

court?

A. Right.

Q. What would the videos of 2008 be?

5 A. Well, the ones in 2008, there would be - I think there would be a couple of other - there would be - well, actually, I think one of - Daniel was there and Daniel's friend was there because actually - well, I had his guitar but there would be - there would be the fireplace. It is on. There is just things like that, just the - I mean, I'm not much for  
10 detail on that, but I'm just saying there would have been Daniel - Daniel would have been in some of the pictures, too.

Q. Okay. So do you recall, Mr. Atkinson, on January 14th, 2008, when the dump truck gets stuck on the rocks, do you remember there being pictures and/or a video  
15 being taken that evening?

A. Yeah.

Q. Okay.

A. I took - I took many myself on both occasions.

20 Q. Now, you've mentioned that it was Jason who was driving the vehicle, the pick-up truck, when it got...

A. Yeah.

Q. ...when it went off the road. Why is Jason not here testifying?

25 A. I made many attempts to locate him and I haven't been able to. He was - it was indicated that he had gone to California.

Q. Okay. We're going to move on to....

THE COURT: Let's take the morning recess.

30 MS. HYSLOP: Thank you, Your Honour.

R E C E S S

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U P O N R E S U M I N G:

5 MS. HYSLOP: Q. Okay. I do want to - we do need to go back talking about the last incident with the dump truck. What happened after the dump truck got stuck on the rocks? What happened after that?

A. You mean - so you're asking - so...

Q. So the dump truck is stuck on the rocks...

10 A. ...the dump truck...

Q. ...and the pick-up truck is down on the road?

A. Sure.

Q. So do you recall what happened during that period of time?

15 A. Sure. So after a short conversation with Deb and I said, okay - so I'm expecting a dump truck, right? So I start walking towards the house and they were just going to wait for the dump truck - or wait for the tow truck to come; right? So I believe we get in - we get into the house and I'm talking to Carl and I said, you know, what a shitty night. I told him everything that happened and Deb says, "Well, I guess I'll call the tow truck." I said, "I thought you already called them." I said, "I spoke to you. I told you" - I mean, I was blunt. I said, "Just call the tow truck." So she says  
20 okay, but she never did.  
25

30 So she makes the call and she has indicated over the phone how long it's going to be. So she waits around a bit and then I said, "Well, you're going to have to go meet them, right, shortly." Some time had already gone by, I said, "You should go down there. You're going to have to meet them shortly." So she had left and I was in the house with Carl and most of the other stuff, I don't know. All I know is that the

5 tow truck apparently came. Apparently, a cruiser had come. The tow truck driver brings the truck back to the parking pad and takes the - takes the truck, drops it, and Deb had this idea, oh, maybe we should get the tow truck driver to take the dump truck off. I said no. I said it's just - it doesn't require a pull or a tow, it requires a lift from the back, not the front. If it was from the front, that would be a little bit different, but this is from the back.

10 And then we're talking about the tow truck, if it was, it would have to go up on the grass and then it would probably get stuck and then it would just ruin - it would just ruin everything, the lawn and stuff, whatnot. I'm not sure how that would go. Anyways, that was my thought. So anyways, the truck needed lifting at the back. So the tow truck driver had left, that was - that was it.

15 Deb had made some big scene down there about there was no key in it and stuff like that, and I said, well, Jason probably left with it. I'll have to call him up and see if I can get it back; right? He probably doesn't realize. The tow truck driver left. We went back into the house. Things weren't that bad and we made the best out of a bad situation. It got a little bit better from it being a bad situation.

20 Q. Okay. Why did Deb go down to the road and not you to wait for the tow truck?

25 A. I just knew that the police would be there. They had run my - they had radioed me through and it would just complicate the whole situation when I'd just keep it as simple as possible and not be involved.

30 Q. Did you ever go down to the road to check on things?

A. No, I didn't have to.

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Q. Pardon me?

A. I didn't have to, no.

Q. What do you mean, you didn't have to?

5 A. I mean, I just - no, I didn't go. No, there was no reason for me to go down there.

10 Q. Okay. We heard Deborah testify that you drove the Mercury down to the - when I guess the tow truck driver was there. But in any event, you had driven down there, maybe it was before the tow truck driver was there. Did you drive the Mercury down?

A. No, I did not.

15 Q. Okay. So now I want to move on to the final allegation which is the threat that Deborah says you made to broadside Daniel while he's driving the Toyota. So can you tell us, Mr. Atkinson, we've heard about the April 2010 tree accident?

A. Yeah.

20 Q. Did you maintain contact with Deborah after that accident?

25 A. Right up until December 2010, three collect calls when I was in custody. When I was in custody, I had her approved for visits. We had a scheduled visit appointment. She had - I asked her to send some of my money. She sent me some money to the institution and that was around I guess December.

30 Q. Okay. Let's talk about before you end up in custody in August. So between April 2010 and August 2010 when you end up back in custody, do you have contact with Deborah during that period of time?

A. From April till July, yes.

Q. Right. April till August, I said.

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A. Okay. Yes.

Q. Yes? Okay. How did you have - what type of contact did you have with Deborah during that time?

5 A. Well, I met with her, I talked to her on the phone. We still went places, we still did a few things together.

Q. Do you remember where you were living between April 2010 and August 2010?

10 A. My mother's.

Q. And where does your mother live?

A. Etobicoke.

Q. And did she live in Etobicoke at the time, so in 2010?

15 A. Yes.

Q. Okay. So you said that you would meet with her and you went to places together. Can you give us some examples of the places that you're talking about?

