

certainly didn't want to take those two drunk men out with me to a fine restaurant.

Q. But you did say, 'I said fine to John'. So you actually did say to John 'fine'?

5 A. I - yes. That's what I testified before in my video statement. It doesn't mean that inside my head that's what we were going to do.

10 Q. Okay. And your - so we've just gone over the police statement there. It's at that point Mr. Atkinson asks you for the keys...

A. Right.

Q. ...right? Sorry, I talked over you. What was your answer?

A. Yes.

15 Q. And when you go ahead and tell him that you don't think that's a good idea he loses it, right, that's the words that you used?

A. Yes.

20 Q. And so you didn't actually give him the keys, set of keys, correct?

A. No, I did not give him the keys.

Q. Your recollection - or is it the keys - that he went and got the spare set of keys?

A. He went and got the keys from the key box.

25 Q. Is that something that you're clear on, now, Ms. Campbell, that he didn't grab the keys away from you?

30 A. I don't think I would have had the keys in my hand for that pickup truck because the pickup truck was not the vehicle that I drove to work. I wouldn't have had those keys in my hands. And I certainly wasn't going to go anywhere so I wouldn't have taken the keys out of the key box. And later on John lost the key so we couldn't have had an extra

one lying around in the house otherwise he would have been able to pick that one up and get that truck out of park when the tow truck driver came.

5 Q. Okay, so there wasn't a spare set of keys. There was just....

A. They weren't there. There was a spare set, I don't know where they were at the time and John never found them that night. There was one set of keys and I certainly didn't have them in my hand, and he went and got them, probably from the key box, which is in a different room, the living room.

10 Q. On page 10 of your police statement you indicated to the police officer....

A. That we have extra keys, which is true.

15 Q. You indicated, "He went completely berserk, started screaming, started running around, went and got the extra keys." I want to understand, Ms. Campbell, do you have a recollection today of how Mr. Atkinson got the keys?

A. No, I don't. I certainly did not give them - the keys to him, did not.

20 Q. The truck would have been the truck that you were taking to the restaurant that night.

A. Yes.

25 Q. But you had your car that you would have brought home from work. You didn't take the truck to work.

A. Correct.

Q. You would have been the one driving to the restaurant.

A. Yes.

30 Q. But you didn't carry the keys on you for the truck?

A. No.

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Q. When you're having this discussion with Mr. Atkinson you didn't make it to the kitchen, so you're having this discussion with him in the living room.

A. Yes.

Q. And the key box is located in?

A. My bedroom.

Q. Your bedroom, not in the office.

A. It might have been an office then, I can't remember. We switched it around a couple of times. It's in the room that's to the west of the living room.

Q. So Mr. Atkinson goes and gets the keys from the key box, does he come back into the living room?

A. The living room is connected to the door that goes out. He got the keys, he ran out. Meanwhile he's screaming the whole time.

Q. So he gets the keys and he runs out, like the sliding doors that go out to the walkout?

A. No, there's a door there. There's an exit...

Q. Okay.

A. ...a man door.

Q. Okay. And you see him leave with the keys.

A. Yes.

Q. Do you follow him?

A. Not at that point I didn't follow him, I had to take my breath. I saw him almost immediately drive out of the driveway and you could see him off - down going south on the road, south. From the windows you can see the south. You can't see to the north cuz the windows are on the south of the house.

Q. Okay. So you didn't follow him out. You didn't see him get into the truck. You just know that he got

in the truck because you said very soon after you see it driving down.

5 A. Right. And there isn't anybody else around there that was going to be driving that truck, so it had to be John.

Q. How far, when you're down looking out, I guess the window in your living room and you said you can see to the south, how far, what's the distance between where you are and the road?

10 A. About a hundred and fifty feet I would say.

Q. Were there trees at all that are between you and the road?

15 A. Some of the road is - does have trees but the part that you can see the road through clear - you can see the road clear, it's not obscured by the trees at all. You certainly can see well enough to see whatever vehicles are going south or north in that section of the road.

20 Q. Are you able to put a timeline how long - or how much time passes between when Mr. Atkinson leaves the living room and when you see the truck driving down?

