

Deborah Campbell - Cr-ex.

MS. HYSLOP: Sure.

THE COURT: I think she has on the screen, but just for the record, that now what you're showing there is the same as what appears on the screen.

A. Yes, that's - this is the same picture as what's on the screen, and you can see at the back of the picture the pump jack.

MS. HYSLOP: Q. Yes.

A. That's a big jack, you have to pull a handle to make the whole arm move up and that would - that would be under various parts and the pieces of hardwood that we have - you can see the pieces of hardwood we had to shove in in several layers in order to get the truck levered up and then you can see - in this particular picture you can see the hole at the - where a piece of hardwood is lying at the bottom of the hole and that's where the truck wheel had sat.

Q. When I look at that picture...

A. And you could....

Q. ...well you indicated that's the back wheel of the truck.

A. Well you can see the other hole where the other two pieces of wood are to the left.

Q. Okay, so we're talking about the...

A. That hole there.

Q. ...piece of wood...

A. Yes.

Q. ...in the center bottom...

A. Yep.

Q. ...of the diagram is actually sitting in a hole.

A. Yes.

Deborah Campbell - Cr-ex.

Q. Okay and then there's two pieces of wood...

A. Which are....

Q. ...that are to the left in looking at the picture, that are in the second hole of the back wheel.

A. Correct.

Q. Okay, so this is you - you told Detective Conway that this is the back wheel of the dump truck.

A. Correct.

Q. Because it a Dooley, I think right?

A. Yep.

Q. It's four tires essentially on the back axle, correct?

A. Yep, yep.

Q. And this would be - the truck was stuck for going over this way, correct - so up towards the screen?

A. So, you see that rock there?

Q. This rock, yes.

A. You see that rust on the top of the rock?

Q. Yes.

A. That came off the truck, because that's the rock - the - that the truck was stuck on.

Q. Okay, so the other set of tires is towards the top of the screen?

A. No, it would be to the right - right, so.

Q. To the right, sorry - the top right.

A. No, to the bottom - see there's a rock there as well at the bottom - right there.

Q. Yes.

A. So, the other truck tires would be just to the right off that picture - you can't see them. Right there, yeah - in there - the other set of tires. So, the truck was positioned with the front pointing at that rock you can see

the rust on and the Dooley wheels at the back were in that hole, plus holes you can't see on....

5 Q. Okay, I'm going to give you a purple marker. Could you draw - and actually that's going to go through, so let me get you another. So, draw with the purple marker if you can - so first of all if you can indicate where the back tires were stuck and then if you can draw the line or if you can somehow the best that you can, indicate where the truck would have been stuck there.

10 A. No, the other ones would be out of this.

THE COURT: Right, so you've just - you've just drawn what looks like a two wheels and then an axle going across...

A. Yep.

15 THE COURT: ...and then the other wheels you've kind of drew right on the very edge of the picture - at least one of them, okay.

A. That's correct.

THE COURT: Okay.

20 A. And then the front of the truck, there's - in a four wheel drive truck there's two differentials, because it's got wheels at the front and so the differential that I talked about earlier was stuck on this rock, so the other axle would've been like this, with wheels this way, but you can't - they weren't - they weren't sunken to the ground the same way the back wheels were.

25 MS. HYSLOP: Q. Okay, what I....

THE COURT: Okay, so you've drawn a front axle with a - straddling a rock and wheels on either side of it.

30 A. Correct.

THE COURT: Thank you.

5 MS. HYSLOP: I'm just wondering if we could perhaps - I don't know what exhibit number we're at, but I have a clean copy that if we could make that sort of the main exhibit for this photo and then make that a - in case we want to mark up another copy, so perhaps this could be the next exhibit and that could be the number plus the letter 'A'.

THE COURT: What number are we at?

10 COURTROOM CLERK: It would be Exhibit 5, Your Honour.

THE COURT: Exhibit 5 and 5A.

EXHIBIT 5 - Picture of rock truck was stuck on - produced and marked.

15 EXHIBIT 5A - Drawn picture of axle on rock - produced and marked.

20 A. You can even see on this picture here that this was the hole where the front wheel was, and you can tell it's pointing north, because you can see the shadow of the sun coming in the top right end corner of that picture and it's winter, so the sun is to the south there and it was probably about noon, so you can see that shadow, and the way the shadows are that that truck is pointing eastwards towards the house.