A. In - in the month of April?

20 Q. Well, between April and August of 2010. I don't need specific dates but just examples of what you did together.

25 A. Okay. Well, I mean April was shortly after she was hurt, right, so if I could get someone to drive me up, I wouldn't - she would - I wouldn't be going to the house right after she was released from the hospital. I would usually meet at the restaurant that I'm referring to, which is a friend of mine's.

30 Q. Sorry, what did you say?

A. I would meet at that restaurant on Highway 9.

Q. Okay.

A. It's just minutes from my house - or the old

5 place. We would talk on the phone. I was always asking how she was doing, if there was anything I could do, anything I could get her. She was always taken care of by her family and she had someone come in that would help her, and I was also working as well, so....

Q. Okay. And we heard - the allegation is that during a phone call on July 5th, 2010, you made a threat towards Daniel in relation to your driving?

10 A. It was not - it was never a threat in any way. It was a previous incident that happened to me and I made reference to it and she's definitely taking it and mistaken what I've said. He unfortunately never got to hear all the messages that I had left.

15 Q. Okay. I just want to talk about the allegation that you made a threat on July 5th, 2010. So do you remember having a conversation with Deborah on that day?

A. Yes.

20 Q. Okay. Can you tell us what the conversation was?

25 A. The conversation that I had with Deb was I said, "How is Raymond doing?" She was telling me he was doing okay. I said, "Well, where is he at?" "Oh, he's down visiting his girlfriend." Right? And I said, "You know, I'm down this way, too." I said, "You know, make sure that..." - it would be in the context if they seen the car, if they seen me driving it, something that PC Vivian probably does want to broadside me.

30 Q. You just said Raymond, do you mean Raymond?

A. Or Daniel, sorry.

Q. Okay. Can you repeat? So you said if PC Vivian saw you....

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A. So - it was just a joke, it was enlightening  
[sic] the situation of the things that have happened to me.

Q. Okay.

A. I mean, the vehicle is in my name. At that  
time, I really thought it was under my name, so if they run the  
plate, it's going to come back to me. So....

Q. And you said because in this area, so....

A. I said I'm down in the same area.

Q. Okay.

A. Right? I said, jokingly, I said, you know, if  
they run that plate and they think it's me, they will probably  
broadside him.

Q. How long was your conversation with Deborah up  
until the point that you made that comment, do you remember?

A. I spoke to Deb about that and she mumbled  
something really quick. Anyways, she hung up. She got off -  
she got off the phone. I tried calling her back. I couldn't  
get through. I tried calling her back and I ended up leaving a  
message, and then I got back - I had called her back and I got  
through to her that time, right, and I said, "What did you do?"  
And she goes, "Well", she goes, "you just threatened me." She  
goes, "I just called the cops." "What do you mean, you just  
called the cops?" And she basically - something along the  
lines of what she had said in court and I said, "That's not  
what I said." So after I cleared things up, I said, "Please  
call the police back and tell them." So she got off - we got  
off the phone. We weren't speaking at that time. I called  
back minutes later. She said she had done that. Perfect. I  
mean, problem solved. And we probably talked for hours after  
that. We would spend a lot of time talking on the phone.

Q. We heard that the Toyota was a vehicle that

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came back from out west; right?

A. It came back from Edmonton.

Q. Okay.

A. I guess that's on the borderline of Alberta;  
right?

Q. Okay. And did you have any sort of problem  
with Daniel driving the Toyota?

A. Never.

Q. Do you recall any times when Daniel was driving  
the Toyota that you can remember?

A. Hundreds of times.

Q. When? Do you remember any specific incidents?

A. Well, the time when Deborah was in the  
hospital. That would be April 10th, 11th. Daniel came up from  
Etobicoke because he wanted - well, he was going to visit his  
mother, and I said, "Daniel..." - you know, I tried to explain  
stuff to him about what happened to his mother and he was a  
little upset, and I offered him and he took the keys. I  
offered him 50 bucks if he needed it for gas because he was  
going to be driving back and forth, back and forth - I don't  
know his financial situation - and there wasn't a problem. He  
took the car. I seen him at the hospital. I seen him at home,  
I seen him at the hospital, I seen him at home. He went up  
north, came back down. I seen him at home. He was still  
driving the car.

Q. Okay. So the fact that Deborah says - she has  
testified that you threatened to broadside Daniel, is that  
something you did?

A. Absolutely not.

Q. Are you able, Mr. Atkinson, to give us a sense  
of what type of relationship, good or bad or otherwise, that



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you may have had with Raymond and with Daniel, being Deborah's children?

5 A. It was - it was up and down. It was - for me, it was a teaching curve and for them it was a learning curve. I wasn't trying to be their father, but their father had left. But it was simple things as a little bit of responsibility, take the garbage out every morning, get up for school, clean up after you, clean your room, clean the sink when you're finished brushing your teeth, wipe the mirrors down when you got  
10 toothpaste on them. I mean, it was just kid stuff, stuff like that. You know, leave your boots in a certain row instead of just kick them off, one ten feet that way, one two feet that way.

15 I mean, it was stuff like that that was pretty simple, your boots, you know. So I mean, I wasn't always around the house a lot, but when I was, there was always constant occasions like that. It would be a daily routine of having to remind them to do things, to say what I had to say. I mean, that's - but I mean, there were some good times, too.  
20 I mean, any time we went up north, it was like, well, me and Deb we're going up north, you know, look after the house.