A. Less than a minute. Less than a minute, less than two minutes. Less than a minute, I'd say.

25 Q. So you went - you stay inside with Mr. Lockhurst at that point.

A. Yes.

Q. And about five minutes later Mr. Atkinson comes back.

A. Yeah, five or ten minutes. I'm not sure exactly but it was not that long.

30 Q. By the time Mr. Atkinson left was it dark outside?

A. It was dark, yeah.

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Q. Do you know what time it was that he would have left?

A. I think I testified to that at some other time, what time it was. It would probably be 8 o'clock.

5 Q. So you and Mr. Atkinson and Mr. Lockhurst would have been together at your house from about 5:30 until 8 o'clock?

10 A. Maybe it was 7:30, maybe it would have been - I don't know exactly. I'm sure I testified to that before. I don't....

Q. I take it there's no lights on the road that runs in front of your house, like street lights?

A. That's correct. No, there's no street lights.

15 Q. Okay, so you watch the truck drive away, can you see it go down your driveway from where you are?

A. No.

Q. So at what point does the truck come into your view when it's driving down the highway?

20 A. Probably about - when it goes about 50 feet south of the driveway. Fifty to a hundred feet south of the driveway you can start to see it.

25 Q. Now, the next time that you see Mr. Atkinson you see him when he comes to the house or you see the - him driving down the road?

A. I could see the truck driving down south when he left.

Q. And you remained in the house with Mr. Lockhurst.

30 A. Yeah, I can't remember if we remained in the house or we went outside. I think we went outside at some point when we saw him coming back. We saw him coming back cuz

5 we were standing there looking. I remember the - I remember  
looking at the south, the highway to the south and we were  
having a discussion about why did he let him drink so much,  
and didn't he know that that was a bad idea, and I have no  
idea when he'll come back, and who knows what trouble he'll  
10 get in while he's away. And then we see the truck come back.  
I said, 'look he's coming back', at a very high rate of speed.  
And then there was a car in front of him, while he was coming  
north. He had to slam on his brakes to avoid hitting the car  
and that's when he spun the truck out. So I saw the truck  
coming back. Carl Lockhurst saw the truck coming back also  
and we were standing there watching the road while we were  
talking. I can't....

Q. So you were outside at that point.

15 A. I can't remember if I was outside then or I  
was outside a few minutes later whether or not, but certainly  
at some point I went outside and I don't know exactly when.

Q. Okay, but you....

A. Did I say before when?

20 Q. Well I'm asking what your recollection is  
today.

25 A. So I remember that we were talking inside  
the house, we saw him coming back, we went outside. I  
remember him getting a ride from some passing person who  
didn't recognize that this man was just walking on the road or  
running along the road, after he got into this - he spun the  
truck out, and they picked him up. And of course he didn't  
have very far to go - I don't know why he even got into the  
car with him because it was only a few hundred feet to the  
30 next driveway. The horse farm where this happened, where this  
truck spun out was only 300 feet away from my driveway. So  
why John would even get into a car I don't know. I never

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5 asked him why, but those people dropped him off in the driveway to our - in our neighbours driveway to the south of us, down on the other side of the hill and then John came running up the hill still screaming like it was my fault that he crashed the truck on the other side of the road.

Q. He at some point comes back into the house, correct - so after you see that you see him spin out the truck and you see him get a ride with somebody he comes back into the house?

10 A. Yes.

Q. So were you inside the house or did you follow him in, or how did that work?

15 A. I don't exactly remember that part, I think that he came back in the house because he got the keys to the other - the other vehicle, but we were still standing outside cuz - so we were - I was probably following him - I was following him - I was following him and he went back in the house and then he went back outside and I followed him back outside and then he's talking about going and getting the dump truck to pull the pickup truck out of the ditch.

20 Q. Okay and he didn't ask you to call CAA at that point in time?

A. He would never even think to call CAA - he thinks he can do everything himself.

25 Q. At that point in time did you mention calling CAA or was it a little bit later?

30 A. No, I told him that if he - when he said he was going to take the dump truck I said - I told him that was a really bad idea that you know - we got the - we could deal with this by calling CAA. I said, 'I would call CAA, just calm down' and he wouldn't - he wouldn't calm down - still racing back and forth screaming and yelling.

Q. And you're trying to convince him not to take the dump truck?

5 A. Yes, cuz then I'd have two trucks in the ditch across the street - how would I ever think that would be a useful thing - and people would probably see him - he'll be out on the road driving a dump truck and somebody will come along and say, 'well what's going on with this accident here - what are you doing with that truck', and you know I can't imagine that that would work out.