25 Q. You started to explain what you had to do to get the truck out, so you had to put pieces of wood underneath the tires - the wheels, correct?

30 A. We had to do a lot - we had two pump jacks - we had two of the big jacks, plus we had several bottle jacks as well, and we had a lot of leverage going on to try and get it off of there. John tried to get it off before he left with

using the pickup truck and pulling it off, but was unsuccessful.

Q. Okay, the jack that we have up at the top of the screen here, what part of the truck did that go under?

A. It went under several different places - it was a big operation and we had to move the jack around, that's why we had to have two. It was difficult, I'm not sure what - where you're going with the question, because it might be easier just to ask me something different - I don't - it took a long time, like over a couple of hours.

Q. And you testified that it was just you and your father who was doing this?

A. That's what it was, me and my dad.

Q. Your father was 75 or so at the time?

A. Well my dad is 82 now - he's eighty - what day - or no, he just turned 83 and in 2008 January he would be 81.

Q. Okay, so you and your father worked together to get this off.

A. Yes.

Q. If I suggested to you that your sons also assisted you would that be accurate?

A. No, they weren't there.

Q. Your sons weren't there to assist that day?

A. Nope, it's just me and my dad.

Q. If I were to suggest to you that you also took pictures of the truck when it was stuck on the rock, is that true?

A. No.

Q. So you never would have sent those pictures to Mr. Atkinson when he was out west to show the vehicle stuck on the rock - you're shaking your head?

A. No I didn't do that - I don't have any of those pictures. I don't have pictures - if I had a picture of the truck on the rock, I would have given it to the police at this point.

5 Q. So if Raymond were to say that he had seen pictures of where the truck was stuck on the rocks that would be inaccurate?

A. No, he would say he saw pictures of where the truck was stuck on the rocks, not the truck being still stuck there.

10 Q. Okay.

A. That could be the way that he meant it, because he certainly didn't see any pictures. He could have seen the truck. I don't remember exactly when he was visiting me at that time of the year.

15 Q. So Raymond would be inaccurate if he said that he had assisted in trying to get the truck off?

A. Raymond wasn't there that day, I don't know why he would have - maybe - well, he did try on other days and we were unsuccessful, but the day we got that truck off of there it was me and my dad.

20 Q. I'm going to suggest to you, Ms. Campbell, that that's not an accurate description of what you've just drawn with the photo - that the truck was actually facing the other direction, would you agree with that?

25 A. No.

30 Q. So, if I suggested to you that where you see the back tires on this side that that would've been actually the back right hand side of the vehicle, because the vehicle was actually pointing towards the road, would you agree with that?

A. No.

Deborah Campbell - Cr-ex.

Q. There's no way that that vehicle was facing towards the road?

A. That's right.

Q. So if Raymond were to have said that the vehicle was facing towards the road that would be inaccurate.

A. Yes.

Q. Is it possible that you're mistaken that Mr. Atkinson actually was driving the vehicle down the driveway that day and you were standing in front of him and he put the vehicle in neutral - or in reverse and reversed back onto those rocks, is that possible?

A. No, I saw the headlights coming towards me, I was running between the rocks with the headlights on the back of my head, and then he got stuck, thank goodness.

Q. I'm going to hand you another photograph and I will....

MS. HYSLOP: It appears that it's a copy, Your Honour, of Exhibit - I'm not sure, are we looking at the blue numbers or the red numbers?

COURTROOM CLERK: Red.

MS. HYSLOP: Red.

Q. So this is Exhibit 3D, this is a copy of it. I'll have you identify it, because I don't want you to write on the exhibit copy.

THE COURT: Can I see Exhibit 3D?

MADAM CLERK: Yes.

MS. HYSLOP: Q. So do you agree that that's the same picture?

A. These two are the same picture?

Q. Yes.

A. Yes.

Deborah Campbell - Cr-ex.

5 MS. HYSLOP: Okay, so this is a copy, Your Honour, of Exhibit 3D, I'm wondering if you could - I don't know if, Your Honour, just indicated what letter, but perhaps it - the copy that I left with Ms. Campbell could be made a lettered exhibit as well.

10 MS. HYSLOP: Q. Could you draw on that diagram for - or sorry that picture for me, Ms. Campbell, the positioning of the truck in your recollection? You can take your time.