25 You know, you have people over, be responsible, take it easy on things, keep people out of my office and stuff like that. You know, if you're going to get a fire, you know, I'll go down to get a fire permit, here is the fire extinguishers. You know, you can use - you know, it was stuff like that. So, and it's just like any other - I don't know, I don't have many families that I've lived with, but I mean  
30 that's how I was having it with that family.

Q. Did you celebrate holidays together, Christmas together, for example?

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A. Yeah, all of them, and we even - well, I got their parents for their, I think it was their 50th or their 60th anniversary, flowers.

5 Q. Can you think of any other examples - let's talk about Raymond - of things that you did with Raymond?

10 A. I hired him on as a labourer. One of the things I do anytime I hire somebody is I teach them all the safeties with the ropes, the harnesses, the dos and don'ts when you're on a roof, how to secure a ladder. He wasn't one of the best workers but he was okay, and then I offered to do things that would have cost most people a lot of money and I offered to either rebuild - he had a car. I offered to rebuild the engine - I'm mechanically inclined - or if I had to take that one out, I would replace one. So I shopped around and I found  
15 prices in the range of \$5,000 to \$10,000 for a brand new motor for a Honda Civic.

MR. FAVERI: Sorry, what were the prices?

20 A. Five to ten thousand dollars for a brand new motor.

MR. FAVERI: Five to ten thousand?

25 A. There was times that he had broken down when he had this Jetta that we would go give him a boost wherever he was, and he helped me out a lot, too, without being paid, just volunteered his time. We built this big, huge steel kennel. It was probably 20 by - 20 by 15. I was going to take everything out of the garage, put it in that, and then because  
30 inside the garage, inside the house, it's concrete floor, it started cracking right up and serious cracks. So I was going to - stuff like that that he helped me do, and I was going to put that in for their parents, the cement floor.

MS. HYSLOP: Q. Any specific memories you have of

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things that you and Daniel may have done together or he had done for you or you had done for him?

5 A. Daniel was - I mean, I'm not an expert. Daniel is okay. He is nice, he is slow, he is - a little sensitive. He is - he's just a quiet guy. He won't bring up any issues. He stuffs them all. He was in - I mean, I don't think it's my place, but I knew that he was in counselling, but what it was for, I can only - just what I detailed, it was probably more serious, but I just say he was slow.

10 Q. Okay. As you were watching the trial, you've heard some, we're calling it prior discreditable conduct. So you heard that there was an application made before His Honour and you have heard some of that information that's been presented. So I want to talk to you about some of that information.

15 A. Sure.

20 Q. We're going to start with talking about the voicemails. Do you remember hearing the voice messages? Some were longer than others, some were a bit short that have been entered as exhibits. Do you recall listening to those?

A. Yes.

25 Q. Okay. Do you remember approximately when you had left those messages?

A. Yeah, I do.

30 Q. Okay. When would that be?

A. It was just a little bit - I think it was at the end of April or the beginning of July.

Q. Okay. And why did you leave those messages?

30 A. Well, there was one message - because I told you, like we didn't hear everything that was going on for some of the messages but there was the other one where when I was

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5 talking to her and the ones that I had left that, because of her accident, I mean, at first everything was okay, and then it started getting worse and it felt like everyone was ganging up on me. And I didn't quite understand because I was under - I was going through enough of my own and I wasn't really focused on her, trying to get any answers of what was going on with them. But I just wasn't - wasn't welcome, and there was a lot of mean things and hateful things being said about me and they weren't true.

10 And me and Deb, we had these conversations about why the family was going against me and what Raymond was trying to do, and none of it made any sense because it was like an off/on switch in my world because I can understand them blaming me for not knowing the facts, but them just assuming until they have the facts, it would be different. So this went on for about a week and I guess, I don't know, it was probably a low point in my life, everything that happened. She had almost died and they don't know what I went through. I sat in that hospital every night for a week and they started accusing me and saying mean things and attacking me and here she was almost dead.

20 So when I made that phone call, I made it with a needle in my arm and I injected myself and I told her I was going to die tonight of an overdose and I said - whatever I said in that message, it was just letting her know that this is what it's going to feel like. I was so depressed. And then she kept calling and calling and calling the next day and I wouldn't answer and then I did and she said I needed to get help and I said I did already.

30 When I woke up in the morning, I was really upset. I woke up inside my truck and I woke up with the needle still

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5 hanging in my arm and then just hours went by, then I made a  
call for help and then I phoned Deb or Deb phoned me and I  
answered the phone and we talked about it. And she says I'll  
get you help and she said call anybody you can. She goes my -  
you're covered under our plan. So I did and his name was Jim  
Green or John Green, but I'm pretty sure it's Jim Green, and  
set up an appointment for counselling with him and, well, I  
just - I just never got better. So this went on for a couple  
10 of days. I did everything I could to keep my mind off of how I  
was feeling, so I went back to work and I was - I was just  
keeping myself working just thinking that I came so close to  
killing myself and the only reason I didn't is because I ended  
up buying some garbage and it wasn't heroin or coke or whatever  
I was supposed to have gotten.

15 Q. I think we heard about seven messages in total,  
okay. Some were quite short and then I think a couple were a  
little bit longer. Would there have been more messages than  
that that you would have left for Deb?

