



ONTARIO COURT OF JUSTICE

BETWEEN:

HER MAJESTY THE QUEEN

Applicant

-- and --

JOHN ATKINSON

Respondent

RESPONDING MATERIALS
EXTRINSIC MISCONDUCT APPLICATION

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ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

JOHN ATKINSON

P R O C E E D I N G S A T T R I A L

BEFORE THE HONOURABLE JUSTICE E. MEIJERS,
on January 7, 2014, at BARRIE, Ontario

APPEARANCES:

F. Faveri
K. Hyslop

Counsel for the Crown
Counsel for John Atkinson

(i)
Table of Contents

ONTARIO COURT OF JUSTICE

T A B L E O F C O N T E N T S

W I T N E S S E S

	Examination	Cross-	Re-
<u>WITNESSES:</u>	<u>in-Chief</u>	<u>Examination</u>	<u>Examination</u>
10 CAMPBELL, Deborah	1		

E X H I B I T S

<u>EXHIBIT NUMBER</u>		<u>ENTERED ON PAGE</u>
3A	Picture of running board on truck	107
3AI	Marked copy of Exhibit 3A	107
20 3DI	Marked copy of Exhibit 3D	102
5	Picture of rock truck was stuck on	94
5A	Picture with axle drawn on rock	94

TUESDAY, JANUARY 7, 2014

...COURT OPENS

THE COURT: Are you ready to go?

MR. FAVERI: I think we are.

MS. HYSLOP: Yes, Your Honour.

THE COURT: Okay. Ma'am, would you please come forward. I take it the Crown has completed its cross-examination.

COURTROOM CLERK: Do you wish the witness to be re-sworn?

THE COURT: Re-sworn please, yes, thank you.

DEBORAH LYNNE CAMPBELL: SWORN

CROSS-EXAMINATION BY MS. HYSLOP:

Q. Good morning, Ms. Campbell. My name is Kim Hyslop. I'm Mr. Atkinson's lawyer. I'm going to ask you some questions and if at any time you don't understand the questions that I'm asking you I just want you to let me know that and I'll repeat the question, okay?

A. Mm-hmm.

Q. And I'll also just remind you you have to use verbal responses when you're responding to questions so that the Court Reporter can pick it up, okay?

A. Okay.

Q. I'm going to start by reviewing the sequence of you providing statements to the police, okay, about all incidents relating to Mr. Atkinson. Now, the first time that you spoke with the police about anything that Mr. Atkinson had done with respect to you or your family members was in

2.
Deborah Campbell - Cr-ex.

relation to the July 5th, 2010 threat against Daniel, is that correct?

A. Yes.

Q. And that was actually a report that you made over the phone to the police, correct?

A. Correct.

Q. And at the time that you were speaking with the police you were reporting something that you believed to be true?

A. Yes.

Q. And you were being honest with the police when you were giving that statement?

A. Yes.

Q. And even though you provided that statement to the police over the phone you didn't wish to go into the police station and provide a formal statement?

A. I don't believe they even asked me to do that. I don't remember them asking me to do that.

Q. You don't remember being given the opportunity to go to the police station and give a formal statement?

A. I don't remember that, no.

Q. Do you remember the police calling to have Daniel go and give a statement to the police?

A. I said to the police - I know the police said to me that they were going to talk to Daniel and I know they talked to Daniel because Daniel told me that they had, but I don't know what the police officer said to Daniel about whether he would have an opportunity to make a statement or not, I'm not aware of it.

Q. So you have no recollection of a police officer, Constable MacCormick asking you to come into the station and give a statement and you refused to do so?

A. I don't remember that, no.

Q. Is it possible that you did that, that you refused to give the statement?

A. I don't know - I don't - I don't know, I don't remember that.

Q. So you felt that by calling the police over the phone on the 5th, 2010 that that was the end of the incident. Is that correct?

A. I don't understand what you mean by the end of the incident?

Q. Well you didn't wish to pursue any charges against Mr. Atkinson in relation to what he had said to you over the phone.

A. That's right.

Q. Now you ultimately give a statement to the police in relation to the January 14th, 2008 incident involving the dump truck and yourself.

A. Correct.

Q. And you didn't go to the police station right after January 14th, 2008 to give a statement to the police, is that correct?

A. Correct.

Q. And in fact you didn't bring it up to the police even when you called them in July of 2010 to tell them about what Mr. Atkinson had said about Daniel?