10 Q. So you're following him on foot as he's going back and forth to get into the dump truck?

A. Yes.

Q. Now where's the dump truck parked?

15 A. It was parked near the end of the driveway - I located it on the picture during my testimony.

MS. HYSLOP: If I could see the exhibits. I believe its Exhibit 1B.

Q. Right, so on Exhibit 1B where it's lettered 'A', is where the dump truck was originally positioned.

20 A. Okay.

Q. Okay and that's your recollection to today - is it that's where the dump truck was parked.

THE COURT: Madam Clerk....

A. That's where the dump truck was parked.

25 THE COURT: Can I see that? Thank you. Thank you.

MS. HYSLOP: Q. Is there any other places that the dump truck would sometimes be parked?

30 A. Sometimes it would be parked on the parking pad outside the main part of the house, but it wasn't that day. The pickup truck had been parked in the main parking pad before he left, but not the dump truck.

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Q. Okay, so the green truck that ends up in the ditch that was parked up by the driveway?

A. It was parked on the parking pad near the main house.

Q. And were there any other trucks there other than the dump truck on your property at that point in time?

A. No.

MS. HYSLOP: I'm going to - I'm wondering Mr. Crown, do you have a copy of Ms. Campbell's preliminary hearing transcript, this one?

MR. FAVERI: Yes.

MS. HYSLOP: Q. I have some confusion, Ms. Campbell, and perhaps you can - I'll have you review that part of the transcript, but my understanding is when you were being cross-examined by Mr. Bliss at the preliminary hearing that you actually said that the truck - the other truck - which is how it is referred to in the transcript, was parked not in the garage because it doesn't fit, it was parked beside the driveway. So I'm just going to let you to that.

A. So part of the problem was in the preliminary hearing I didn't have the pictures with me and I felt that was a very difficult way to describe, and certainly when you read back that testimony it is confusing to somebody who doesn't live there, so that's why I brought the pictures when we had the trial, so that I can more clearly explain where these vehicles were - there's absolutely no doubt in my mind where they were at that time.

Q. Okay, if you can just assist me with page 148. So, we'll just review it together. At the bottom of the page - this is after, just to put it in context, it's before CAA arrives. This is Mr. Bliss talking - that John comes back

and he's going to get the other truck to take the vehicle out of the ditch. So that's the dump truck, correct?

A. That's - he's going to get the dump truck to take the GMC pickup out of the ditch.

5 Q. Okay and so the question that you're asked is so when he comes walking back up the driveway, I take it your first reaction is, well he's making a move towards where the other truck is, which is - is it in the garage or its parked along the side of the driveway?

10 A. So this case, the other truck he's referring to is the dump truck.

Q. Okay and you answer that question, 'It's not in the garage because it doesn't fit. It was parked beside the driveway.'

15 A. Right.

Q. And a further question - 'This is the part of the - you've described the cars that you would park in a parallel fashion. Answer: 'yes'. So that's what I'm confused about because my understanding is that the - when people are talking about where the cars are parked parallel, they mean up by the garage.

20 A. So Mr. - so the truck that - it was parked beside the driveway, which if you look on that diagram, Exhibit 1B, it's labelled as 'A', which is right beside the driveway. That's where it was, and it was parked in a parallel fashion. I don't know the way that he was describing it, I guess I was also confused. I was starting to get frustrated by - at that point by the fact I didn't have a diagram to point things out.

25 Q. Okay, now the diagram - okay, so he goes down - you're trying to walk in front of him and prevent him from even getting to the dump truck, correct?

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A. No, I don't walk in front of him, I walk behind him.

Q. Okay, do you catch up with him at the dump truck at the bottom?

A. Yep, yep.

Q. And are you yelling at him?

A. No.

Q. Okay, so he's yelling at you.

A. Yes.

Q. You're trying to convince him not to take the dump truck.

A. Correct.

Q. And the dump truck is parked down as you've indicated on the diagram at sort of at the end of the driveway.

A. Yes.

Q. How far is it parked from the road?

A. The road is indicated on the map, so probably that's about 35 feet. I don't know exactly, I'd have to measure with a stick - I - the drawing is to scale, so where you see the driveway is - it's close to the end of the - it's close to the road. So if he was going to go on to the - never mind, I'll let you ask the question.