THE COURT: Could I see the photo, please?
Thank you.

15 A. So, this picture shows the same stuff only this way, so the pump jack is still in the same position, the rocks haven't moved.

MR. FAVERI: Sorry, this is what Ms. Campbell's....

MS. HYSLOP: So what Ms. Campbell is looking at is now up on the screen.

20 A. So, the rock it was stuck on is still the rock that's in the center of that picture.

MS. HYSLOP: Q. The rock in the center is the one that I'm pointing to?

25 A. Yes, and the pump jack is still in the same place as it was in the other picture.

Q. Which is toward the left, okay.

A. Which is towards the house, and then the - there's a piece - some pieces of wood where - near the pump jack.

30 Q. So I'm pointing here, now there's two pieces of wood that are close to the pump jack?

Deborah Campbell - Cr-ex.

5 A. Those were where the front tire was on the right hand side of the vehicle and then the rear tires were - you can see in this picture there's - see the piece of wood that's got the pump jack on top - the bottle jack on top of it to the right hand side, yes?

Q. Yes.

A. If you look just above that and you see the grassy part.

Q. Yes.

10 A. The grassy part is at the rear of the vehicle, where the two holes were showing the two divots where the two Dooley wheels were.

Q. My understanding is that this is the rock...

A. It got stuck on the front.

15 Q. ...that it was stuck on, which if we got back to the photo of all of the pieces of wood - do you have that or does His Honour have that?

THE COURT: The one you drew on?

MADAM CLERK: This one here?

20 MS. HYSLOP: This will be 5A, I believe.

A. The one I drew on?

MS. HYSLOP: Q. Yes, the one that you drew on.

A. Right.

25 Q. So, that rock there is this same rock here, correct?

A. Correct.

30 Q. So if we look, the back tires would actually be right here, because this is the area. So, I'm pointing to the area just above the rock, you can sort of see a - I think a piece of wood there - that's where the back tires were, do you agree with that?

A. No.

Q. But this is the rock. You identified the rock in the center as being the rock that it was stuck on and you can compare it to the location of the jack and the other two pieces of wood that we also see in the picture there.

5 A. But you can see that the grassy part is the size of a truck. I didn't have any melting grass in January - the truck goes all the way to the back there, so this is the perspective that you're seeing in this picture, which is Exhibit 5A. That's a fair number of feet between this rock and these pieces of wood. The piece of wood that you can see in that picture is this piece of wood.

10 Q. Ms. Campbell, the picture that you've drawn...

A. Yes.

15 Q. ...the diagram where you've marked on and you're showing the axels...

A. Right.

Q. ...if the front tire was where you've drawn it to be.

20 A. Yeah.

Q. On the right hand side.

A. Yes.

Q. Why is there snow that's not compressed?

A. Because one wheel didn't touch the ground.

25 Q. So that vehicle was stuck up on there....

A. Right.

Q. And stayed in the air until it got all the way off the rock?

30 A. We levered it off. We had to lever several times and you can see our foot prints are all around there, so you can tell the way the rock - the truck was positioned by

the way that there's grass underneath that doesn't have snow under it...

Q. My position....

A. ...the front of the rock - the front of the truck was on that rock in the center of the picture.

Q. What I'm going to suggest to you, Ms. Campbell, that it was actually the back of the truck that was stuck on the rock, not the front of the truck and that it was the back - sort of bumper, but not the bumper - the back part of the truck that actually got stuck up on the rocks and that you're correct, that those are the back wheels of the truck, but that's actually the back right hand side of the truck, because it had backed in there. Do you agree with that or disagree with that?

A. I disagree completely.

Q. Did you - sorry ma'am, did you draw on...

A. No.

Q. ...could you draw on there for me, the best that you can, and while we're at it I'll give you another diagram - or another picture rather.

THE COURT: So you guys indicated on this photograph essentially the - I guess the square wheels on either corner - on each corner rather, and just to be clear, which - just point an arrow where the front of the vehicle is facing, thank you.

MS. HYSLOP: Q. Will you draw the second set of wheels on the back tires?

A. I did.

Q. Oh, you did.

Deborah Campbell - Cr-ex.

THE COURT: We're going to mark that then - sorry, can I see the exhibit list for a moment, please, Madam Clerk?

COURTROOM CLERK: Yes.