20 A. Yeah.

Q. Would there have been some nicer messages, some  
meaner messages or what - what was the tone of some of the  
other messages you would have left?

25 A. Well, they weren't - they weren't - they  
weren't suicidal and they weren't bad messages. They were - I  
just kept telling her that, you know, things might not - might  
not be right but I still cared for her and I felt bad about  
what happened, and you know, every night I always called her  
and I said good night and I always told her that I still loved  
30 her.

Q. Another thing that we heard Ms. Campbell say  
about you was that you were responsible for killing her dog in

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February of 2010. Do you recall the dog that she's talking about?

A. Yes, I do.

Q. Do you recall the day that the dog died?

A. Yes, I do.

Q. Okay. And do you recall having a conversation with Deborah about that incident?

A. Yes.

Q. Okay. Can you tell the court what your recollection is of what happened that day?

A. So - so what happened was, it's only a little - it's a Papillon. It's just - I mean, if it's soaking wet, it looks like twigs, the legs. It's really skinny. It weighs about five to seven pounds and but it's got long fur on it, and when it gets wet and it's running or walking, whatever, when it gets wet and it dries, it starts matting and it keeps matting and matting and it creates a smell. I mean, if you know, like having wet hair, you go to sleep with it or you just let it dry without drying it properly from - I don't know. Anyways, it had a strong, stenchy odour, and then when the dog urinates, it goes outside, and it probably has happened, the urine blows on it and then it gets in that knot over time.

What Deb used to do was she would just cut it but leave the chunks there. So it had already been probably not long after, I decided, you know, give him - I'd usually give him a wash, give him a bath. I mean, manicure, pedicure, everything for this dog; right? So on this particular day, I tried un-matting the knots and I did as much as I could and then I cut the rest out and then I took him in, got the water running a nice, warm temperature, and the bath went perfect. He was great.

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5 But before he went in, he wasn't feeling that good but I knew that he was relieved after I did all the trimming and stuff and got him all nice and clean. And they called him Paris, I called him Frisky because he was - he was a fast, speedy dog. He was like a little lightning all over the place. So after bathing him, I took him out of the tub and I had the blow dryer going and I'm just going "ffffff", right, and I had the towel and I give him a little swish around all over, too.

10 And then when I went to put him up on the toilet, the toilet seat, right, I was just going to reach for him and then he grabbed my thumb - there's a little scar right there - he hung onto me. I kind of was crouched, squatted, and then when I stood up, he was still hanging on, and I'm going, "Frisky, Frisky" and then he let go and then his head hit the  
15 porcelain. His head hit the porcelain of the toilet and he was - he was like stunned but moving like in a daze. And I wasn't sure if he was going to stop. He was like wobbling. He wasn't walking normally. He was like if he was intoxicated, but he was - his front legs weren't moving as well as his back legs.

20 So I picked him up and I had the towel and I was still drying him off and I was talking to him, I said, "Are you okay, Frisky? Are you okay? Are you okay?" And I'd be looking at his eyes, and his tongue was hanging out one side, but it wasn't moving as quick as it should usually when it's  
25 kind of panting or whatever. So I thought, okay, there's something wrong, and it was around 3:00, quarter after 3:00, 3:30, I phoned Deb and I said that there was a problem with the dog.

30 I said - you know, I said if she's going to be leaving early, I said we've got a problem with the dog, you should leave now. And she said that she was on her way home



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anyways, she would be probably there in about 10, 15 minutes, maybe it was a half an hour, on that time. Anyways, the dog was getting worse and so I had the dog laying on his side on the couch and I had the towels wrapped around him and he was just laying there. He wasn't really moving but he was breathing, but his breathing wasn't going so good.

So I phoned Deb back and I said, "Where are you at?" and she said, "I was just passing the Loretto Hotel." I said, "Okay," I said, "the dog is not doing really good, you got to hurry." And then she said, "What happened?" And I told her and she says, "Well, is there any bleeding?" I said, "No, there's no blood, there's nothing like that, right."

So when she gets home, the dog has really taken a turn for the worst and now I've got him in one of the doggy things that you would transport him. I've got him in one of those and she comes in, she looks at him, she goes, "He looks okay." And I said, "He's not." And I said, "His breathing has slowed down, his tongue is hanging out of his side, his eye is looking kind of dry, so we've got to take him to the vet. Let's go." Right?

And so she takes him out and she's doing this observation and you could see that the dog is in distress. I mean, the dog is getting - I mean, it's just not looking good at all. It has one eye closed. The other eye, the top of his eye is really dry and his tongue is not even moving. It's like it's dry and it's been sitting there and she goes, "I'm not taking him to the hospital," and she goes, "I can't afford the vet bills. I'm not going to pay those kind of bills. The bills are thousands of dollars." I couldn't - I couldn't believe what she was saying. I mean, I was going to - I thought if I didn't - if I knew I could have drove, I would



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have drove.

5 So I start - I actually take the dog from Deb and I start giving it mouth-to-mouth resuscitation and I'm blowing in its nose and I've got its mouth - I'm like - I've got my hand wrapped around his little snout and I'm blowing into his snout like that and his chest is going in and out and it wasn't - it wasn't helping. And I did that about four or five times and at this time Deb's not even around me, she's in the kitchen. She says leave - she goes, "The dog will be all right." And I said, "The dog won't be all right." And then the dog died and I lost it. I went - I went crazy. I went outside. I screamed at the top of my lungs as loud as I could. She wouldn't do nothing, nothing. I couldn't do anything because I didn't have a licence and I didn't have a driver.