Q. Which way was the dump truck parked?

A. It was pointing towards the house.

Q. So where you have it drawn on the diagram there...

A. Yep.

Q. ...it's actually facing the house?

A. Yeah, it's facing a little bit downhill towards the south a little bit, but it's facing - the front of the truck is towards the house.

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MS. HYSLOP: Again, Your Honour, if I could see that exhibit back for a moment, please.

5 A. So when he opened the truck door, I was able to still be on the driveway talking to him, because the truck door would've been facing the driveway.

Q. Okay, and so your recollection is that he then reverses back onto the driveway.

A. Yes.

10 Q. And instead of reversing and going towards the road he reverses and goes towards the house.

A. He reverses - I thought he was going to go out to the road by just backing out onto in, cuz he backs up well, and he didn't - he - then he put it in drive and started going forward, and he was driving up the driveway towards the house at that point, and I was standing in the driveway. It took me a second or two to figure out what he was doing, and then I started to run because he was driving the truck towards me.

15 Q. So he never even makes a motion for the road is what you're saying.

20 A. Well when he first started backing up the truck I thought that he was going to back out onto the road.

Q. But what I'm saying is that when you're watching this he doesn't turn his wheels to go towards the road...

25 A. Not at all, no.

Q. ...the only way....

A. When he started to drive towards me at first I thought perhaps he was just going to go around to the parking pad and turn around the truck there, which is unusual, cuz he would just back out onto the road if he was going to go on to the road, but I thought that it's possible, so it took

me a couple of seconds to realize that he was actually driving towards me, and then I started to run.

5 Q. When you're at the door of the truck and you're still trying to convince him not to take the truck, and he starts to back up, what path do you take, where do you go from there?

A. I stayed in the driveway, backed up onto the driveway.

10 Q. So you backed up onto the driveway while Mr. Atkinson was also backing up the truck?

A. Yep, so I was - you know you don't want to stand too close to a big truck like that, you might get run over.

15 Q. Okay, do you - you must start walking back to the house then?

A. No, I was standing there, I was just standing there. I was hoping he would - he would - he would start to calm down. I wasn't making any sudden moves.

20 Q. Perhaps I can have you indicate on the diagram where you stood.

THE COURT: Which exhibit are you showing there please?

MS. HYSLOP: So this is Exhibit 1B.

THE COURT: Thank you.

25 MS. HYSLOP: Does my friend have any issue if I have it marked directly on this diagram?

MR. FAVERI: I don't, no.

A. Well I'm - not absolutely certain where I would be. I would be in this vicinity.

30 THE COURT: All right. Now you're pointing to an area - do you want to just draw a circle with that red pen in that area you've just indicated?

A. All right. So I would have been standing somewhere in here.

MS. HYSLOP: Q. Okay. Maybe I'll - if you could put "D.C." for Deb Campbell.

A. Okay.

Q. You're within a few feet of him at that point in time?

A. Yes.

Q. As soon as you realize - I understand it took a little while for you to realize that he was driving at you versus just driving at the driveway - does he make it any way up the driveway past you before you realize what's going on?

A. No, I was running in front of the truck.

Q. Well, when did you start to run?

A. He was fully in the driveway. He was starting to come up the driveway. So he had backed up and then he's fully in the driveway and he starts to - and he's accelerating.

Q. Okay. If you could turn to page 150 of the preliminary hearing transcript which is the one with the clip on it. I assume when you're under cross-examination - sorry, do you have the page there? If you want to remove that clip to make it easier that's fine. So, in the middle of the page Mr. Bliss is talking to you about you standing at the window of the truck that you're trying to convince Mr. Atkinson not to drive it, and Mr. Atkinson starts the truck up and he's driving out, and you give an answer and you say,

"I don't, I don't remember what happened exactly as far as the beginning of the incident because I don't remember exactly where the truck was parked. But what I do

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5  
remember is as I'm trying to stop him to not do - not -  
to convince him this is a bad idea that he turned the  
truck around and was coming back up the driveway. He was  
coming back up the driveway and at that point I realized  
he's going to try and hit me and so I deeked through the  
rocks and then he drove, continued off the driveway  
towards me and got stuck on the rocks."

10  
The way I read that, Ms. Campbell, was that there was an idea  
that he had actually turned around and come back up the  
driveway. So am I mistaken? Is that not what you meant  
there?

