house - a lot of his things there - didn't see him too often

10:43:08 AM J: when?

10:43:10 AM KH: april 2010

10:43:13 AM KH: moved back to that home -

10:43:36 AM KH: think at some point - had been living there - when mom came from hosp he wasn't living there

10:44:07 AM KH: still had belongings in house

10:44:14 AM KH: fit that in - April 2010 - settled up lease but also have lease in July with brother

10:44:36 AM KH: apt with brother was one for my 2nd year of college - 2009 to 2010
10:44:57 AM KH: full year lease would have been to sept - signed out by july
10:45:24 AM KH: recall when you went to house - he was there with couple others? don't recall
10:45:53 AM KH: arrive in merc and exchange for toyota? don't recall that
10:46:15 AM KH: recall Atkinson offer you money? no
10:46:26 AM KH: offer to take toyota b/c gas in it? no
10:46:34 AM KH: what do you recall? remember incident at house where i didn't feel comfortable
10:46:55 AM KH: took all the keys out of the lock box - urging of family, made keys available to him
10:47:09 AM KH: when mother was in hospital
10:47:17 AM KH: don't recall conversation ? no
10:47:26 AM KH: phone calls to police - July 2010 - sure you were enroute to mom's? certain, yes
10:48:04 AM KH: had to pull over
10:48:08 AM KH: first time you hear about this is from police -not mom
10:49:10 AM KH: they gave you some details about nature of threat?
10:49:36 AM KH: something to do with you driving the toyota? no - understood i was going to be run off the road
10:49:52 AM KH: didn't know why? knew he was aggressive
10:50:03 AM KH: were you driving toyota? yes
10:50:10 AM KH: called your mom before continuing back/ yes
10:50:24 AM KH: was with my g/f - would have called or facebooked mom
10:50:41 AM KH: called g/f to let her know i was going back there
10:50:57 AM KH: wasn't that you called mom right away? probably would have called unless she was on phone
10:51:20 AM KH: asked police to keep her safe - not certain who called who - police called me first
10:51:45 AM KH: at prelim - rec'd call from police - threat had been made - then asked questions
10:52:12 AM KH: page 34 - 35 of transcript from prelim
10:52:39 AM KH: recall that you called mom? yes - makes sense
10:52:52 AM KH: don't recall if missed a call from her
10:53:01 AM KH: same police? yes
10:53:18 AM KH: go back - history between mom and Mr. A and family
10:53:47 AM KH: parents sep in 2005 - had been living with them prior to
10:54:04 AM KH: 2005 - all 3 of brothers living in residence
10:54:20 AM KH: recall Atkinson living in RV - not when parents lived together
10:54:45 AM KH: no, Atkinson showed up - father left - Atkinson living on the driveway
10:55:01 AM KH: nobody communicating well - just picked things up
10:55:24 AM KH: how do you know he was living there? he would have been there
10:55:47 AM KH: rec'd the RV for work on the barn
10:55:55 AM KH: recall how long he lived in the RV? can't say how long - not very - moved into house
10:56:12 AM KH: fall of 2005 - can tell exact date? no
10:56:34 AM KH: Raymond moved out in fall 2005 - after Atkinson moved in
10:56:52 AM KH: stayed in montreal for some time - can't recall him visiting

but could have

10:57:08 AM KH: dec 2005 - home for christmas

10:57:18 AM KH: you moved out a number of months after Raymond

10:57:39 AM KH: luke left for military

10:57:47 AM KH: Luke is middle - Raymond is oldest

10:57:56 AM KH: ever another time you lived in house and Atkinson did?

10:58:39 AM KH: see him at the house when you went to visit?

10:59:20 AM KH: never shared house with him - don't believe i saw him there

10:59:30 AM KH: may have lived there when i was at college but idk about it

10:59:43 AM KH: i wouldn't know if he was living there - would have been at school

10:59:57 AM KH: to my knowledge he wasn't there

11:00:05 AM KH: my understanding that john was in jail while i was at school

11:00:47 AM KH: after fact - found he may have been living there - can't say for certain

11:01:01 AM KH: recall going to house in Jan 2008 to March 29, 2008?

11:01:35 AM KH: when did i go to college?

11:01:48 AM KH: don't see why i wouldn't have been unless

11:02:14 AM KH: went from high school immed to college - may have visited during winter break

11:02:36 AM KH: ever notice dump truck stuck on rocks in driveway? recall seeing that

11:02:51 AM KH: ask anyone about it? seems logical but i don't recall asking

11:03:16 AM KH: offer to try and get it off? take any steps? don't know how i would be capable

11:03:31 AM KH: recall details of how it was positioned? don't recall . maybe over?

11:03:45 AM KH: don't remember which way it was facing

11:03:55 AM KH: paying rent? no - to my mother? no

11:04:16 AM KH: concerned for mother's safety - asked police to make sure she was okay

11:05:05 AM KH: didn't give formal statement until 2010 - mother encouraged me not to

11:05:19 AM KH: feared retaliation - didn't want to do without her approval

11:05:32 AM KH: trusted my mother know what was best - respected what she would want

11:05:46 AM KH: see him after threat was made? at any point after July 2010?