THE COURT: So, she's been marking on a copy of what has been marked as Exhibit 3D, so we will call this a marked copy of '3DI', and I think we'll stop for lunch.

EXHIBIT 3DI - Marked copy of Exhibit 3D - produced and marked.

MS. HYSLOP: Thank you very much, Your Honour.

THE COURT: Okay.

R E C E S S:

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

MS. HYSLOP: Q. Good afternoon, Ms. Campbell.

A. Good afternoon.

Q. We're going to pick up talking about the pictures in relation to getting the truck off the rocks. So, you indicated that you didn't take pictures when the truck was actually stuck on the rocks, correct?

A. Correct.

Q. And you took them immediately after?

A. Yep.

Q. So you didn't take them during the process of removing the truck?

A. No.

Q. As soon as you get the truck off did you already have your camera out?

A. No, I went in the house and got it.

Deborah Campbell - Cr-ex.

Q. Okay, so the truck gets off the rocks and you go and you get your camera and you come back out to take pictures.

A. Right.

Q. Okay and everything is sort of left the way that it was in terms of the ball jacks being out and the - you know the wood set up - even the extension cords are all left out, right?

A. Yep.

Q. So very, very - very, very soon rather after getting the truck out is when you're taking the pictures?

A. Yes.

Q. Okay. If I have you look at - it would be Exhibit 3B - okay, so the picture that's up on the screen now is also the picture that you're looking at, is that correct?

A. Yep.

Q. Okay, so if the truck is stuck the way that you indicated it is, the front of the truck would actually be facing me on the rocks, correct?

A. Correct.

Q. Okay, so this is a picture that you took very soon after getting the truck unstuck from those rocks.

A. That's right.

Q. And it's facing towards the road, correct?

A. Yeah.

Q. So what makes sense to me is that as soon as it gets taken off the rocks the doors even opened and somebody's taking a picture, and that somebody is you, correct?

A. Yep.

Q. You're the only one that took the pictures?

A. Yep.

Q. That truck is facing the way that I say it was stuck on the rocks.

A. You weren't there.

Q. Okay.

A. I was there and I turned the truck around and faced it that direction.

Q. Okay when did you turn the truck around?

A. Well it was part of manipulating the thing off the rocks.

Q. That it turned completely a 180 in the other direction?

A. Yep.

Q. And when did you turn it around?

A. Well as I was taking it off. I had to go and park it later right - I'm going to park it, so I'm going to park it on the grass on the other side there, and so it was turned around. I'm sure it was facing this way.

Q. Okay, who drove the truck off the rocks - you did?

A. I did.

Q. And that was while your dad was manipulating things underneath the truck?

A. Well he wasn't manipulating the things while - I didn't drive it off the - truck while he was underneath it.

Q. Okay.

A. There's no way I would do that.

Q. Was he the one doing most of the movement in terms of moving the items that were being used to....

A. No, we were cooperating.

Q. Okay, so your position is that you had to go back into the house to get the camera.

A. Yeah.

Q. And you came back out and you took this picture, but the truck hadn't just driven off the rocks at that point.

A. No, no.

Q. You had at some point turned it around.

A. Yep.

Q. And how - where in the driveway did you turn it around?

A. Well just right there - I'm not - you know, it's hard to see - it's not - you can't see it on that picture.

Q. But you can see it on the copy that you have?

A. No, I can't see it on this copy either. I have other pictures that I didn't even bring in that were pictures of me and my dad, but I didn't bring those pictures, so there's more pictures than just this.

Q. What were the other pictures of you and your dad - where were they positioned?

A. We were just, you know, happy that we got the damn truck off the damn rocks.

Q. Okay, is there a reason you didn't bring those pictures in?

A. Because I didn't want to bring my dad into it.

Q. Okay.

A. And you know I didn't really particularly want to show how happy I was to get it off that - how to get that truck off. I was - we were - we were celebrating - thank god it got off the rocks, because there was nobody else there

to take it off there - me and my old dad - good thing he's useful.

Q. If I can go back to....

THE COURT: Can I see that photo, please?

MS. HYSLOP: Okay, Madam Clerk, I'm sorry, could I see - I think it's the top. Is there an original - the original one for that one?

MS. HYSLOP: Q. So that is Exhibit 3A that I'm showing you and that matches the picture that everybody can see up on the - sorry....