A. That's correct.

Q. You don't ultimately raise it with the police until August of 2010?

A. Yes.

Q. And that's only when Detective Conway attends at your residence to speak with you in relation to another matter involving Mr. Atkinson?

A. Correct.

Q. You didn't call the police, you didn't call Detective Conway and ask that he come out and speak with you about an incident?

A. That's correct.

Q. I'm going to suggest some dates to you and I don't - if you don't recall the date's that's fine, but it's my suggestion that on August 6th, 2010 Detective Conway actually comes to your house, does that sound about right to you?

A. Yes.

Q. It was a time before Mr. Atkinson was actually in custody, he was still out of police custody at that time, do you - do you recall that?

A. Yes.

Q. And the reason that Detective Conway came to speak with you that day was in relation to the pickup truck that was registered in your name.

A. Correct.

Q. Do you recall he attended your house at about 9:30 p.m.?

A. Yes.

Q. And at that time he indicated to you that Mr. Atkinson was wanted on some charges.

A. Yes.

Q. And he wanted to speak with you about some licence plates that you had obtained for the truck.

A. Right.

Deborah Campbell - Cr-ex.

Q. It was at that point in time, Ms. Campbell, that Detective Conway cautioned you about not assisting Mr. Atkinson.

A. That's correct.

Q. And he cautioned you that if you continued to assist Mr. Atkinson you could be charged.

A. Yes.

Q. I imagine that was very upsetting to you?

A. Yes.

Q. Because you certainly wouldn't want to be charged?

A. Correct.

Q. At that point in time you indicated that you didn't know where Mr. Atkinson was.

A. That was true.

Q. It's true that you didn't know where he was or that that's what you indicated?

A. I - that was true, I didn't know where he was.

Q. You had been in contact though with Mr. Atkinson, correct?

A. He continued to phone me.

Q. Well you had been in contact with him to make arrangements for the licence plates.

A. I had talked to him - when I gave him the license plate - I certainly gave him the license plate - I - personally I saw him then, but after that I don't know where he went. I wasn't keeping track of him every single moment of the day, for sure. I didn't know where he went and he wouldn't tell me where he went.

Q. You had been - excuse me. You had been in contact with him before just going and meeting him with the licence plates.

A. Yes.

Q. Because you would've had to have been in touch with him before you could know where to meet him.

A. Right and he would've had to tell me that he'd had a problem too, so he certainly phoned me - he phoned me, I wasn't phoning him.

Q. You became aware that Mr. Atkinson was going to be going to an auto part store the following day after Detective Conway met with you, correct?

A. That's correct.

Q. And that was The NAPA Auto Parts store?

A. That's right.

Q. That's where you had met Mr. Atkinson earlier to provide him the plates for the truck, is that correct?

A. No, that's not....

Q. Where did you meet?

A. Sorry, I apologize.

Q. Where did you meet him to provide the plates?

A. It was - it was on a back road - I think it's probably off of Gore Road, south of Highway 9. I don't remember exactly where it was but it was someplace close to that.

Q. The reason that you knew that Mr. Atkinson was going to the auto parts store the following day is that there was a plan that you were going to be involved with that in some fashion, correct?

Deborah Campbell - Cr-ex.

THE COURT: I'm sorry, I didn't hear the question.

MS. HYSLOP: I'll - I'll - perhaps I'll rephrase it, it was a bit long.

5 Q. The reason that you knew that Mr. Atkinson was going to the NAPA auto parts store the following day was because you were going to be involved, he was going to call you when he got there.

10 A. I can't remember exactly what the arrangement was, but I knew he was going to go there because he had smashed the light on the pickup truck while he drove through that fence that he told me about and then he needed a new headlight. So he needed that headlight and that's where he was going to get it, at The NAPA Auto Parts.

15 Q. Right and he was going to call you so you could provide your credit card and pay for it.

A. Correct.

20 Q. So you let Detective Conway know that there was a plan that Mr. Atkinson was going to go to The NAPA Auto Parts, correct?

A. That's correct.

Q. And that was just after he had cautioned you about assisting Mr. Atkinson any further?

25 A. I told the police officer that I was - that I was going to go there, he knew that.

Q. Okay, you agreed that you were going to call Detective Conway once you heard from Mr. Atkinson?

30 A. I don't remember exactly how that went, but I was talking to the detective on - several times during that week.

Q. I'm still going to talk though - I'm still talking about that first contact with Detective Conway on

August 6th, okay, so not any subsequent contact just at this point, but on August 6th you knew that Mr. Atkinson was going to the NAPA Auto Parts store, correct?