15  
A. No, see I think that what happened was that  
I have since the - I've been thinking about this a lot and  
this is - when I was at this preliminary hearing I did not  
clearly explain where the truck was parked because I didn't  
exactly have it straight in my head. But I think since then  
I've thought about it a lot and I've realized where the truck  
was parked exactly and I think I'm clear on that.

20  
Q. Okay, so you're clear that the truck was  
parked down at the bottom of the driveway and that the only  
direction that truck ultimately went, in terms of up or down  
the driveway, we ignore the backing out part....

25  
A. No. The backing out part happened. He  
still would have had to back off the lawn. He was parked on  
the lawn.

Q. Right. But he never went down towards the  
road on the driveway. He only ever drove up towards you.

30  
A. Well, see when it says down - turned around,  
I don't know - I don't know. So as far as I can see - he - he  
didn't get out as far as the road with that truck.

Q. So you don't recall him ever driving down the road to - sorry down the driveway from the house, for example, towards the road.

A. Absolutely not. I don't remember that.

5 Q. So it's not possible that the dump truck was parked up at the front - or up at the house in that parallel parking area and that he drove down it?

A. I don't think so.

10 Q. It's not possible that as he was driving down that you were trying to stop him by getting in front of him and telling him to stop?

A. I certainly wouldn't do that.

15 Q. Because your recollection is that the truck is coming from behind you and you're running and you run through the rocks and the truck follows you.

A. Yes.

20 Q. And that's because you say Mr. Atkinson was driving towards the house.

A. He was driving towards the house.

25 Q. And so when the truck actually gets stuck it's facing towards the house?

A. Yes.

30 Q. It's not facing towards the road.

A. Correct.

35 Q. Do you know what part of the truck got stuck on the road - sorry, on the rocks?

A. It was the differential.

40 Q. Pardon me?

A. It was the differential.

45 Q. And you'll have to help me out, I don't know what that means.

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5 A. The differential is the part that the gears move to go to the rear wheels. So it's a big lumpy piece underneath the axle of the truck in the back.

Q. So under the back axle.

A. Right.

Q. So it was the back of the truck that got stuck on the rocks.

A. Yes.

10 Q. Now it's at that point in time that I understand there's - Mr. Atkinson is trying to get the dump truck off the rock himself, or rocks himself, correct?

A. He was trying to do it by driving it off.

Q. Okay. And sometime after that that's when you call CAA.

15 A. Sometime after that, yeah.

Q. And we know that CAA arrived and that the police ultimately arrived as well.

A. Yes.

20 Q. And you spoke with the police officer, correct?

A. Yes.

Q. And you indicated to the officer that the road was icy.

A. Right.

25 Q. Do you agree that you also indicated that you were driver to the police officer?

30 A. I didn't say that specifically so I didn't specifically lie to the police officer, but I certainly implied. I let him assume that I was the driver. I did not correct him. I did that, yep. But he didn't ask me if I was the driver so I didn't lie. It was - it was misleading actually.

Q. And Mr. Atkinson at that point had gone into the house and he remained at the house, is that correct?

5 A. He came down at one point to the car - after I called the CAA I went down to the truck to - to wait for the CAA. He came down in the Mercury and I said - by then he was fairly calm so I told him to go back to the house and wait there, and he did.

Q. Is that a detail that you remembered since your statement to the police?

10 A. I don't know whether I said it to the police at the time. I don't know whether if I put that in my - do you mean in the video statement?

Q. Yes.

15 A. I don't remember if I said that to the police at the time, but that happened.

Q. Because to the police you indicated that he was watching what was happening using the binoculars.

A. He was.

20 Q. Okay. But you also recall at some point he came down in the Mercury.

A. He sure did. I don't know whether I told the police that or not. I can't remember whether I told them that. It wasn't really....

25 Q. Sorry, the Mercury or the - it was the Mercury?

A. Yes.

30 Q. I also don't recall you indicating that that happened at the preliminary hearing, this idea that he had driven the Mercury down to the road. Do you recall mentioning that at the preliminary hearing?

A. I don't remember, but he did do it. No - I mean if you don't ask me....

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Q. Sorry, pardon me?

A. I don't - there's plenty of things that go on in life that you don't remember to tell people. I'm not sure what the details are that would be relevant so I may not have said that before. Most of the time, like he was only there for a minute and I - and then they told him to go back to the house and he did, and he stood there and he watched me from the window. I could see him up there in the window.