11:06:17 AM KH: after threat - recall seeing him? July 5, 2010 was threat

11:07:02 AM KH: believe i saw him briefly on end of the driveway when i was living there

11:07:27 AM KH: saw him - conversation? i saw him

11:07:46 AM KH: Atkinson still had stuff in house? yes

11:08:00 AM KH: only time you remember seeing him? didn't want to call police?

11:08:30 AM KH: again concerned for mother's safety - watched her when she went to speak to him

11:08:45 AM KH: agreed to meet

11:08:55 AM KH: discussed charges with mom? not thoroughly

11:09:11 AM KH: have talked about case in general? about threat? she was aware - she was involved

11:09:28 AM KH: told not to share testimony so we didn't

11:09:38 AM KH: didn't approve when he moved in - upset so soon after dad moved out
11:10:00 AM KH: mom aware i was upset - would have spoken about it - not my decision to make
11:10:16 AM KH: expressed to Raymond? yes
11:10:29 AM KH: continue to tell Raymond? didn't have much contact when he moved out
11:10:43 AM KH: he went to montreal - didn't know exactly where he was
11:10:58 AM KH: your impression that he agree? yes
11:11:19 AM KH: agreed we didn't like him - especially after found out he went to jail?
11:11:58 AM KH: concern for mother in this relationship - was always concerned
11:12:20 AM KH: no point in time you were okay with it? not at any time
11:12:38 AM KH: would have communicated that to Raymond and mother
11:12:48 AM KH: not much to discuss - we didn't feel comfortable - safe -
11:13:04 AM KH: don't have clear memory of discussions -
11:13:34 AM KH: copy of your testimony - providing transcript - page 17
11:14:10 AM KH: reading from transcript
11:15:15 AM KH: can't recall specific discussions - would have expressed displeasure
11:15:33 AM KH: would have continued to express - was not pleased with it - he left
11:15:47 AM KH: obvious thing to know
11:16:07 AM KH: recall a time when- leave that
11:16:20 AM KH: after accident - went to the job site with aunt Pat? yes
11:16:39 AM KH: anyone else? 3 of us
11:16:45 AM KH: intention was to collect tools/materials on property? yes
11:16:58 AM KH: still set up? couldn't recall - can't say if i knew it was still set up
11:17:21 AM KH: took the truck home? had trailer we put tools in to
11:17:33 AM KH: can't be certain - if we were pulling a trailer would have used truck
11:18:01 AM KH: attended residence unannounced? residence in wasaga beach
11:18:17 AM KH: home owners there to greet us
11:18:28 AM KH: speak to atkinson? no - didn't have his permission? no
11:18:37 AM KH: i was there to help
11:18:42 AM KH: how did you know where it happened? can't recall
11:18:53 AM KH: recall where you spent Christmas 2007? most likely at home with mother
11:19:22 AM KH: don't recall atkinson present? no
11:19:28 AM KH: don't recall meeting his mother? at home for Christmas? don't recall
11:19:58 AM KH: possible? certainly possible
11:20:14 AM KH: doesn't stick out
11:20:22 AM KH: Atkinson's decision that you leave the house? during high school - didn't like being in the home
11:20:47 AM KH: stayed as busy at school - spent as much away from home -
11:21:00 AM KH: had g/f - some point it was mutual agreement i was going to leave home

11:21:16 AM KH: was fine with not being there - agreed not to go home - didn't
Feel safe
11:21:45 AM KH: conversation with both on phone
11:21:52 AM KH: have a brief moment to speak with Atkinson - 5 or 10 min
11:22:16 AM RECESS:
11:22:32 AM Stop Recording
11:52:21 AM Start Recording
11:52:37 AM KH: details - attending 2007 Christmas - gift that had to do with a
guitar?
11:53:24 AM KH: remember - have a capo - tuner - rec'd a song book - tuner
was a gift - can't recall if that was
11:53:52 AM KH: may have been birthday
11:53:58 AM KH: seeing atkinson after alleged threat - recall him being there -
scrap metal cleanup?
11:54:19 AM KH: don't recall Rady don't recall
11:54:35 AM KH: can't recall seeing atkinson at house? after threat? certainly
possible
11:55:00 AM KH: when going between hosp and house - some recollection of
atkinson arriving when i was there
11:55:29 AM KH: don't believe he stayed there - would come, take things,
leave
11:55:40 AM KH: suggested you take the toyota to go visit mom? makes
sense - don't think it was his suggestion
11:56:03 AM KH: was he there when you took toyota to see her? don't recall
11:56:18 AM KH: bag of laundry - discussion with him? no
11:56:26 AM KH: don't recall discussion at bottom of steps? friend Steve and
Deb
11:57:05 AM KH: possible he gave you keys? i would have known where they
were- had permission
11:57:19 AM KH: parked at house? yes
11:57:26 AM KH: coming and going at the same time? yes
11:57:48 AM KH: recall incident in 2006 - around Nov - he came to house and
police called? no - don't believe
11:58:22 AM KH: if that happened, you weren't there? if it happend I'm
unaware
11:58:39 AM J: for?
11:58:41 AM KH: if that happened, I'm unaware
11:58:47 AM KH: father has problem with alcohol? yes
11:58:56 AM KH: tried to finish roof? wasn't involved in that
11:59:09 AM KH: had some property up north that they would go to
weekends? yes
11:59:20 AM KH: never invited to attend? don't know if they invited - i wouldn't
go
11:59:39 AM KH: may have asked you to go?
11:59:47 AM KH: would remain home and have parties with brothers? be more
specific
12:00:03 PM KH: had parties - not frequent
12:00:10 PM KH: big parties when they were away? fire permits? 100s of
people? once - mom was home for that
12:00:34 PM KH: only 1 time - other times invited extended family - 20 at most
- keep people outside