5 A. I can't remember which day it was that he went to the - the NAPA Auto Parts store - I can't remember, and I don't even remember if it was before or after - I know that I told the police officer that John was going to be there. I did that.

10 Q. Okay. And you were trying to be cooperative at that point in time, is that correct?

A. Yes.

Q. And you wanted the police to believe that you were being helpful in letting them know what you knew.

A. Right.

15 Q. And you were scared that you were going to be charged if you assisted Mr. Atkinson.

A. Yes.

Q. You also wanted to get your truck back.

20 A. That's right and I didn't want John to be driving my truck when he didn't have a driver, because I told him specifically not to do that and he agreed to me that he would only use the truck if he had a driver, and then it became obvious that he was doing that without a driver.

25 Q. At that point in time you didn't advise Detective Conway about what had happened in January of 2008.

A. No, I didn't.

Q. And you also didn't tell him about what Mr. Atkinson had done to Raymond in May of 2006.

A. No, I didn't.

30 Q. I'm going to suggest to you, Ms. Campbell, that you actually did continue to assist Mr. Atkinson after that warning. Would you agree with that?

Deborah Campbell - Cr-ex.

A. I'm sure that John Atkinson talked to me on the phone, but I'm not sure that I assisted him. I don't remember doing anything else that would've been constituting assistance.

5 Q. Well you warned him not to attend at the NAPA Auto Parts the following day, did you not?

A. I don't recall doing that. I went down there myself and got the - the thing, but he was in the parking lot there. We met in the parking lot and I got him the headlight. I went into the store and I got the headlight and I brought it out and he put it in the truck, so I'm not sure what your question is.

10 Q. So you don't recall receiving a phone call from Mr. Atkinson indicating he was no longer going to the NAPA Auto Parts store?

15 A. No, I don't recall that at all.

Q. You didn't call Detective Conway to tell him that Mr. Atkinson would not be attending that day?

20 A. I don't remember - I don't remember doing that. I remember that we went to the - certainly John was at The NAPA Auto Part store and certainly he bought a headlight there, and I paid for it and I took it outside, and he was outside in the truck. I don't remember whether or not what day that was.

25 Q. Is it possible, Ms. - sorry, Ms. Campbell that you did contact Detective Conway and indicate that Mr. Atkinson was aware that you had told the police that he was going to NAPA Auto Parts - is that possible?

30 A. No, I don't think that John would've been aware that I would do it - that I would've talked to the police.

Q. But do you recall - sorry that was a long question. Do you recall telling the officer that John was no longer going to NAPA Auto Parts?

A. I don't remember that, no.

Q. You had also given Mr. Atkinson some money in August 2010, is that correct?

A. I was giving him money all the time, so yeah.

Q. And you would meet up with him for that purpose?

A. Yes.

Q. Do you recall how many times you met up with Mr. Atkinson to provide him with money around August 2010?

A. I don't remember specifically, there was at least two times that I met him and gave him money. I gave him money when I gave him the licence plates.

Q. And on your - your recollection is that you attended NAPA Auto Parts and paid for the light yourself?

A. Yes.

Q. Do you also recall attending at Highway 9 Auto Wreckers with Mr. Atkinson?

A. No. I did not go to Highway 9 Auto Wreckers with Mr. Atkinson.

Q. Did you go to a location near Highway 9 east off of highway 50?

A. No, I did not. I know where that is, but I didn't go there with John.

Q. You didn't go there with John, did you - have you ever met a gentleman by the name of Jerry Moore?

A. I don't know who that is, no.

Q. Does it refresh your memory to - in regards to - sorry, Highway 9 Auto Wreckers that you were given some instructions regarding a trailer at that time?

A. I didn't go to Highway 9 Auto Parts - I didn't go there.

Q. And never received any instructions about picking up a trailer from there.

A. Trailer, no.

Q. Now, you had gone - your evidence is that you had gone to NAPA Auto Parts after the police were looking for Mr. Atkinson.

A. Yes.

Q. And you had purchased a headlight.

A. Yes.

Q. You didn't tell Detective Conway that you had done this, correct?

A. I can't remember whether I told him that or not. I'm pretty sure that I told him that I was going to NAPA Auto Parts, or that John was going to NAPA Auto Parts. I don't remember exactly what I said.