15 So I have this - I have this bread box that I got from my great-grandmother, it's solid oak, and I mean Deb didn't even take any part in this. I mean, she just wasn't there. I took the towels and I wrapped her up and I put her leash in, I put her collar in and I put her in the box and then I went and seen Deb. At first, I had to go to the laundry room. She wasn't there. I went into the bedroom. She wasn't there. I looked in the kitchen. She wasn't there. I went into the office and she was on the computer.

25 She was - whatever she was doing, and I said, "What do you want to do with this?" I'm so furious with her, I just - I mean, I just wanted - I wanted a straight answer. And she says, "Well, we'll bury him." I said, "Well, where do you want to bury him? Where do you want him buried?" And she goes, "Just right beside my garden where you walk out the door." So that's where he is today. I buried him. The dog, I used to take him ATVing, I used to take him snowmobiling. He was

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perfect.

5 Q. Okay. I'm going to move on to another area. We heard Deborah say that she had a power of attorney for you at one point in time. She told us about selling the property and she was able to do that because she had a power of attorney for you. Did you ever give Deborah power of attorney or something like it?

10 A. I - when I first started living with her, we talked about - well, she talked about how dangerous my job was and we got into talking about the deal that we had set up and the finances we had set up and she was worried about if anything ever happened to me. So I wrote by my hand just that if I was ever killed, right, that she would have power of attorney only if I died.

15 Q. Okay. Were you aware that she was using what she is calling power of attorney to sell the vehicles that may have been in your name and the property, the cottage property or the land I guess up north?

20 A. No.

Q. Did you consent to her selling the property while you were either out west or in custody?

A. No, there was a time when I was out west, she said that she was going to try and sell and I said no.

25 Q. Did you become aware that she had actually sold off some of the vehicles and eventually she did sell the property? Did you know about that after the fact?

30 A. The property, yeah. The vehicles, none of that I didn't know until actually this court - these court proceedings. The trucks and everything were still in my name. I didn't even know that they were turned over. The dump truck, yeah, I did find out later when I got home, but if I borrowed

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5 money from her and I paid her back, then that's less money that I owe her from the beginning. So I would just deduct what I owe her and the money that I paid her. So if I've paid her \$30,000 and she turns around and sells the dump truck - I paid 6,000 for it and she turns around and sells it for whatever she sold it for, she takes that loss but I don't have to pay for that because I've already given her maybe 13, 14,000 or 20,000.

10 Q. Okay. There are a couple of other things that Deborah said when the Crown Attorney was asking her some questions over a year ago now, and she made a comment that you had told her at one point something to the effect that you could have some young offenders come and burn down a house or that you had done that in the past and she had seen some pictures of a burned-out cottage. Did you ever make some sort of either clear threat to her that you were capable of burning down her house, or sort of an implied threat about burning down her house?

A. I've never heard it before.

20 Q. Do you know where that might be coming from?

A. No.

25 Q. She also said that you had showed her some pictures of a car accident that you had caused because the other driver had turned the wrong way, or something to that effect.

30 A. When I moved over to 1905 County Road 50, which is her place, when I started unpacking my stuff, I had stacks and stacks of photos. And one of the pictures that she had seen were - was one of the trucks that were - it looked like a fairly brand new truck, which it was, and I explained to her how that became. I can probably say it today, is that it was an improper left turn on my part, but I explained to her that

5 the person that had the accident with me was screaming in the back at their kids and I was watching the vehicle coming towards me and he was coming to the lights and he was screaming at the kids in the back seat and he wasn't stopping. He went through - well, there was a difference of seconds and which way the light turned, but he had actually come into my area where we had the collision. So that's what - that has to do with the picture of the vehicle.

10 MS. HYSLOP: I believe those are all my questions, if I could just have a moment, please, Your Honour.

THE COURT: Yes, that's fine.

MS. HYSLOP: Okay. Thank you very much, Your Honour. Those are all the questions I have for you, Mr. Atkinson.

15 THE COURT: Cross-examination?

MR. FAVERI: Thanks, Your Honour.

CROSS-EXAMINATION BY MR. FAVERI:

20 Q. Mr. Atkinson, when Deb was in the hospital in April of 2010, you said you spent every night there?

A. Yeah.

Q. In the hospital?

25 A. No, in the visiting room and then there was a couple of nights I stayed in the hotel. It's right beside it.

Q. The hotel is right beside the hospital?

30 A. Yeah, it's a motel. Yeah, it's right directly beside it.

Q. The hospital was in Collingwood?

A. Yes.

Q. So where were you spending your days?

A. There.

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Q. At the hospital? How did you get to the hospital?

A. I stayed there.

Q. No, but how did you get there?

A. The ambulance.

Q. You rode in the ambulance?

A. Yes, the front seat.

Q. And how did you get home?

A. I had one of my drivers come get me.

Q. So what we heard from Deb was that, while she was in the hospital, her parents told you the relationship was over, get out. Is that what happened?

A. No.

Q. What happened?

A. Didn't have those conversations.

Q. Well, then why did you leave?

A. I left - when I left, I left from the house and I hadn't left as in "get out" at that time. I was still at the house. I still had stuff at the house. I still was there, Daniel was still there.