12:00:55 PM KH: job at McD's - yes
12:01:16 PM KH: still in high school - mom would pick you up? yes
12:01:27 PM KH: Atkinson with her to pick you up? not that i recall
12:01:38 PM KH: maybe a few times - wouldn't remember
12:01:44 PM KH: mother never told you not drive toyota - gave permission
12:02:00 PM KH: never indicated not to tell atkinson
12:02:08 PM KH: at point when she was in hosp - decision not to allow him to visit? yes
12:02:21 PM KH: not there when that was communicated - saw him once at hosp
12:02:31 PM KH: present for any altercations? no
12:02:53 PM KH: there when argued with Raymond? no
12:03:00 PM KH: not overheard anything said to raymond? no
12:03:09 PM Cr: re-exam
12:03:43 PM Cr: didn't feel comfortable - didn't feel safe - why? he was - told he's dangerous
12:04:14 PM Cr: mother scared of him - time in jail - drug use - knew he was overall bad person - didn't trust him
12:04:29 PM Cr: some instances of violence against animals - think it was logical to not feel comfortable
12:04:52 PM J: school? student at Georgian - fish and chips
12:05:36 PM J: studying? nursing
12:05:46 PM witness down:

12:07:20 PM AFFIRMED: Raymond Summerfield

12:07:38 PM Cr: DOB - July 29, 1986
12:07:48 PM Cr: know Atkinson - first met him fall of 2005
12:08:09 PM Cr: living at home with grandparents and mom - returned from Brazil
12:08:24 PM Cr: met Atkinson - roofer on barn - reshingling
12:08:38 PM Cr: mom living with dad? yes
12:08:52 PM Cr: they split up - dad moved out - atkinson moved into trailer and then into house
12:09:11 PM Cr: fine with that - marriage had broken up
12:09:27 PM Cr: a bit messy - they had an evening at John's place - had words
12:09:44 PM Cr: dad and atkinson had words
12:09:51 PM Cr: continue to remain in the house for a few months before i moved to alliston - collingwood
12:10:22 PM Cr: Ravina Valley
12:10:29 PM Cr: move voluntary? decision by both mom and i - highly suggested by john
12:10:57 PM Cr: abrupt and not unexpected - unceremoniously early
12:11:13 PM Cr: direct you to mother's day - 2006 - remember? yes
12:11:51 PM Cr: aunt pat in milton - suggested i go for mother's day - called and said i'd see her
12:12:12 PM Cr: scaled layout of driveway
12:12:27 PM Cr: go up there - to my mother's house
12:12:35 PM Cr: exhibit 1 - grandfather drew this one
12:13:43 PM Cr: maybe make photocopy

12:13:51 PM Cr: what happened? mother's day - she came to driveway - i got out of car
12:14:15 PM KH: interrupt - if markings by another?
12:14:22 PM Cr: not on this one
12:14:25 PM J: make couple copies?
12:15:06 PM Cr: switch gears
12:15:12 PM Cr: at some point recall an older toyota as part of the fleet?
12:15:27 PM Cr: older red corolla - came back from alberta after john spent time there
12:15:43 PM Cr: mother was happy to drive it
12:15:52 PM Cr: you ever drive it? a few times - not as my main vehicle
12:16:06 PM Cr: ever drive it while mom in relationship with john? no
12:16:16 PM Cr: if you had wanted to drive it - any permission? i would ask her for it
12:16:57 PM Cr: atkinson have any vehicles? not in his name - had a helper with him
12:17:42 PM Cr: did he bring vehicles into relation? original pick up - then mom bought one after an accident
12:18:01 PM Cr: he also brought an el camino in garage - he drove out violently - dump truck too
12:18:23 PM Cr: el camino - older model - pick up truck style car
12:18:34 PM Cr: photo copy - back to mother's day 2006
12:19:04 PM Cr: mentioned a car on diagram - not specific - in the bay
12:19:18 PM Cr: black rectangle in driveway
12:19:25 PM Cr: your car or another? would have been where mine was parked
12:19:42 PM Cr: north - portion of drive where you parked - yes more than one
12:19:56 PM Cr: get out of car? yes - mom inside or out? came to greet me in drive
12:20:14 PM Cr: he came up the same path and went into garage
12:20:41 PM Cr: stairs are labelled
12:20:57 PM J: use red pen
12:20:59 PM Cr: main entrance where gparents live - we use walkout
12:21:19 PM Cr: label basement or walkout
12:21:35 PM Cr: from there we were standing at end of cars here - you and mom? yes
12:21:56 PM Cr: el camino - backed in at north end of garage
12:22:19 PM Cr: mom and you on driveway - atkinson walking to driveway - mom and i having conversation
12:23:23 PM Cr: he's not pleased i'm there - angry glare - makes eye contact - walking quickly
12:23:43 PM Cr: enters garage - fires up el camino - drives it straight out at us
12:24:01 PM Cr: hear el camino fired up - comment on how quickly? as quick as he can turn it on
12:24:19 PM Cr: driving at us at full acceleration - had to step back towards parked cars
12:24:39 PM Cr: if you had not stepped back - he would have hit us or veered hard before
12:24:59 PM Cr: went out of his way to come at us
12:25:48 PM Cr: went down and out onto road - did he leave? yes
12:25:58 PM Cr: manner of leaving? fling rocks from the gravel