Q. So you believe that you had told Detective Conway that after he warned you not to assist Mr. Atkinson that you did in fact assist him?

A. I don't remember which day it was that that NAPA Auto Parts was in relation to the day that the licence plate - or August the 6th that you said the night he came to my house. I don't remember which day it was. It might have been the very next day, I don't remember, but I told the police officer that I had - was doing that - I told him.

Q. Right, we had just gone over it. So I put to you the date of August 6th being the day that Detective Conway comes to see you at 9:30 at night.

A. Right.

Q. And my understanding is your evidence was that you told Detective Conway that Mr. Atkinson was going the next day to NAPA Auto Parts, correct?

5 A. I don't remember if that's when I told him. I might have told him on the telephone or I might have told him on the - while he was talking to me personally, I can't remember exactly. I told him - for sure I told him - I can't remember if it was the day before or the day after.

10 Q. But....

A. I told detective Conway that I was worried - that I didn't want to be doing things that I wasn't allowed to do, so I told him that I was going to be doing that.

Q. Okay....

15 A. And he said don't worry about that. He wasn't interested in whatever I was doing - he was only interested in getting Mr. Atkinson apprehended.

Q. So you agreed with me that he had cautioned you that you could be charged if you assisted Mr. Atkinson, correct?

20 A. Yeah, he did tell me that.

Q. And now you're indicating to me that after you told him you were going to go and assist Mr. Atkinson by getting the headlight that he didn't care about that?

25 A. Yes, that's what I'm telling you - he told me that.

Q. Okay, so you go and assist Mr. Atkinson by paying for the headlight.

A. Right.

30 Q. You're pretty sure that you told Detective Conway that you had done that?

A. Yes.

Deborah Campbell - Cr-ex.

Q. Because you did have multiple contacts with Detective Conway during that period of time, between August 6th through to - I'm going to suggest August 10th, so about five days you were having contact with Detective Conway?

A. Yes.

Q. Now your evidence is that you didn't know where Mr. Atkinson was staying, correct?

A. I didn't know that he would stay in the same place for any 5 minutes at a time, because he typically didn't do that when he was running from the police. He would move around and he wouldn't tell me where he would be going - he would not tell me on purpose, so I wouldn't know so I wouldn't be able to tell anybody, that's the way he is.

Q. I'm going to suggest that you spoke with Detective Conway on August 9th and indicated that you didn't have any new information about Mr. Atkinson. Do you have any recollection of that?

A. That sounds like something I might say.

Q. But you also indicated to him that you had talked to him the Sunday before that.

THE COURT: Sorry, what day are you talking?

MS. HYSLOP: So on August 9th it's my suggestion Ms. Campbell had a conversation with Detective Conway over the phone...

Q. ...so not in person, and that you indicated at that time you had no new information about Mr. Atkinson, is that correct?

A. Probably. I don't recall exactly when I talked to him - I talked to him several times.

Q. Fair enough. So after - just so that we're clear - after you were warned not to assist Mr. Atkinson you did talk to Mr. Atkinson, correct?

A. Yes.

Q. Okay.

A. He phoned me.

Q. Would you agree Ms. Campbell that you were helping Mr. Atkinson - by helping I mean either providing money or licence plates or parts - sorry not licence plates, parts or money. You were helping him at the same time that you were providing information to the police about Mr. Atkinson, do you agree with that?

A. Yes.

Q. Are you aware Ms. Campbell what day Mr. Atkinson was arrested?

A. I think it was August the 10th.

Q. Okay, do you recall having contact with Mr. Atkinson the day before he was arrested?

A. I don't remember exactly what days it was; I know that John called me several times. He told me what he was doing all the - John had a habit of phoning me every day several times, even though we were supposed to be split up by then, and he wasn't living at my house he continued to call me.

Q. And that was bothering you I imagine?

A. Yes, it was bothering me.

Q. But sometimes you would still help him out by giving him money.

A. Yes, sometimes I would.

Q. On August 10th you called Detective Conway to advise that Mr. Atkinson had called you and said where he was going to be.

A. Possibly.

Q. You advised Detective Conway that Mr. Atkinson was going to be in Etobicoke with his mother?

Deborah Campbell - Cr-ex.

5 A. I certainly don't know exactly where John is going to go from time to time, but that was one of the places he could be. He was staying with his mother. He also stayed with another fellow that - whose name I can't recall who lived in Etobicoke also. He had several friends. He came from Etobicoke originally, so he knows lots of people in Etobicoke that he could stay with while he was trying to run from place to place. So it's entirely possible that I could have told him that Detective Conway that he should check with John's mother, because John's mother would be one of the people that John would go to.