Q. Okay. So there's no doubt in your mind that he's driving towards you.

A. With the dump truck.

Q. With the dump truck.

A. That's correct.

Q. If you had not run through the rocks, it's your position he would have hit you?

A. Yes.

Q. The truck came within about 10 feet of you?

A. Yes.

Q. Now, Mr. Lockhurst was standing in the driveway with you when Mr. Atkinson was driving at you?

A. Not - yes, he was out there with me. He was out there - we were all out there.

Q. But he didn't have to get out of the way of Mr. Atkinson.

A. I wasn't really paying attention to what Mr. Lockhurst was doing at that time, so I think he was standing behind me.

Q. Okay, so you actually have a conversation with the police officer after Mr. Atkinson had just tried to run you over with the car, correct - or with the dump truck, I apologize?

5 A. I wasn't talking to the police officer about that topic.

Q. You didn't think to mention it?

A. No, I didn't.

5 Q. You genuinely believe you were almost killed by a dump truck.

A. Yes, yes.

10 Q. And instead of mentioning it to the police officer who was there, you let him believe that you had actually been driving the green truck that was now in the ditch.

A. Yes, I did that.

15 Q. And this would be after a point in time when he had already tried to run over your son in your view.

A. Right, yes.

15 Q. Now, you had taken these videos of Mr. Atkinson and Mr. Lockhart - sorry, Lockhurst, just before Mr. Atkinson had driven away.

A. Yes.

20 Q. And that was your testimony earlier when Mr. Faveri was asking you questions, is that - the timing of the videos was just before Mr. Atkinson had driven away?

A. Yes, it was between the time that I came home and the time that he went out.

25 Q. And you're unclear on the timing - we've gone over that earlier, I don't want to go over it with you again. It may have been you were home for an hour with them before this incident happened?

30 A. Yeah, I would think I would be there for at least an hour.

Q. And you're certain that that video was taken that day, correct?

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A. Absolutely it was taken that day, it was birthday pictures.

Q. And you hadn't had anything to drink that day?

A. Correct.

Q. Even after you decided that you wouldn't be going out to the restaurant and you were sort of - you had personally decided - you may not have communicated that to Mr. Atkinson, but you had made that decision that it wasn't a good idea, did you start drinking then?

A. No.

Q. Were you using any drugs that evening with Mr. Lockhurst?

A. No.

Q. Didn't smoke any marijuana at all?

A. No.

Q. Now, we watched the video of that last occasion. Can you see that okay from there?

A. Yes.

...VIDEO PLAYED

...VIDEO PAUSED

Q. Okay. Okay, so this is the coffee table that you were talking about, correct?

A. Right, it's a cedar chest, actually.

Q. So, I'm going to start it again, I'm going to ask you to watch that coffee table throughout this video. I'm going to suggest to you that you're going to see that there's not a number of bottles of alcohol on the table, that the cigarettes are actually in a bag, okay, so I'm going to back it up a little bit.

...VIDEO PLAYED

...VIDEO PAUSED

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Q. So, I understand that you can't see the whole table there, correct?

A. Right.

Q. But, we see Mr. Atkinson appears to be drinking out of a cup.

A. Yes.

Q. And I think that there's an indication there may be wine in it, but it's not clear to me.

A. That looks like wine to me.

Q. And the cigarettes were in a bag, correct?

A. Yes, but they both had a package of cigarettes - there's a bunch of cigarettes on the floor too.

Q. Okay, so is it your position, Ms. Campbell, that even though the part of the table that we see there doesn't have alcohol bottles all over it or empties all over it, and the cigarettes are actually packed away that that may be on another part of the table?

A. Either that or they're on the - on the floor around them or on the hearth. I'm not sure exactly where they were, but there was certainly bottles, empty bottles.

...VIDEO PLAYED

...VIDEO PAUSED

Q. I wanted to show you about this - so this is another video and do you see the light outside? So it was dark by the time Mr. Atkinson drove away, correct?

A. Yes.

Q. And in that video it appears to be quite light out.

A. Okay.

Q. Do you agree with that?

A. Yep.

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Q. And if these videos are taken some time after 5:30...

A. Yep.

Q. ...up until maybe an hour, right, because you were at the place for about an hour before Mr. Atkinson left. Seems to me that that would be inconsistent with the level of daylight that's still outside given the time of year - we're talking about January two-thousand - well January, which is about the same time of the year that we're at now. Would you agree that it wouldn't be that light out at that time of year if we're talking about 5:30 to 6, or 6:30?