A. 3D, I think, isn't it?

Q. It's 3D - sorry, 3D, and that's the picture that's up on the screen right now?

A. Yes.

Q. I'm pointing to an object that is to the left of the screen, to the left of your picture about midway. It looks to be above one of the large square pillars to the left of the other piece of wood pillar that's on the ground - do you see the item that I'm referring to?

A. Yes.

Q. What is that - it's the running board from the truck isn't it?

A. I don't know what it is, it's hard to say. The running board from the truck was just a piece of mesh. I think it's the - no.

MS. HYSLOP: Q. I just changed screens, sorry Mr. Faveri, to see does this one assist you?

A. It's the same picture.

Q. No.

A. No, it's not.

Q. This one is a bit closer up, I think - yes.

Deborah Campbell - Cr-ex.

A. I think I can see a bottle jack - that red part of it at the - at the left side of that.

Q. Yes.

A. It looks like a bottle jack.

Q. Okay.

A. I don't - I don't know what that is, but it could be the running board, but you know I could've - I could've just taken that and thrown it anywhere, it's really not significant.

Q. Okay, but that could be the running board that....

A. I don't - I don't know what it is - it could be.

Q. I'm going to suggest to you that that's the running board that was on the driver's side of the truck, and if we....

MS. HYSLOP: I'm going to have to ask, Your Honour, to enter this copy of the picture. We had a copy of this picture that's already been filled, but it's not clear enough.

COURTROOM CLERK: 3A.

EXHIBIT 3A - Picture of running board - produced and marked.

MS. HYSLOP: So 3A. So I'll pass that one up so the witness can also see that. I think Your Honour may be able to - I'm not sure - this may have a reflection from Your Honour's angle.

MS. HYSLOP: Q. Do you see the driver's side of the truck, on the copy that's being provided to you, doesn't have a running board - can you see that?

A. Yes, I see that.

Q. Okay.

5 A. Do you also see the skid mark of the pickup truck that John flew mud up onto it while he was trying to haul it off the rocks - you see that skid mark up the side of that - on the door?

Q. Yes, but your position was that this tire here didn't touch the ground, so why would there be skid marks?

10 A. From the pickup truck that he attached to the front of that truck when he was trying to haul it off the rocks when he was in the driveway towards the house - that's what that did. He spun the tires so bad it flung mud up the side of that car - that mud comes from the pickup truck.

Q. Okay.

JOHN ATKINSON: That means the truck's...

15 MS. HYSLOP: John, John....

JOHN ATKINSON: ...got to be on the front line.

THE COURT: Sir.

JOHN ATKINSON: I'm sorry - I just - I - so many lies.

20 MS. HYSLOP: Q. Okay, I'm not too concerned about the mud that's on the truck, I'm asking you about where the running board is supposed to be underneath of that door?

25 A. That's - so, I don't know what that thing is that's in the ground, and I can see that there is no running board there. The running board was a piece of grill. See how the back of the truck has the metal grill stuff, and there's a piece missing there?

Q. Yes.

30 A. There's a piece missing in both places, that's where the ladders got stuck through, right?

Q. Okay.

A. It's the same material as they use to make the running board - the running board was a piece of grilled metal.

Q. Okay, so your position is that that's not the running board?

A. I don't know what it is, it could be that it - I don't think it makes any difference which side of the - of the space it's on, because I moved stuff all around. We were working; I could have picked it up and got it out of my way by throwing it over that way.

Q. Right, but if that is in fact the running board, which I suggest to you is on the driver's side - or was on the driver's side...

A. Right.

Q. ...it came off during this process you would have had to fling it.

A. What would make it come off during the process?

Q. You would have to have flung it over to the other side of the vehicle, correct?

A. No, I don't think so - I don't think so.

Q. Well on your account that would have been the passenger side, right - that would have been on the passenger side of the - if the truck is stuck the way that you say it is.

A. Well yeah, but that's just the working space - it's just there's all sorts of stuff, there's a pump jack over there too, so how did the pump jack get all the way - or not a pump jack, but the bottle jack is over there also - I must have picked it up and carried it there, how else would it of get there - we - it's not in the workspace. The stuff was

5 moved away from the workspace as we were working. It took us a long time. We moved stuff around, we had to.