10 Q. But you don't recall specifically telling detective Conway he was going to be shopping with his mother on the 10th?

15 A. I don't recall that exactly, no.

Q. So Mr. Atkinson is arrested on August 10th, you're aware of that, correct?

A. Yes.

20 Q. And on August 12th - so two days later, Detective Conway comes to your house and returns your truck. Does that sound right?

A. No, he didn't actually return my truck, I had to have it - I had to go and get it from the police station.

25 Q. Do you recall him coming to your house on August 12th to advise you that you could go and pick it up?

A. I thought I'd talk to him on the phone, but it's possible he came to my house - I don't remember that exactly.

30 Q. Is it fair to say you were happy that you had your truck back?

5 A. I was happy that I had my truck back, although it was pretty damaged on all four sides. The lights were held in with cable ties. All of the dash board lights had been removed so you can't tell if there's a hazard, because he doesn't want any light coming on if he's in the truck at night in case somebody might see it's him. The brake system was completely ruined.

10 Q. At the time that you spoke - so I'm going to suggest that it's August 12th that you speak with Detective Conway again after Mr. Atkinson's arrest. You didn't give a statement to the police at that point in time about what Mr. Atkinson had done to you in the past or to Raymond?

A. That's correct.

15 Q. At that point in time you were aware that if you change your mind and wished to give a statement you could contact Detective Conway?

A. Yes.

20 Q. Do you recall that Detective Conway comes back again to see you on August 20th - now 10 days after Mr. Atkinson's arrest?

A. I think I went to see him at the police station actually, I don't think he came to my house. I don't remember whether he did or not, he might've.

25 Q. You gave a statement to the police on August 26th, 2010.

A. Right.

Q. Was that the first and only time that you went to the police station?

A. I think so, yes.

30 Q. So do you recall....

A. So the 20th you're saying?

Deborah Campbell - Cr-ex.

Q. I apologize. So if I suggest that on the 20th of August that Detective Conway actually came back to your house again, is that possible?

A. It's possible, I can't remember exactly. Certainly I was talking to him.

Q. Well we just reviewed sort of some of the dates and I know that you don't necessarily remember the dates, but the last date before the 20th that I gave you was the 12th of August and you agreed with me that at that point in time you didn't advise anything about Mr. Atkinson and the dump truck or Raymond and the Ranchero, you didn't advise Detective Conway of that at that particular time back on August 12th?

A. That's right.

Q. Okay, well we also know that you did advise detective Conway that there was an incident with you and the dump truck before you went to the police station.

A. So that probably was August the 20th.

Q. Okay, so on August 20th Detective Conway comes back to see you again, correct?

A. Okay, yes.

Q. You didn't seek him out - you didn't go into the station and ask to provide a statement at that point in time?

A. No.

Q. Because at that point in time you're still not sure if you wish to give a statement to the police, is that correct?

A. That's correct.

Q. The reason that you advised Detective Conway of the incident on January 14th is because he was looking for information from you about Mr. Atkinson, is that fair?

A. Yes.

Q. The idea was he was looking for information that would keep Mr. Atkinson in jail.

A. Yes.

Q. And so you were thinking, what could you advise the officer about what could keep Mr. Atkinson in jail?

A. Yes.

Q. And I think your evidence at the trial - sorry when you were in examination-chief when Mr. Faveri was asking you questions, it was sort of a comment you made off the cuff, is that fair?

A. Well it wasn't a direct answer to a direct question, but I hadn't thought about doing it deliberately - it was not a deliberate answer that I had thought about before, it just came out because it's been sitting in the inside of my head a long time.

Q. So it's just something that sort of came out, you said something to the effect of 'that time he drove the truck right at me'.

A. Correct.

Q. The other incident that you had brought up at that particular time was something about Mr. Atkinson killing one of your dogs, do you recall doing that?

A. Yes.

Q. You didn't give any additional details about either of those incidents at that time, is that correct?

A. There's plenty of things that John did that I don't have evidence for and so I wouldn't - I wouldn't have thought that that would be useful to the police in any way. It wouldn't make it easy for me to say anything if I didn't have evidence. The truck thing I had evidence. The dog thing it's my word, isn't it?

Deborah Campbell - Cr-ex.