A. Those pictures were taken that day so the only thing that they could have been taken at 5:30 when I first got home.

Q. Okay.

A. Cuz they were definitely taken that day. There's absolutely no question in my mind that those were taken that day.

Q. What camera were you using or video camera were you using to film?

A. I think it was a little Canon. We used to have a little Canon camera.

Q. Sorry?

A. It was a little hand held camera.

Q. That could be used for?

A. It could take pictures or take video.

MS. HYSLOP: I should have put - for the purpose of the record, Your Honour, the first video that I showed is the one that ends 'MV101', and the video that's up on the screen right now is 'MVI02'.

...VIDEO PLAYED

...VIDEO PAUSES

Q. Could you hear the singing there?

A. Yep.

5 Q. Were you singing along, was that your voice  
at one point?

A. Yep.

Q. Okay, so the other....

10 MR. FAVERI: I'm sorry to interrupt, jumping  
around videos without - I think they each have a  
file number and it might be...

MS. HYSLOP: Yeah, so....

MR. FAVERI: ...helpful just to refer to them  
so....

15 MS. HYSLOP: This is the final video and this is  
'MVI03', okay?

MS. HYSLOP: Q. The fire's not going in that  
video, is that correct? I'll play it.

...VIDEO PLAYED

20 A. So this was later.

...VIDEO PAUSED

Q. Sorry, this is later?

A. Well I guess it must have been later if it's  
the third video and the fire's gone down.

25 Q. I'm going to go back.

A. Cuz there was certainly a fire in the video  
before it, right?

Q. Well I don't know - I don't recall seeing  
one.

30 A. They had the fire going when I got home. I  
don't remember them putting any wood in while I was there.

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...VIDEO PLAYED

...VIDEO PAUSED

A. Yep, so I don't see the fire there either.  
That's number one and what does it say on number two?

5 Q. This - I don't think we can see it in number two, but I'm happy to play it for you.

...VIDEO PLAYED

A. So, I don't understand what your question is.

10 ...VIDEO PAUSED

Q. Well, my point is you can't tell us the timing of these videos, correct?

A. I know that I took those videos between the time I got home and before John went outside.

15 Q. Okay, the fire's not going in the video that we see where there's still daylight, correct?

A. Right.

20 Q. The reason that this is important is because that you're the one that knows when the videos were taken and I don't, and what you're indicating to me is that when you got home there was alcohol, empties on the table, that there was a fire going and that there was cigarettes there, and you're indicating you started taking video then.

A. Yes.

25 Q. Well we don't see that in the video, is that correct?

30 A. So the video doesn't necessarily capture the entire living room, so the empties could've been not on that table. I could have moved them by then because I'm a tidy-upper person, so I could have moved them all off the table by then. I don't really recall what I did with those - certainly there was - alcohol had been consumed and there was plenty of

evidence of it when I got walking through the door. I could have easily cleaned that up before I took the videos without even really thinking about it, cuz why would you leave all of that stuff lying around on the table for them to knock over.

5 Q. So, the fire would have died down at that point, that's why we don't see the fire in the video.

A. Well, I'm not - I'm not sure what - why the fire doesn't show up in that video because I recall that there was a fire in the fireplace.

10 Q. We were talking a bit about the camera that you would've been using to take this video with.

A. Mm-hmm.

Q. It's my understanding that there's a way in which you can have a time stamp when you're taking pictures...

A. Yeah.

15 Q. ...on that camera, is that correct?

A. Yes.

Q. Had you used that function before?

A. Yes.

20 Q. Can that function also applied to the - to the video part of it?

A. I think so, I never really thought about it. I think it can.

25 Q. Okay, had you used that before - that function on the video?

A. We had used the - I put the timer on - I put the timer on for taking other pictures that I've taken, but I don't always have it on. I was just taking pictures, I wasn't really thinking about it as being evidence when I was taking them.

30 Q. Okay.

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A. I didn't have a deliberate plan in mind, I was just taking pictures.

Q. Okay, so you took - your recollection is that that video was taken on January 14<sup>th</sup>, 2008.

A. It was definitely January the 14<sup>th</sup>.

Q. But you can't give me a firm timeframe of when that particular - sorry, a firm time to say that that video was started at 5:33, or 5:45?