Q. So it makes more sense to you that that running board, if it came off the driver's side, which on your account would have put sort of to the forefront, on the opposite side of where it is, it would have made more sense if you were trying to move that out of the way to take it around to the other side of the truck.

10 A. I don't think that you can count that as significant at all.

MS. HYSLOP: Okay.

JOHN ATKINSON: I apologize, Your Honour.

15 MS. HYSLOP: I'm sorry Madam Clerk, I should have had a list of the exhibits. I can't tell you, but the one that has all these boards up on it - that one there, thank you.

COURTROOM CLERK: Exhibit 5.

20 MS. HYSLOP: Q. Exhibit 5. So you're holding Exhibit 5 and that's the picture that's up on the screen right now?

A. Yes.

Q. Okay, these are the imprints for the back tires, correct?

A. Yes.

25 Q. And there were mud flaps on the back of the pickup truck, correct - on the back wheels?

THE COURT: The dump truck?

30 Q. Sorry, the dump truck, I apologize. If you want to refresh your memory, if you just look at the picture with the door open of the truck.

MS. HYSLOP: Madam Clerk, 3B.

Q. So if you look at the back of the pickup truck there - sorry the dump truck there, you can see there's a letter 'B' which is on the back of the mud flap, correct?

A. Yes, I can see one mud flap.

Q. And the mud flaps are behind the wheels, right?

A. Yes, yes.

Q. Can you see - you'll have to look on your picture but I'm pointing to sort of a brown line that starts on the - and then goes into the snow. Do you see that there?

A. Yeah.

Q. That brown line, based on your account would be ahead of the truck, the back wheels of the truck...

A. Sure.

Q. Right. My suggestion is that the truck's actually facing the opposite direction to what you were saying and that would be where the mud has dripped off of the mud flap, do you agree with that?

A. No. That space there could have been from anything. I could have been dragging tools across that area.

Q. I'm showing you the copy that you marked up of the same exhibit that's up at the top, so this is Exhibit 5A. This is where you've drawn the sets of tires. You've shown the two tires that are stuck in those ruts. And then you've also drawn the axle showing where it was stuck on the front rock and where the tires would be, correct?

A. I think so, yes. That's what I tried to show.

Q. Right. And you indicated that, when I asked you why there was no compressed snow or where that front tire was, you indicated because the tire didn't touch the ground, that it stayed up on the rock.

A. Yeah, or it could have been farther over this way.

Q. Okay. The front tire of the dump truck is in line with the outside rear truck tire, is that correct?

5 A. I don't know. I've never looked at it that way. I thought that they were centered, so this sticks out farther than this. What's - okay, what's your point?

10 Q. Well, if I take another picture - I'll demonstrate this to my friend after as well. If I line it up with where the ruts are because we know that the truck is sort of straight, correct, the wheels will be in line with one another or one might be turned.

A. Yeah, it might be this way. I don't know, it's like hard to tell.

15 Q. Right, but if we go through this exercise and I'm holding it, even in the center, that would put the front tire either on top of the rock, at least partially.

20 A. Yeah, I don't think that - it certainly wasn't on top of the rock because the differential was on top of the rock, that's what got stuck. If the wheel had been on the rock it wouldn't have gone - if he drove into the rock - it doesn't make sense.

Q. You're right it doesn't make sense.

25 A. I know where the truck was stuck. I know I got the truck off of there and I know which direction it was pointing. Unfortunately I didn't take these pictures with the idea that I was going to have to be in court talking about them. I was trying to take pictures of just, you know...

30 Q. Well, why - why...

A. ...the work and...

Q. ...did you.....

A. ...why we did - because we did the work and we felt a sense of accomplishment from getting this thing done. It sat there for two months.

5 Q. So why take pictures of where the wheels of the truck were stuck and why not have a picture of the truck when it was stuck in the first place?

A. I never thought of it.

Q. Okay.

10 A. I never thought of it. And I thought - afterwards I thought you know I should document that we actually got this done and then I started to take a few pictures. But I never really thought about trying to - even if I had put the background bigger you'd be able to see it better but I wasn't thinking that way. For sure this truck was pointing in that direction cuz for sure he was trying to

15 drive the truck at me, and I know it got stuck on that rock.

Q. Okay.

A. I have a little monument on there now, on that rock. And there's an oak tree growing behind it.

20 Q. If I look at Exhibit 5A which is the one that you marked up.

A. Mm-hmm.

25 Q. So you've drawn, sort of the axle as to where it was stuck on the rock, and then you've drawn where the back tires were stuck right, there's an indent in the ground because that's where it had been sitting.