Q. Okay. You didn't mention at that point in time anything about the Ranchero and Raymond, correct?

A. I don't recall doing it that time, no I didn't.

Q. And at that point in time you didn't go to the police station, correct?

A. That's right.

Q. You took some time to think about whether or not you wanted to go to the police station and give a statement.

A. Correct.

Q. And ultimately you did decide to give a statement to the police.

A. Yes.

Q. And you called Detective Conway the day before you went in to the police station to give a statement.

A. I would've made arrangements for whatever time if it was the day before that makes sense.

Q. And on August 26th you go and you provide a statement to the - to the police - to Detective Conway.

A. Yes.

Q. You have reviewed that statement prior to testifying; is that fair?

A. Yes.

Q. You've probably reviewed it before testifying at the preliminary hearing?

A. Yes.

Q. Did you review it again before you were questioned by Mr. Faveri at the trial back on October 24th - sorry, October 8th?

A. I don't - no, I don't think I did. I looked at the transcript from the preliminary hearing.

Q. Okay, so you reviewed your police statement at some point prior to testifying at the prelim and then you reviewed your prelim evidence sometime before testifying at the trial, is that correct?

A. Yep.

Q. When you reviewed your police statement you didn't make any corrections, is that correct?

A. I didn't know that I had the opportunity to make any corrections.

Q. Well when you're reviewing your statement - your police statement, did something jump out at you as incorrect?

A. I had said one of the dates was incorrect. In 2005 - I said in 2005 when I meant in 2008, but I believe that Detective Conway corrected me during that.

Q. Okay, that's the only one that sticks out to you?

A. Yes.

Q. You were being truthful I imagine in the statement you gave to the police on August 26th?

A. Yes.

Q. Is that the only time you went to the police station to provide a statement?

A. Yes.

Q. And you haven't provided any other statement since then, is that correct?

A. Correct.

Q. When you testified - sorry, so you've testified at the preliminary hearing on July 22nd and I think August 17th of 2011, does that ring a bell?

A. Yes.

Q. And you had the opportunity to review your preliminary hearing evidence, correct?

A. I have a copy of it, yes.

Q. Okay and the same thing there - you're being accurate and truthful at that point in time?

A. Yes.

Q. And when you reviewed that evidence afterwards - when you reviewed the transcript afterwards, there was nothing in there that you felt you needed to correct?

A. I didn't know that that was part of the deal. I just was reviewing what I had said that - if I realized that there was a mistake then - yeah, I don't remember that there was any corrections. The only other problem that I had was I - there was something about when Raymond might have - there was something about when Raymond's incident happened and I think that originally in the first statement I had said something around it had happened I had the wrong date, because it would have been in 2006 that Raymond and the Ranchero incident occurred. After that the Ranchero wasn't there anymore, and I think that I had said that that incident happened on a different date, which I can't remember what it was at this point.

Q. Is everything okay up there?

A. Yeah, I'm sorry, I'm just taking my shoes off because my feet are hurting.

Q. Okay. I want to review with you the history of your relationship with Mr. Atkinson and try to do that somewhat quickly because I know you've gone over it. You were married to Mr. Lockhart - sorry, Summerfield, Paul Summerfield, when you met Mr. Atkinson, correct?

A. Correct.

Q. And you met Mr. Atkinson at a tavern.

A. Yes.

Q. You were there line-dancing.

A. Right.

Q. Mr. Atkinson was there with his girlfriend
at the time.

A. Yes.

Q. Now, is it your position that Mr. Atkinson
just struck up a conversation with you?

A. We were sitting at a large table of people -
there was lots of people there and he was talking, I was
talking. I would say he struck up a conversation, yes.

Q. He was trying to sell a boat, do you recall
that?

A. He had - Millicent had a boat - Millicent
Lake was John's girlfriend at the time - wife, common-law wife
and she had a boat that John thought that could get sold and
help her - Millicent's parents out, and I knew a guy who sold
boats through auction. So all I was trying to do was provide
a name for him, because he seemed to be interested in selling
boats and you know sales opportunity not to be missed.

Q. Okay, so you had offered your contact
information to him.

A. I gave him the name of the guy who - and the
telephone number of the guy who sold boats by auction.

Q. Well you'd given him your business card did
you not?

A. I didn't have any other piece of paper to
write on, so I wrote the telephone number on my business card.
I did not intend in any way for John to be phoning me after
that. I only used it because it was a piece of paper and that
was the only piece of paper I had in my purse.