Q. So I just want to make sure I understand this. While Deb is in the hospital, you were staying at the house?

A. Yes.

Q. Okay.

A. See, the last day, okay, I'm at my house. I'm at Deborah's house, okay. She still has one more week to go. When she's a week in intensive care, no one sees her.

Q. Okay.

A. The last week she's not in intensive care, I'm there. The last day when I leave, okay, I go home, I grab some of my stuff, I go up north, okay. I come back, then all these

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5 conversations are going on and then her mother says can I have Deb's purse, can I have her ID, can I have her property or everything like that. I say yeah, and she goes, "You know that Deb is coming home and you know that we're not getting along very well and I would like it if you weren't here when Deb got home and we'll sort this out later," and that was from Mrs. Campbell, the mother.

10 Q. All right. So I'm just trying to understand this and make sure I've got it right. So Deb is in the hospital for about two weeks...

A. Yes.

15 Q. ...a week in intensive care and then a week in a regular ward I guess or room getting better or well enough so that she can leave.

A. Yeah.

20 Q. Why do you have Deb's purse?

A. Well, because when she got hurt at the job, right...

25 Q. When she what?

A. When she was hurt at the job site.

30 Q. Yes?

A. Okay. So when I am at the hospital, okay, I'm also having conversations with the owner where the tree fell down, okay. She comes down to the hospital, wants to know how Deb is doing. She picks me back up, takes me back to her place. I'm there. We're discussing things, okay, and then she is given the purse when I go back. I have taken the purse and then Deb is given - Deb's mother is given the purse when I'm back at her house.

Q. So you got the purse when you went back to the job site?

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A. Right.

Q. And you held onto it for a couple of weeks?

A. I went back because - she's only in the hospital two weeks.

Q. Yes.

A. I'm only with her one week, not a couple of weeks.

Q. Okay. You were with her the week she is in intensive care?

A. Yes.

Q. But no one could see her, you spent nights in the waiting room; right?

A. How about if I do this? The last day that I'm at the hospital...

Q. Yeah.

A. ...okay, the owner from the house comes down and asks how she's doing and speaks to me. The owner of the house where the tree is...

Q. The last day...

A. Let me finish, please.

Q. Yes.

A. The owner of the house picked me up, we're back at the owner's house from the hospital. I have taken the purse and Deb's stuff that's in the purse back to the hospital because there was information that I don't have about Deb that's in her purse. Deb has requested her purse. The doctors asked me if I can get it. So a phone call is made to Deb's mother and then I can't answer anything else after that because I don't know what was said, but there was something why they needed the purse.

Q. Sorry, there was something?

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A. Some reason why they needed her purse.

Q. So it was the last day that Deb was in the hospital that you went back to the job site and got the purse?

A. No.

Q. Okay. You tell me. I'm sorry, maybe it's just me being thick today but...

A. I had gone back there - pardon me?

Q. Maybe it's just me being thick today but I thought or I was under the impression that the day that the accident happened...

A. Right.

Q. ...the owner of the property you were working at came to the hospital?

A. Yeah.

Q. Picked you up and took you back to the job site? Is that part right?

A. The latter part. When she's in intensive care, I leave with the ambulance driver right from the job site when she's hurt.

Q. Yes.

A. Okay. So those five days, okay, I'm at the hospital. Okay. The owner from the house has come, okay. She has seen me. She has asked how she's doing, okay. She leaves. I'm still at the hospital, okay. Then I get one of my employees to come up and we talk about the situation and it's then that I get a room and I'm staying at the hotel.

I have then talked to police officers. I have talked to Deb's parents at the restaurant. I have gone back to do a report of my own for my insurance company if it's need be. That's one of the things I'm responsible to do. I go back there. The truck is stolen, the trailer is stolen, the job



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site has been rearranged, the ladder is gone or taken down, all the ropes picked up. The place has been disarrayed, so I can't do a photo layout, I can't do nothing.

5 I got nothing from my insurance company. The owners tell me that Raymond, Daniel, Deb's sister had come by and said they were someone who they weren't, had stolen the vehicles. I said should we report to the police and she says, "I wish it if you didn't report them." I said, "Well, I'll have to do something later on." The people who worked for me 10 picked me up. We went back to the hospital. I checked in on Deb, talked to the nurses, talked to the doctor, went back to the - went back to the hotel.

Q. All right. Do you think your answer was responsive to my question? 15

A. What I did was just because I thought you were getting thick or confused, I just laid out the entire situation.

Q. I think, sir, I had asked you if you went back to the job site the day that the accident happened. 20

A. Absolutely not.

Q. Well, tell me then when you took possession of Deb's purse.

A. It was probably about the fifth day.

Q. Is that the day that the property owner came back to the hospital? 25

A. She came several times.

Q. Now, she has come...

A. She came several.

Q. ...several times. Okay. 30

A. You could probably speak to her if you really needed to get the - I'm being as fair as I can, but you could

probably speak to her, you're probably able to do that.

Q. Well, speaking of speaking to people, why don't you tell me the names of the employees you were just referring to.

A. One's lady name was Deb and her husband was Steve.

Q. Last names?

A. I don't have them on my mind right now, no.

Q. You would have kept records of their pay, issued them T4s, things like that?

A. It would be the first week but I'm sure that that would be in my files.

Q. Sir, I'm going to suggest to you there were never employees. That's why Deb was helping you; right?

A. Deb came a day after the job start.

Q. Right.

A. Not the first day.

Q. Right. Carl was there the first day and you guys de-limbed the tree; right?

A. Correct.

Q. But Carl didn't come back for the second day, did he? I'm sorry, I coughed. What was your answer?

A. No.

Q. He did not come back?

A. I fired him.

Q. All right. So you enlisted Deb to help you?

A. I wouldn't say I enlisted Deb to help me. In fact, I didn't even want to go back. The reason why she wanted to come is her boss was doing her roof which was the neighbour immediately next door.