12:26:09 PM Cr: didn't come back while i was still there
12:26:31 PM Cr: where were keys kept? in certain place? small lock box in mom's room
12:27:01 PM Cr: had access to them? yes
12:27:06 PM Cr: Daniel have access? yes
12:27:12 PM Cr: make diagram exh
12:27:34 PM EXH4: diagram by Raymond Summerfield
12:27:53 PM Cr: any thought of calling police? no
12:28:08 PM KH: cross
12:28:16 PM KH: first statement provided - Feb 3, 2011? yes
12:28:26 PM KH: attended at police to make in person? court date? not sure
12:28:38 PM KH: court was in July 2011
12:28:43 PM KH: met with Det. Conway at police station? yes, able to go through quick interview
12:29:08 PM KH: know how long? about an hour - asked me to write up a letter after
12:29:39 PM KH: typed statement? yes - came in - seen it since? yes
12:29:59 PM KH: something you typed up? yes
12:30:06 PM KH: see if i can find it - that's the statement
12:30:29 PM KH: in person? email to him - bring it?
12:30:52 PM KH: was he taking notes? more than likely, yes - not video recorded
12:31:20 PM KH: typed statement - being truthful and accurate? yes
12:31:35 PM KH: summary of everything you talked about?
12:31:56 PM KH: recall how it came about to go to police station? told by either mother or aunt
12:32:11 PM KH: you call to make arrangements or done for you? believe i called myself before going
12:32:36 PM KH: urging of mother or aunt? yes - believe it was my mother - both of them
12:33:14 PM KH: prior to discussion - did you and mom discuss incident?
12:33:27 PM KH: not overly - would have spoke - not more discussion needed
12:33:42 PM KH: how soon after discussion do you make contact with conway? not sure of timeline
12:34:14 PM KH: days? weeks or months - whenever i was told to go and give statement
12:34:32 PM KH: know where atkinson was at the time? believe he was in jail or out west
12:34:58 PM KH: discussed in 2011 or before that? being set up around that time - gathering info
12:35:30 PM KH: april 2010 mother had accident - yes
12:35:44 PM KH: decision about going to police after that? yes
12:35:53 PM KH: before feb 3, 2011 - before or after Christmas? before
12:36:09 PM KH: when we first got things rolling in 2010 - john had continued with another driver - caused problems with police
12:36:35 PM KH: last i saw him was after mom's accident - went to get things at his mother's
12:36:53 PM KH: aware by then that mother had given statement? yes
12:37:21 PM KH: did she tell you what she said? no - other than facts
12:37:31 PM KH: she knows - barely discussed it with me - now less open
12:37:51 PM KH: indicate she wanted you to talk to police? yes

12:38:05 PM KH: talk about incident in more detail? refresh your memory?
felt confident
12:38:24 PM KH: didn't really review it more than that
12:38:33 PM KH: have a chance to look at statement prior to today or a few weeks ago?
12:38:50 PM KH: when i first rec'd it - reviewed it then and transcripts from last court appearance
12:39:03 PM KH: nothing in there you needed to correct? other than model of car - know it was ranchero
12:39:28 PM KH: today - el camino - ranchero
12:39:39 PM KH: go with ranchero
12:39:44 PM KH: statement still true today
12:39:49 PM KH: prelim July 22 - truthful? yes - reviewed transcript - no corrections in that
12:40:09 PM KH: still stands true
12:40:24 PM KH: go back over living arrangements - in brazil for a year
12:40:39 PM KH: finished high school - to brazil - what month you returned?
July 2005
12:40:54 PM KH: parents still together - daniel there - luke? believe so
12:41:07 PM KH: not your plan to stay in parents home - preparing to move out
12:41:22 PM KH: pay rent to mom? no
12:41:30 PM KH: she handles finances - her teaching - we still send her money
12:41:56 PM KH: pay what you can
12:42:02 PM KH: working? Castator's fencing
12:42:31 PM KH: clear your parents having problems? had split once before - this was second
12:42:52 PM KH: you moved out in fall 2005 - stayed n alliston for a week - then collingwood
12:43:14 PM KH: late oct/ early nov
12:43:19 PM KH: father already out - correct
12:43:27 PM KH: atkinson living in house? yes
12:43:34 PM KH: how long in trailer on prop - month - perhaps two
12:44:00 PM KH: moved into house - how long were you living in house? 3-5 weeks at the time
12:44:12 PM KH: few weekends up north - cottage - he worked with a friend
12:44:33 PM KH: roughly time line - a few weeks or a month - various jobs
12:44:50 PM KH: atkinson living in trailer when father still in house? not more than a day or two
12:45:10 PM KH: moved into trailer when his wife kicked him out - dad had already moved
12:45:26 PM KH: you were planning to move out - discussed with mother
12:45:46 PM KH: would have been her decision - wasn't ready yet - did it
12:45:59 PM KH: your view the reason was atkinson? yes
12:46:10 PM KH: he didn't tell you directly? n o
12:46:19 PM KH: did some work - more than one occasion? usually weekend
12:46:43 PM KH: he was looking - also James Hogan - my friend Hunter too
12:47:05 PM KH: friend of Luke - tours in Afghanistan
12:47:22 PM KH: 2 or 3 weekends - one at base borden - helped clean up
12:47:37 PM KH: then weekend job up north