Deborah Campbell - Cr-ex.

Q. Okay, but he did ultimately call you.

A. Yeah, he called me the very next day.

Q. And so even though you didn't have any intention of him calling you; you talked to him, correct?

A. He called me at work, yes.

Q. And you at some point in time at least in either that conversation or a subsequent one, made plans to go out for coffee.

A. Subsequent conversations, yes - he continued to phone me.

Q. Well, why didn't you just tell him to go away?

A. I was very unhappy in my marriage. I guess I was interested in somebody who would actually pay attention to me.

Q. So although you didn't intend for him to call you, it wasn't that it was unwelcomed that he was giving you call.

A. True.

Q. And you carried on and had conversations with him.

A. I did.

Q. And you met up with him for coffee.

A. Yes.

Q. Do you recall when your husband moved out of your residence?

A. October 25th, 2005.

THE COURT: Two-thousand?

A. September 25th, 2005.

THE COURT: Thank you.

A. September the 25th, 2005.

MS. HYSLOP: Q. Is it fair to say that you don't recall exactly when Mr. Atkinson moved into your house?

A. No, because he sort of transitioned from the RV that was out in the driveway.

Q. Could've been anytime between October and November?

A. Yep.

Q. Any time throughout there?

A. Yep and the RV was still there, so he spent a fair amount of time still out in the RV.

Q. Does that also mean then that you don't know exactly when - or sorry how long he lived in the RV?

A. Yeah - we never got rid of the RV, so he had the RV available for him to - until it when up north. He took it up north and that was I think in March the next year - March - February or March the next year he took the RV up north, so it was - it sat in the driveway until then and he would...

Q. What....

A. ...go out and sit in the RV. We would go out there and have a conversation. It was a - like a little house.

Q. When did Mr. Atkinson move into the RV?

A. I don't recall exactly. It would've been in October or November of 2005.

Q. So he wasn't living in the RV when your husband Carl was still living at the house?

A. I can't remember. I don't think so. I don't remember.

Q. If he was living in the RV when your husband was at the house it would've been in September, correct?

A. It would've been September, yeah.

Deborah Campbell - Cr-ex.

Q. Were you and Mr. Atkinson having any sort of relationship with each other while he was living in the RV?

A. Yes.

Q. Was there any overlap between when your husband was still living in your house and you having a relationship with Mr. Atkinson?

A. I can't remember. It might've been a couple of times.

Q. It might have been a couple of times that you did have some sort of physical intimate relationship with him?

THE COURT: Is that - is that irrelevant?

A. Yeah, is it relevant?

MS. HYSLOP: It's my submission, Your Honour, that the timing of things is relevant and if the witness has different versions of events that it would be relevant.

THE COURT: Well, do you want the witness out because I want to hear a little bit more about why you would say that particular aspect of things is relevant.

MS. HYSLOP: You know what, Your Honour, it's not the time. I can move on to another area.

THE COURT: Okay.

MS. HYSLOP: Q. Mr. Atkinson still had the house with Millicent Lake.

A. That's correct, he told me he owned half that house and he was going to get his half of the money, yes.

Q. But while you say he was living in the RV on your property, he still had the other house, correct?

A. Yes.

Q. Would he go back and forth between the RV and the house?

A. He went back to the house so that he could meet with his parole officer, when Millicent wasn't there.

Q. So you're - there's no way that Mr. Atkinson was just visiting at the RV. Your position is he actually lived in the RV on your property?

A. Yeah, he wasn't visiting.

Q. Now when you and Mr. Atkinson commenced your relationship things were pretty good, is that fair?

A. Yep.

Q. You had a good relationship, enjoyed spending time with each other?

A. Yes.

Q. You bought the property up north?

A. Yes.

Q. That's in Wilberforce?

A. Yes.

Q. And you were buying items for the property.

A. Yes.

Q. You bought the Bob Cat, you bought an ATV and you bought I think a truck during that period of time?

A. Yes.

Q. When is it that you bought the property?

A. I think it was in November, I don't remember exactly. It was at the end of 2005. We were certainly there for the winter and it was fall when we bought it, the leaves were still on the trees.

Q. And shortly after meeting Mr. Atkinson and having him move into your residence, you bought this other property with him?

A. Yes.

Deborah Campbell - Cr-ex.