Q. Her boss was the neighbour next door?

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5 A. That was doing her roof. I just got the job. She got me the job and I was going to start it the next day, so that's why Deb wanted to really come up. It wasn't to do the tree job.

Q. So let me get this right. You're doing a tree job somewhere in Wasaga Beach, is that part right?

A. Yes.

10 Q. And the neighbour of where you're doing the tree job is Deb's boss?

A. Yes.

Q. And you got a job to do the roof there?

A. She got me the job.

Q. Deb did?

15 A. Yes.

Q. And so she just came with you to see her boss, is that what you're saying?

20 A. A lot of the jobs I go on, she comes along just to be there. She helps out. She likes to go and she just likes it.

Q. She works full-time, doesn't she?

A. Yeah.

25 Q. Right. So she's not going to be tagging along with you, at least not during the week, right, because she's got her own job to go to?

A. I think that was a weekend. Can you check the calendar? I think it was a weekend.

30 Q. Well, why don't you answer my question? She wouldn't be tagging along with you on jobs because she had her own job to go to; isn't that correct?

A. Correct.

Q. So maybe it was a weekend that she went to...

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A. That's why I just wanted you to just - because I think you're talking about a weekday and I'm talking about a weekend when she's there.

5 Q. Well, let's assume the day she got hurt was a weekend.

A. Okay.

Q. Okay. She got hurt because she was helping you; right?

10 A. Yes.

Q. She got hurt because you didn't have any other employees to help you; right?

A. Okay. At that time, I probably - if I planned on really doing what I was going to be doing that day, I would have called up other people. We weren't going up there to do what we actually started doing but we....

15 Q. What were you going up to do?

A. Clean up, just pick up brush.

Q. (Because you told us)- we didn't ask for it, but you told us about going back to the job site at some point when Deb was in the hospital and the old job site is rearranged, the truck has been stolen and something else has been stolen and everything is moved around.

A. I said that.

25 Q. Right. So the job wasn't - it was an active job site?

A. Yeah.

Q. You weren't going up to move brush?

30 A. Well, if you just mean - so we've cleaned the tree. We've taken all the branches off the tree, right? So now we've got branches all on the ground, right? So out of - it's just a way of performing my work is if there's -

*Crown was just  
talking about the time before she got  
hurt. now he plays it out after  
she was hurt. Crown*

everything that's laying around there, I spoke to the neighbours and said, okay, you know what, if you've got any animals - just stuff like that, I've got stuff laying around here, right?

5 It's really - at that time when we stopped work, it was pretty dark. So the owner said yeah, it was fine. I said we'll be back in the morning. So because I fired Carl by the end of the day, all right, the next day I tell Deb what happened and I said we're not going to go - I'm not going to do anything until I hire another employee and get another person who is going to come along, and Deb says, "Well, what is it you've got to do?" I said, "Well, at this point, we're just going up there to pick up all the brush," and that's all we went to do.

10 When we got there, Deb says, well - she goes, "All you've got to do is cut down three sections." I said, "Yeah, but these are - these are sections that have to be done a certain way." So she talked me into it. I mean, it's not difficult taking down trees, and considering 90 percent of the work was done, all we were doing is just cutting down three stems.

20 Q. So you just said you told the owner when you left that you'd be back the next day, you'd be back in the morning?

25 A. Yeah.

Q. So it had nothing to do with going to see the neighbour who was Deb's boss, it had to do with cleaning up the brush?

30 A. I wasn't going to go period. When I spoke to Deb through conversations at the house in Tottenham, she says, "Well, let's just go do that."

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Q. Conversations at the house in Tottenham, I'm sorry, you've confused something there.

5 A. I'm trying to tell you where I'm having the conversation with Deb the next day early in the morning, I wasn't going to go. I was going to have other employees come, okay. When Deb heard that it was only to go pick up branches that was left, instead of me making a full day, I could just make it a half day with her just to go pick up the branches. That was it. When we got to the job, she says - she goes, "Oh, we could do that ourselves."

10 Q. You said the tree fell down. That's not quite accurate, is it?

15 A. Well, because we're having this conversation, but if I had to explain everything right now through word by word, I would phrase it differently.

Q. Well, again, sir, I think it was something I didn't ask about but you chose to tell us that the tree fell down, but that's not an accurate characterization, is it?

20 A. Well, because we're not having that conversation about how I took the tree down; right?

Q. But do you want to agree with me, it did not fall down all by itself? *- it never fell at all it was loose stuck of the rope*

25 A. In fact, it didn't fall down the way that happened either. So I mean because we're not having that conversation about taking the tree down, it was a figure of the conversation earlier just that we were there because the tree was being taken down.

30 Q. Sir, I'm going to suggest to you you chose the words "the tree fell down" because you wanted to minimize your own fault in what happened to Deb.

A. Absolutely not.

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Q. And that's - I'm going to suggest to you that's the whole tenor of your evidence, you're painting yourself as a saint when you're not. You can agree or disagree with me, but I'm just using that as an example.