12:47:47 PM KH: living with mother - continue after? no
12:47:58 PM KH: Kinmount
12:48:02 PM KH: wasn't worth it for me - stretched a 2 day job into 2 weekends without extending pay
12:48:18 PM KH: poorly organized - felt i could spend my weekends better
12:48:30 PM KH: wasn't going to be worthwhile
12:48:49 PM KH: hogan continued with him - worked well together a year or two
12:49:07 PM KH: how many jobs? Borden and the other job after that
12:49:37 PM KH: how many days? would have been 3 i believe
12:49:47 PM KH: recall Jan 2010 - offer to help you fix Honda civic? yes - cracked radiator
12:50:10 PM KH: head gasket cracked - wasn't salvagable - helped me fix volkswagen
12:50:35 PM KH: winter 2005-2006 - in Ravina
12:50:48 PM KH: intend to locate new motor? was one of the options
12:51:13 PM J: quite far afield - relevant?
12:51:25 PM KH: can explain if witness steps out
12:51:31 PM witness: leaves
courtroom.....

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12:51:49 PM KH: my position that - have testimony that atkinson drove car at him - continued contact
12:52:17 PM KH: offers assistance - relevant to credibility and reliability
12:52:32 PM Cr: more direct question might accomplish that
12:53:04 PM Cr: hasn't disagreed - maybe can get there quicker - can see relevance
12:53:22 PM J: thinking in terms - can make the point - does seem to me there is a point to go past
12:53:55 PM J: skirting pretty close - carry on
12:54:05 PM J: how much longer?
12:54:10 PM KH: some time - definitely after lunch
12:54:17 PM witness: back to
box.....
12:54:47 PM KH: discussion about assist with car - if it was feasible
12:55:00 PM KH: didn't end up fixing it
12:55:05 PM KH: another time - asked your help to build fence - some sort of shed idea
12:55:16 PM KH: help build that? yes - put up fences and tried to stretch tarp
12:55:41 PM KH: recall when? 2009 or shortly before 2010 - not sure
12:55:52 PM KH: back to May 14, 2006 - plans for mother's day
12:56:02 PM KH: first time back to visit? not since Christmas
12:56:30 PM KH: came to visit me once to fix the car
12:56:38 PM KH: called her in advance - tell her how long before arrived? she was waiting in drive
12:57:01 PM KH: from milton - roughly an hour
12:57:07 PM KH: Daniel attend too? would think so
12:57:20 PM KH: spoken to him prior? no
12:57:25 PM KH: see him there that day?
12:57:34 PM KH: later after incident - believe we took her out for dinner
12:57:45 PM KH: show up at house - not surprised to see me - warns me john

is angry

12:58:05 PM KH: what vehicle? either honda civic or volkswagen - still volks - after it gave up ghost

12:58:57 PM KH: park in parallel spot? yes - space for 5 - you were fifth? would have been 4, i would have been 3rd down in 5th spot - end second from the road

12:59:36 PM KH: mom waiting for you - came up path from staircase - show us on exh 1

12:59:52 PM KH: path from staircase - get exh 7 - 4

1:00:15 PM KH: staircase highlighted before - same one? yes - across walkway

1:00:30 PM KH: driving in - saw your mother - dotted line meets drive

1:01:03 PM KH: met you at vehicle - immediately confront you with idea?

1:01:25 PM KH: she was perturbed about it

1:01:33 PM KH: he wasn't happy about me visiting her - surprised to you? yes

1:01:48 PM KH: continued discussion - she suggested we not go inside - go out

1:02:09 PM KH: plan to take your mother out - nodding - yes

1:02:19 PM KH: wait for daniel? yes

1:02:28 PM KH: able to draw 5 vehicles on map? sure - 4 there that day

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1:03:09 PM KH: usually the number of cars there

1:03:32 PM RECESS:

1:03:55 PM Stop Recording

2:19:31 PM Start Recording

2:19:32 PM KH: water?