A. Correct.

30 Q. Now, your position is that the front tires and the back tires could be that close to each other in that position?

A. I'm saying this picture doesn't show you the perspective of how far that is. That's what I said.

5 Q. Right. Because if I show you picture 3DI where you've - and we started to go over this, where you've drawn the front tires and the back tires don't seem to correspond with where we would see the back tires stuck in those ruts. So, we went over the back tires are stuck in these ruts and I don't know the length of this piece of wood, but it doesn't - I'm sure it's not an 8 foot plank, right, and look how close it is to that rock that you're saying the front wheels were stuck on as compared to how far back. We did a comparison to see how wide the tires are and we compared it to the length of that piece of wood.

15 THE COURT: Counsel, can we - I mean I appreciate your line of questioning but I mean we've got a photograph that's taken here from whatever angle it's taken. What can we say about how long or how close things really are?

20 MS. HYSLOP: Q. Well, I absolutely agree with Your Honour that the angles are a bit difficult to look at. I'm going to change it to the next photo, but my point is we can use here some pieces of the wood, some patio stones, even the jack itself which is in the background, to try and measure, to try and estimate the distance between where Ms. Campbell is saying the front axle was and where she's putting the back axle. But, I see that Ms. Campbell has disagreed which is fine.

25 Q. But what I wanted to point out, Ms. Campbell, because I want to make sure that we're clear. This is the rock that the truck is stuck on, right. All this time you've been indicating....

30

Deborah Campbell - Cr-ex.

THE COURT: Then just for the record then and the photograph that you have there is 5, I believe. Just so the record clearly depicts what you're pointing out.

MS. HYSLOP: Yes.

THE COURT: So that's photograph 5 and you're looking at the rock that appears in the top center of the photograph.

MS. HYSLOP: That's correct.

THE COURT: Thank you.

MS. HYSLOP: Q. The one with a bit of marking on it where you indicate there was metal making contact with the rock when it was stuck, correct?

A. Mm-hmm.

Q. And that we see a bit of white there, is that the part that you're talking about? The bit of white on the edge of the rock?

A. Yes.

Q. So, that's part of the scraping of getting the truck off?

A. Yes.

MR. FAVERI: She also talked about the brown being rust.

A. And the brown is rust.

MS. HYSLOP: Okay.

MR. FAVERI: And upon that she said, 'I think it was stuck on two rocks'. That one and I think the back wheels were stuck on one as well.

MS. HYSLOP: Q. Can we see the other rock that the truck is stuck on in that picture?

A. I'm not sure about the second rock.

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5 THE COURT: Ms. Campbell, it's going to be important if you need time that's fine, but it's going to be important when you're being cross-examined to actually pay attention to the question, and particularly when counsel is pointing out this specific photograph so that you can understand what it is that they're asking, okay. If you need time, or you need to make reference to other photographs to answer the question, that's certainly acceptable. But I'm just going to ask you to focus on what she's asking, okay?

A. Okay.

10 MS. HYSLOP: Q. Exhibit - I've now put up Exhibit 3D up on the screen and we've gone over this. So the rock that I'm pointing to now is the large - largest of the two rocks that are sort of dead center - it's the darker gray. The ones up at the top sides have a reddish tinge to them, but the darker gray or blackish rock, and it's the larger of the two in center of the screen.

15 A. Yes.

Q. Do you see that there? That's the rock that you're saying that front axle was stuck on.

A. Correct.

20 Q. Okay, now my friend, Mr. Faveri, had indicated that there was another rock that the truck was also stuck on. Can you see that in this picture?

A. I'm not sure that I talked about that other rock. I don't remember about that at the moment.

25 Q. Okay, how many rocks was the truck stuck on?

30 A. I - the one that I've always talked about is that one there, and that's the one that I've always remembered

that it was stuck on. I don't think it was stuck on two - there was another one that was in the way of getting it down and it would probably be - I don't know - I don't know, I've never really thought about that.

5 Q. Do you agree with me, Ms. Campbell that the pieces of wood that we - that are to the right of the rock that it was stuck on - do you see pieces of wood in the picture that you're looking at?