A. Okay. That's fair.

Q. So I think you were describing your relationship with Daniel, I think. It was one of Deb's boys, and you said you did some research to find out how much it would cost to replace his motor in the Honda.

A. It would be Raymond.

Q. It was Raymond, all right. So there were two options. One was to rebuild the engine and the other one was to replace it?

A. Yeah.

Q. Was this an older Honda Civic or something like that that you had?

A. It was a fairly new one.

Q. Sorry?

A. It was a fairly new one.

Q. A fairly new one. Okay. Was it a Civic? I'm just guessing.

A. It was.

Q. Okay.

A. It was one of those sports cars, sports ones, the spoiler and everything on it comes like that, I don't know.

Q. All right. So, and you did some research and found out it would cost five to ten thousand to put in a new engine, is that what - or was it a used engine?

A. New - you get the motor.

Q. Yeah.

A. You get the motor, you have it shipped. You

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get mechanics to install it, take out the old one, and that's what their price range was, and if I did it, it would be a lot cheaper than that.

5 Q. Oh, I see. Okay. So as I understand it, then, according to you, you were on good terms with both kids?

A. Pardon me?

Q. You were on good terms with both kids, Daniel and Raymond?

10 A. I'd say fair.

Q. All right. And I mean, to listen to you, the only real complaints you had about them were things about tidiness; would that be right?

A. That's all there was, yeah.

15 Q. And I notice you're very particular, even you had to have that box of tissue, you were just making sure that was just where you wanted it; right?

A. No, this table keeps moving or this thing keeps moving, so it moves.

20 Q. All right. So when you moved in with Deb, you didn't say to Deb, "I don't want those kids living here," or something like that?

A. No.

25 Q. They just - according to you, what, they just left because they wanted to? They did leave; right?

A. You said according to me...

Q. Yes.

30 A. ...they just left? I didn't say that. I didn't even say they left.

Q. All right. So did they leave?

A. I believe Raymond was the first to leave, yeah.

Q. Right. So they did leave; right? After you



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5 moved in, they left? Can we agree on that?

A. At different times, not all at once.

Q. Fair enough. But all I'm saying is, you move in. At some point in time after you moving in, they leave; right?

A. Sir, when you make a comment about how we were with the tree, I'm going to be very careful.

Q. You be as careful as you want.

10 A. Okay. I just don't want to give you - get on the wrong wave length with you. I just want to make sure that I don't answer something that you're going to jump on me later on and say, well, you made the tree this way and you said it fell.

Q. All right.

15 A. So I'm just being - with you.

Q. All I said was "after".

A. Okay.

Q. I didn't say "right after". I just said "after". Okay?

20 A. I want to be as honest as I can be, so I mean, I don't want to have something misunderstood and being misconstrued the other way.

Q. Okay. Well, if you think you don't understand something I'm saying, you tell us about it. Okay? *it's you I don't want to put up with what I'm saying*

25 A. Yes, sir.

Q. Now, I didn't quite understand something you said. This was when you were being asked about a threat to Daniel and you were talking about a phone call you had with Deb and you mentioned - I think you said it was probably something Constable Vivian would do, broadside me?

30 A. Yes.

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Q. So did I miss any - so I just want to make sure I have it correct. That was during a phone call to Deb and you said that and you think she misconstrued that for you broadsiding Daniel?

A. Absolutely.

Q. All right. This conversation would have happened in July of 2010?

A. Yes.

Q. I just want to make sure I have my dates right. So that was after you had - that was while you were living with your mom in Etobicoke?

A. Yes.

Q. So why would Constable Vivian broadsiding you come up in a conversation with Deb?

A. It's just a moment that never leaves you, you know. It's in the transcript. It's just something that he did that was wrong and it just never leaves you. So any time someone is doing something that has something to do with me, I always say, you know what - you know, my name is not the best name that I want to be associated with. I just feel that way because it's been tarnished.

Q. All right. So I asked you how Constable - probably something Constable Vivian would do, broadside me, how that came up in a conversation with Deb in July of 2010, and you said it's something that never leaves you. So is it like something you talk about all the time now?

A. Actually, yeah, it is.

Q. Did Constable Vivian broadside you?

A. Yes, he did.

Q. Just to put this into context because, as I recall, there was some evidence from Deb that she was with you

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when Constable Vivian pulled the car you were in over; correct?

A. Yes.

Q. And where you and Deb disagree with Constable Vivian is Constable Vivian said you were the driver and both Deb and you say Deb was the driver; right?

A. Right.

Q. And Deb says that's one of the reasons she didn't go to the police to complain about you, because she didn't really trust the police after that? I'm just trying to put some - give it some context for you. But isn't what really happened that you broadsided or hit Constable Vivian as you were trying to...

MS. HYSLOP: I'm going to object to that, Your Honour, because he's talking about an incident that my friend cut himself off when he was speaking with Ms. Campbell about it, in his own words, because he was concerned it might be getting prejudicial. This is an allegation that has been tried and dealt with by Mr. Atkinson and there hasn't been an application to have that particular incident brought into the record.

THE COURT: Hasn't he kind of opened the door by giving - offering this as an explanation for....

MS. HYSLOP: Well, he has to respond to the question, but my friend is about to put to him, I think, what my friend believes really happened that day. And so Mr. Atkinson is explaining where this idea of broadsiding comes from in response to my friend's questioning. So he's being forced to go down that road. So it's not that he is opening up the door. It's because the Crown Attorney is