2:20:20 PM KH: have exh 4 - go back over the cars that would have been there

2:20:34 PM KH: 3 vehicles - grandfather's volks - jetta - honda - grand marquis - pickup truck

2:21:10 PM KH: possible 2 pickups? possible, yes

2:21:22 PM KH: recall which - mark where yours parked -

2:22:20 PM KH: Atkinson's pick up not noted - could have been in field or alongside the house

2:22:38 PM KH: red vehicle in garage - block - ranchero

2:23:01 PM KH: backed into garage - atkinson worked on it in there

2:23:15 PM KH: drive in ? pulled in and mom came out

2:23:33 PM KH: didn't come out of the garage? no - pathway

2:23:41 PM KH: is diagram to scale? how many feet between two points? 5 to 6 feet

2:24:29 PM KH: blue pen - how much distance to end of garage?

2:25:04 PM KH: any portion? single column

2:25:17 PM KH: end of your vehicle and the edge of garage - about 5 feet? yes

2:25:35 PM KH: standing with mom right at five feet - in line with the column of the garage

2:26:16 PM KH: about 5 feet from the end of your vehicle? yes - not blocking path for ranchero to get out

2:26:51 PM KH: how wide is driveway? will fit four cars

2:27:05 PM KH: drive width - one car width - 8 to 10 feet

2:27:37 PM KH: moment you met with mother - 5 minute convo - remained there? yes

2:28:10 PM KH: facing her away from garage - back to garage - she was facing garage

2:28:23 PM KH: see Atkinson walk out of house, up path, into garage - he's in laneway

2:28:42 PM KH: walking by you - menacing glare - based on conversation and attitude

2:29:13 PM KH: didn't cause you concern? no reason to be concerned - correct

2:29:31 PM KH: watched him go to ranchero? yes - looked into garage - still talking to mom

2:29:45 PM KH: she was talking to me - watched him over shoulder

2:30:15 PM KH: watch continually? no, glances

2:30:22 PM KH: didn't see him get into ranchero

2:30:28 PM KH: don't see him enter the vehicle - saw him in it

2:30:56 PM KH: see him start it? no

2:31:05 PM KH: she's stuttering - yes, she's in a bit of a panic - very afraid

2:31:25 PM KH: asking you why you showed up? she would have talked with john and cancelled

2:31:52 PM KH: she had changed her mind or thought it was bad idea

2:32:02 PM KH: didn't have cell phone - rec'd any messages after? no

2:32:19 PM KH: talked about alternate plan - anyone go tell daniel? not at that point

2:32:41 PM KH: daniel didn't come to driveway? no

2:32:57 PM KH: turn around?

2:33:03 PM KH: fairly close to path? not without space to go around

2:33:15 PM KH: how far were you standing? about 30 - 20 to 30 feet

2:33:44 PM KH: said 25 feet at prelim - mark on diagram

2:33:58 PM KH: hear engine rev up - don't move out of the way until coming to you

2:34:13 PM KH: gets to 5-7 feet

2:34:21 PM KH: turn around and face it? yes, when he was accelerating

2:34:35 PM KH: jump out of the way - mother too

2:34:43 PM KH: vehicle driving straight at you - see him staring at you - full face

2:35:20 PM KH: draw with purple marker - path the ranchero takes - 2 lines to show tire marks

2:35:58 PM KH: continue down driveway - which way on the road? north i believe- not sure

2:36:34 PM KH: bit of a bend in the tracks - parking space area

2:37:43 PM KH: had to swerve to get down the driveway - 1 maple tree and boulder at corner