A. I can't because I don't wear a watch, and I wasn't paying attention to the time that night. I was busy worrying about whether these guys were gonna be a problem or not.

Q. But you were singing along as well, correct?

A. I was. I was trying to fit in. I was trying to make sure that you know we were going to continue to have a happy time.

Q. And when Mr. Atkinson left in the truck it was dark out, correct?

A. It was dark.

Q. Now, you had taken pictures of the dump truck that you entered into evidence during your testimony at the preliminary hearing, correct?

A. Right.

Q. You had taken a number of pictures of I guess, I think you called it the celebration after the truck was taken off.

A. That's right.

Q. Had you - and you showed those pictures to Detective Conway during your interview with him on August 26<sup>th</sup>.

A. I did show them then.

Q. Okay.

A. Cuz I....

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5 Q. And I think you just had them on your phone at the time?

A. They were - they were on my iPad - iPod.

5 Q. On your iPod, okay. You took pictures showing the dump truck where it was parked by the waste management bin.

A. That was after we got it out of the hole, yes.

10 Q. Right, that picture wasn't taken the same day as the others, or was it?

A. It was. Again, I wasn't taking those pictures for evidence I was really just taking the pictures as a celebration of getting that truck off of those rocks.

15 Q. Okay and it was only a celebration that you took the pictures of.

A. Yes.

Q. You....

20 A. I didn't take any other pictures before that. If I had thought that I would ever be here in this situation, I would have taken pictures, but I didn't.

Q. My understanding is that you're somebody who takes pictures quite a bit.

A. Well we - John takes pictures quite a bit and I was participating with that.

25 Q. Okay, because....

A. I haven't taken that many pictures since then.

30 Q. Okay, but you - like you took pictures that night that we were just watching with the video, right?

A. Yes, yep.

Q. So you took pictures of that?

A. Yep.

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Q. And you took video of that.

A. Yep.

Q. And you took video of that.

A. Yep.

5 Q. But you didn't take any pictures of when the truck was actually stuck on the rocks.

A. No, I didn't, cuz I wasn't really thinking about needing that for any reason.

10 Q. And that truck stayed on the rocks until March 29<sup>th</sup>, 2008?

A. Yep.

15 Q. If you turn to your - you've got the interview open in front of you, if you turn to page 90 of the police statement. You're looking in the middle of the page there's a longer paragraph that starts with 'D.C.' - so this is the time when you're showing the officer - or explain to the officer about what happened on January 14<sup>th</sup>, 2008, and then you start talking about the process of getting the truck off the rocks.

20 A. Mm-hmm.

25 Q. And you indicate Mr. Atkinson went out west and then you indicate, 'that's when he went out west, cuz he left in February and it took us that long to figure out how we were gonna get the thing out of there. But, it shows - I have also pictures of the - how it was stuck. It was stuck in big holes. Like here you can see the picture - this picture shows where the dump trucks back wheels were stuck in'. When I read that, Ms. Campbell, I read it to mean that you also had pictures of how it was actually stuck on the rocks, so you  
30 tell me today that you didn't have pictures of how it was stuck.

5 A. No, so what I mean by these - by this testimony here, was that you can see the holes in those pictures that I provided.

Q. Okay.

10 A. I did not take any pictures of it, and you know my - the police officers were by my house in February and the truck was sitting on the rocks at that time and they can't remember seeing it there, so you know - the truck was on the rocks, but I guess it's not that bad of an eye sore stuck there on the side of the driveway, because people were by and they never noticed.

15 MS. HYSLOP: If I could just see the exhibit photos, please, there should be - thank you. I'm wondering if maybe this picture up on the screen was not entered - it looks like we only have 4 pictures and I thought that there was a 5<sup>th</sup>, but I'll give that back.

20 A. You can certainly see the big hole in the picture that's there on the screen, because there's a piece of wood sitting at the bottom of the hole. What we did was we jacked the truck up and then I had to put pieces of hardwood underneath where the wheels were and then move the jack, and then jack it up some more - it took a long time.

25 MS. HYSLOP: I have a hardcopy of this picture, Your Honour, it's been disclosed to me - I'm surprised it wasn't made - I don't think it was entered at the preliminary hearing, but I thought it was entered at the trial, so I can file it as an exhibit, because it doesn't seem to be there.

30 THE COURT: Yes, just put it to the witness and have her identify it.