A. Yes.

10 Q. Okay, are those the pieces of wood that we can see in the exhibit showing where the truck is actually stuck; 5A?

A. Which is number 5A.

Q. 5A, is that the same pieces of wood?

15 A. I don't know if it's the same pieces of wood or whether I would've moved them by then in this picture.

Q. Okay.

A. So, I can't say, and there might be other pieces of wood farther back there.

20 Q. Well do you recall moving pieces of wood around before taking the pictures?

A. I've moved stuff around because you can see that I've moved the tools out of the picture. At this point a lot of the tools are sitting on the driveway, so I've moved stuff.

25 Q. Why would you move the pieces of wood?

A. Well, cleaning up.

Q. So, you've stopped to clean up a little bit between taking pictures?

30 A. I don't remember.

Q. Okay.

A. Could have.

Q. Okay that's it for these pictures. Well, the picture actually - sorry, after I said that, one last question, The picture that's - where it's showing the dump truck parked, where you said it actually remains.

A. Well, it doesn't remain there now.

MS. HYSLOP: The one where it's parked in front of the green bin. So that madam clerk, is exhibit?

MADAM CLERK: Two.

MS. HYSLOP: Q. Well there's Exhibit 2, because this one's a clearer copy, so it doesn't matter, but I'll have Exhibit 2 shown to you.

MADAM CLERK: Two?

MS. HYSLOP: Q. Or sorry 3A - 3A, I'm looking at the wrong number - so, 3A - Exhibit 3A. I want to make sure I understand - that picture was taken at the same time as when you were taking all these other pictures, but on the same day?

A. I think so. It might not have been. I can't remember whether it was or not. I think I provided this picture so that I could show what the truck looked like, so I don't think this was the same day.

Q. Okay.

MS. HYSLOP: Okay, now I'm actually done with those photos, thank you. I don't know - I don't think we did. I don't know if Your Honour wishes to have - I think it would be helpful to have the....

THE COURT: The second copy of the...

MS. HYSLOP: Of the....

THE COURT: ...of the photo of the truck.

MS. HYSLOP: Yes, sure.

Deborah Campbell - Cr-ex.

THE COURT: Is it clear? I haven't really seen that one. I know the witness has identified it as being identical, so we can mark that as what?

MADAM CLERK: 3AI.

THE COURT: 3AI then, thank you.

EXHIBIT 3AI - Second copy of Exhibit 3A - produced and marked.

MS. HYSLOP: Q. Okay. Now, there's another incident involving Mr. Atkinson driving a vehicle at someone and that is May 14th, 2006, correct?

A. Correct.

Q. So, that was the Mother's Day 2006 incident.

A. Correct.

Q. Where you alleged that Mr. Atkinson reversed the truck - sorry, the Ranchero at a high rate of speed backwards towards Raymond and he had to jump out of the way.

A. Correct.

Q. Okay. Do you recall, Ms. Campbell, if Raymond had come back to your house since sort of moving out in the fall of 2005, had he come back prior to May 2006?

A. I don't remember specifically, he could've.

Q. Like he could've come back just for a visit?

A. Yes.

Q. I don't mean necessarily moved in, but....

A. Yeah, yeah, as a visit he could've.

Q. But you don't have any clear recollections if he had actually come.

A. No.

Q. He had called you that day to advise you that he was going to come for Mother's Day, correct?

A. I can't remember if he called me beforehand or not or he just showed up. He doesn't necessarily phone me before he comes.

5 Q. Do you recall if Daniel was living at the residence at that time?

A. 2006 Daniel would be living there.

Q. Do you know if he was there that day?

A. He wasn't in the driveway at the same time, not that I can recall, I don't think so.

10 Q. Okay, so you don't recall whether or not Raymond had called you in advance, but you understood he was coming over for Mother's Day?

A. I just remember he showed up and it was Mother's Day.

15 Q. Okay.

A. That's what I remember.

Q. But you don't remember him calling you to tell you he was coming over.

20 A. I don't know whether or not - no, I don't remember.

Q. Raymond had a habit of just showing up at the house.

A. Raymond could show up at the house whenever he wanted, he's my son and I let him do that.

25 Q. Okay, so I understand that you let him do that, but did he actually do that?

A. Yes, he still continues to do that - he'll just show up.

30 Q. So between him moving out in the fall of 2005 at some point...

A. Yeah.