2:37:58 PM KH: how close was he to vehicles? within 3 feet

2:38:10 PM KH: hit the brakes? no

2:38:14 PM KH: didn't hit vehicles

2:38:27 PM KH: after you jumped - remain on your feet? yes

2:38:40 PM KH: how far did you travel? bout 3 half feet

2:38:51 PM KH: was working on the ranchero in the garage

2:39:22 PM KH: ever see him work on it - take it down and bring it back up? no

2:39:33 PM KH: had a trailer and tools down there
2:39:42 PM KH: possible he didn't leave property - yes
2:39:55 PM KH: didn't see him again that day
2:40:00 PM KH: went into house with mom after - didn't stay long - under an hour
2:40:13 PM KH: saw Daniel
2:40:28 PM KH: went out? believe so
2:40:34 PM KH: totally surprised by this - correct
2:40:43 PM KH: never knew there was a problem? no - hadn't done it much
2:40:54 PM KH: hadn't been back since Christmas
2:41:02 PM KH: discuss calling the police? no, they were still together
2:41:24 PM KH: discussion? other incidents but not with me involved
2:41:42 PM KH: May 14, 2006 - did you discuss calling the police? no, don't believe so
2:41:57 PM KH: you snowboard - correct
2:42:27 PM KH: incident where snow board stolen? yes - 2003? yes
2:42:37 PM KH: reported that to police - told to do that
2:42:55 PM KH: guest services won't do anything beyond
2:43:04 PM KH: no problem calling police about that but didn't occur to you this time?
2:43:18 PM KH: i wasn't hurt - came close - threatened me previously
2:43:30 PM KH: possible he was exiting quickly?
2:43:56 PM KH: possible you were mistaken? no
2:44:01 PM KH: only time anyone's done this? yes
2:44:16 PM KH: was hit in Brazil with a vehicle
2:44:27 PM KH: not possible he went in reverse? no, one direction
2:45:12 PM KH: not necessarily upset when father leaving - yes, ended before
2:45:26 PM KH: father was upset? they had words at his place - animosity
2:45:38 PM KH: you and father went and had words -
2:46:03 PM KH: were you there? yes
2:46:09 PM KH: hear what was said? no
2:46:15 PM KH: beginning relationship with mother - still married to father
2:46:37 PM KH: stayed at friend's house - was upset about whole situation
2:46:49 PM KH: still saw him on occasions - recall meeting his mother at Christmas?
2:47:18 PM KH: Daniel there too - Dec 2007 - after he ran at you with vehicle? ye
2:47:46 PM KH: ask him about that? bring it up again? no
2:47:56 PM KH: parties at parents house when they at cottage? not while they were away - they were there
2:48:12 PM KH: birthday party and party in the fall
2:48:33 PM KH: he came down that evening to party in the field - drove around
2:48:45 PM KH: donuts in field and then back to house
2:48:52 PM KH: buy you a car? cadillac offered - don't remember driving it
2:49:05 PM KH: mother in an accident - April 2010 - cutting down a tree - seriously injured
2:49:25 PM KH: in hosp 10 days - i was living in High Park with Aunt Pat
2:49:39 PM KH: visit in hosp in collingwood
2:49:50 PM KH: go back to mom's house while she's in hosp? saw him at

the hosp

2:50:03 PM KH: also saw him at the house? grabbing things at the house - he stayed at his moms

2:50:18 PM KH: brother daniel there? yes

2:50:24 PM KH: had a few conversations around that time

2:50:46 PM KH: final was collecting items at his mother's house - couple threats - simple

2:51:14 PM KH: said if i hadn't been there - father wouldn't be

2:51:47 PM KH: after mother's accident - at time you were doing property exchange?

2:52:04 PM KH: or right before at the house - in person - yes

2:52:11 PM KH: one on the phone - one in person - brushed off drug dealer

2:52:41 PM KH: mother had insurance claim? \$500K - discuss with atkinson?

2:52:59 PM KH: collected trailer - truck - make sure site was cleaned up

2:53:23 PM KH: insurance claim - suggest he go along? would be a good idea, about all i know

2:53:40 PM KH: ever suggest if he went along he could get some money? no

2:54:17 PM KH: went cleaned up job - didn't speak to atkinson about that

2:54:40 PM KH: he couldn't drive - had people hired to drive him

2:55:20 PM KH: using mom for that - they were going through transition - i was told to go get truck

2:55:35 PM KH: who told you to go get items? my aunt

2:55:50 PM KH: aunt knew where it was? yes - found out about it at hosp

2:56:08 PM KH: weren't able to take trailer back - just disengaged

2:56:22 PM KH: Jan 2008 to March 2008 - go to mom's house? possibly

2:56:37 PM KH: go when observed dump truck? yes

2:56:49 PM KH: ever ask what happened? yeah - we had tried to get it off - brothers and i tried

2:57:05 PM KH: pinned pretty well - grandfather got it later

2:57:14 PM KH: all 3 tried? Daniel too? yes - pry bars, tow chains - pinned between axels

2:57:44 PM KH: tried to drive it out - down the driveway

2:58:00 PM KH: pinned on the rock - back end

2:58:10 PM KH: Facing the road - 50

2:58:25 PM KH: mark on diagram

2:58:53 PM KH: facing

2:59:00 PM KH: pictures of it stuck on the rocks - took one shot at it

2:59:25 PM KH: pictures when grandfather got it off the rocks, has seen them

2:59:42 PM KH: who took pics? mother - wasn't there that day

2:59:50 PM KH: didn't have a problem? not initially - new beginning for her - had hope

3:00:40 PM KH: did my best to try and get to know him - was what it was

3:00:50 PM KH: did a number of things not acceptable at the start

3:01:04 PM KH: smoking in the house - set up company in back of the house

3:01:15 PM KH: tried to make the best of things

3:01:26 PM KH: only a little before you moved out

3:01:36 PM KH: took that approach with daniel? we would have said as little as possible - more negative

3:02:04 PM KH: recall conversations with Daniel? yes - how many? not sure

3:02:26 PM KH: more often with aunt pat and cousin james - updates on

what he was doing

3:02:51 PM KH: testified at prelim - told mom unhappy with john being there

3:03:15 PM KH: once things started bad - convos with pat

3:04:00 PM KH: few weeks at first - didn't really talk - nothing to be done

3:04:23 PM KH: key box - kept in mother's bedroom?

3:04:40 PM KH: keys for things re: his business - not in his office?

3:04:56 PM KH: my keys weren't in there

3:05:28 PM KH: never went in when lived there? no

3:05:34 PM KH: when mom was in hospital? yes, if i was told to i would

3:05:51 PM KH: now keep my keys if i have spares

3:06:07 PM KH: speaking with atkinson.....