Q. If we fast-forward a bit, Mr. Atkinson ends up in custody in August of 2006?

A. Okay, yes.

Q. Is that correct?

A. Yes.

Q. That was the incident that happened when you were on your way to Orangeville.

A. Yes.

Q. And he remained in custody for over a year until December 2007.

A. That's right.

Q. And you maintained contact with him while he was in custody?

A. Yes.

Q. Talked to him almost every day on the phone, if not every day on the phone?

A. Yes, unless there was a lockdown he phoned me.

Q. You sent him money while he was in custody?

A. You can't send the money, you have to go to jail and give him money, but yes I gave him money.

Q. You wouldn't have mailed in a money order?

A. No, I wouldn't have done that - I don't think I did that - not while he was in Penetanguishene I didn't do that. I think I did that one time when he was in Sault Ste Marie, I sent money by mail order - costs a lot extra though.

Q. And during that time you had also put him on your benefit and insurance plan at work.

A. I did do that, yes.

Q. Okay, so that was all sort of in the 2006 year?

A. Yes.

Q. And you may have actually put him on your insurance and benefit plan while he was in custody, so after August 2006?

5 A. I'm only allowed to do that at the end of the year, so it probably would've been while he was in custody, yes.

Q. Were things good with Mr. Atkinson up until he goes into custody in 2006?

10 A. For the most part he was okay as long as he wasn't drinking and he started drinking - like he told me that he had not been drinking for 12 years, which actually turned out to be not true when I read all of the records of his history. But that's what he had told me, he told me he hadn't drunk anything for 12 years and that he wouldn't drink and on 15 January the 1st, 2006 he decided that that was - he was capable of drinking again and so he started drinking then and he did - he was more difficult when he was drinking. So I started to have some concerns with him. I was in the position where I had put out a fair amount of money, fairly early on into our relationship based on the things that he had told me, which didn't include how much time he had been in jail and what - 20 whether or not he had been driving ever without a licence at - or whether he had had hurt other people. I didn't know any of that stuff during that first year, and then when the truck incident happened in August he went to jail and at that point I still was thinking that if John only had a chance he could have a reasonable life, and certainly I gave him every 25 opportunity to have a reasonable life with me, but he was unable to stay on the good side of the law.

30 Q. So even though he starts drinking in January of 2006 and you noticed that that's not good...

Deborah Campbell - Cr-ex.

A. Yes.

Q. ...we'll put it that way, you still maintained a relationship with him when he was in custody, correct?

A. Yes.

Q. So your relationship was less than a year old at that point in time. He's now off in jail for over a year, but you keep having the relationship.

A. Yes.

Q. He gets released in December of 2007?

A. Yes.

Q. And he's at your house and you spend Christmas together with your sons?

A. No. We went up north and had Christmas up north; he wouldn't spend Christmas with my sons. He doesn't like my sons. He did everything he could to keep my sons away from me.

Q. Okay, so the Christmas that - when he just gets out of custody in December 2007....

A. Yes, we went up north and...

Q. You went up to the cottage.

A. ...had Christmas up in Wilberforce.

Q. You didn't have Christmas at your house with his mother visiting and all your boys got gifts?

A. I do remember that - I do remember his mother coming and visiting, but it wasn't on Christmas. We went up north after that. I don't believe it was on Christmas, I can't remember exactly, but I do remember that she came up to our house.

Q. Well were the boys there?

A. I believe the boys were there that particular day, but it wasn't Christmas day.

Q. Okay, was Mr. Atkinson there?

A. I can't remember whether he was. I guess he must've been there, I can't remember.

Q. Well you couldn't have had his mother come up unless he was there.

A. Well sometimes his mother - he made me go and visit his mother and take her places all kinds of times - phone her, make sure she's okay, talk to his sister. I did all sorts of things he wanted me to do with his mother. So I would've talked to his mother when she - when he wasn't there. Maybe he was there that time, I can't remember.

Q. You can't remember?

A. I remember her being in my house. I remember it and I think I probably remember there was at least a couple of kids were there.

Q. Just in sort of the chronology of your relationship with Mr. Atkinson - we're going to come back to some other dates, but its February 2008 that Mr. Atkinson goes out west?

A. That's right.

Q. And again you continue to maintain contact with him.

A. Yes.

Q. You sent him money when he was out west?

A. I sent him a lot of money while he was out west. He was supposed to be going out there so he could be making money, but that didn't turn out.

Q. Did you also correspond with him by email?

A. Maybe, certainly, it's possible, I can't recall.

Q. You can't recall?