3:07:31 PM KH: standing and talking - possible - where were you in relation to yours? 5-6 feet

3:07:47 PM KH: pulled into spot - exh from prelim? one diagram

3:08:36 PM KH: ever use his work materials or computer? no

3:08:50 PM KH: recall drawing diagram at prelim? yes

3:09:39 PM KH: remember indicating you were drawing headlights? tried to get me to draw

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3:10:00 PM KH: draw same way as at prelim? yes

3:10:09 PM KH:

3:10:58 PM Cr: reexam

3:11:05 PM Cr: after he drove towards you

3:11:17 PM KH: object - quite clear - proper re-exam - gave his answer

3:11:38 PM J: that's the question?

3:11:48 PM Cr: that's where I was going

3:11:52 PM Cr: wanted to make sure that's what his evidence was

3:12:02 PM J: 2 areas for reexam - allow

3:12:19 PM Cr: want to make sure you understand

3:12:30 PM Cr: you got out of the way - turned onto county 50 - could have gone to the field

3:12:54 PM Cr: he did go out on to the road -

3:13:03 PM Cr: 50 / 50 chance went north or south -

3:13:23 PM Cr: north

3:13:36 PM Cr: may have gone drive to barn - that was an option - he definitely went out to the north

3:14:06 PM Cr: asked about all the occasions you had something to do with him

3:14:28 PM Cr: helping fix honda after he drove ranchero to you

3:14:39 PM Cr: more than one occasion you had something to do with him - why?

3:14:56 PM Cr: quite a bit of time between - mother had calmed him down

3:15:09 PM Cr: give it another shot - all i could do

3:15:30 PM witness down:

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Excerpt of proceedings – Raymond Summerfield

12:11:51 PM Cr: aunt pat in milton - suggested i go for mother's day - called and said i'd see her then, in the afternoon. I went up there, after that, you have the scaled layout of the driveway and everything.

12:12:12 PM Cr: scaled layout of driveway

12:12:27 PM Cr: when you say go up there, you mean? I mean go to my mother's house in Tottenham.

12:12:35 PM Cr: (Crown looking for exhibit) - exhibit 1 – RS – I believe so, I believe my grandfather drew this one... one of the other copies, better than I drew the last time we were here.

12:13:43 PM Cr: So if you need to refer to that, maybe I'm gonna have to make you a photocopy, one you can draw on if need be. But let's try it without doing that.

12:13:51 PM Cr: Can you tell me what happened when you get home on mother's day? RS – On mother's day I was coming home to meet my mother and she came out to the driveway. I had just gotten out of the car which is adequately represented by the black car there.

12:14:15 PM KH: interrupt – asks if markings drawn on there by another?

12:14:22 PM Cr: not on this one – KH, okay, I just didn't get to see this one.

12:14:25 PM J: Would it make sense to make a couple copies of that so? Madam Clerk, would you be able to do that for us? Thank you.

12:15:06 PM Cr: While she's doing that I'll switch gears.

12:15:12 PM Cr: At some point do you recall there being an older Toyota car as part of the fleet if I can put it that way? RS – it came, the older red Toyota corolla, that Daniel's still driving that. It came back from Alberta after John has spent some time away there. I don't know if in between or before or after which jail stint he did, or had done, but I do know that car came back and my mother was happy to drive it. And yeah, that's the car we're referring to.

Cr: Alright. RS – came from Alberta.

12:15:52 PM Cr: Did you ever drive it? RS – I've driven it a few times, um you know, just trying to get it back to Dan, helping him out, but never used it as my main vehicle

12:16:06 PM Cr: Um, did you ever drive it while your mom was still in relationship with John Atkinson? RS: no

12:16:16 PM Cr: if you had wanted to drive it, while she was in a relationship with John, do you know if you'd have to get anybody's permission? RS: I would ask, I would definitely ask her for it, uh, otherwise it was part of the fleet, Daniel's car afterwards, uh, just I don't think I would ever have needed to drive it, I had my own vehicle or two at the time

12:16:57 PM Cr: We'll just wait for the photocopies.

Maybe I can ask you this, did Mr. Atkinson have any vehicles? RS: Not in his name, no. He wasn't, for the time that I knew him, he had originally a pickup truck or two, I don't know whose vehicles or what name they were in. He did have a helper with him.

Cr: A helper? RS: yeah, a coworker with him. Following that, the primary vehicle was a blue pickup truck that my mother purchased. Which was totalled and replaced by a big green one. So, any trucks previous that that I believe were used up and sold.

12:17:42 PM Cr: did he bring any vehicles into the relationship? Before the Toyota? RS: Uh, It was the original pick up truck that he was using, that I recall, then soon after that my mother bought another one, it was replaced by the insurance after that accident.

12:18:01 PM RS: The other vehicles that would be in there that he also brought were the uh el camino which was in the garage after he cleaned it out. It stayed in the garage but that's the one that he uh drove out of the garage quite violently that day.

It was the dump truck as well. Which ended up parked on the rocks.

12:18:23 PM Cr: So the one that you call an el camino, was that a newer or an older? RS: older model, it's the pickup truck, it's the older model style, monte carlo, I think that's the el camino, larger sports model car, of the older variety.

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12:18:34 PM Cr: I'm going to stop asking you questions until the photocopy comes back. Here we go. Alright so, if we could go back to mother's day 2006.