

Deborah Campbell - Cr-ex.

A. Mm-hmm, yes.

Q. Because you did have contact with him by phone.

A. He would phone me.

Q. And you would talk to him.

A. I - yes.

Q. You would have some lengthy conversations with him, correct?

A. I would tell him that we weren't together anymore and he would still phone me.

Q. You were the one that ended the relationship, is that correct?

A. Yes.

Q. It wasn't Mr. Atkinson that thought you should step back for a little while?

A. No.

Q. So your view is that he continued to call you and you continued to tell him you didn't want a relationship with him.

A. Yes.

Q. And then you changed your phone number after he was arrested in August 2010.

A. Yes.

Q. You didn't change it before that.

A. No, well because it started as soon as he goes back to jail then it's collect calls again, and I just didn't have the money to be paying for that, and he is completely unguideable as far as you can only call me one time a day. He would call me ten times in a day and if I didn't answer he would start leaving funny little messages that weren't very polite on my phone and get really, really angry. So by the time I did talk to him he'd yell at me for 20

minutes, which is your allowed time on a collect call. So I'd be paying to be yelled at. It doesn't make any sense, I know, but that's what happened.

5 Q. Okay. Now, you had testified at the trial - sorry at this trial when Mr. Faveri was asking you questions that you believe that Mr. Atkinson had seen Daniel driving the Toyota.

10 A. He said he saw him and the way he said it it seemed logical, and it was possible the way that - because I knew John was in Etobicoke and I knew Daniel was in Etobicoke it was possible. And John's got a really good eye for cars. He can tell one car from another really easily. He would have recognized the car if he saw it. I was truly scared.

15 Q. Okay. You knew that Mr. Atkinson, based on what you're saying, you knew that Mr. Atkinson didn't want Daniel driving the car, correct?

A. Yes, I knew that.

20 Q. And they were both in Etobicoke at that time.

A. Yes.

Q. So why would you let Daniel take the car?

25 A. Because he needed it to be able to get back and forth to college.

Q. Did you have any other vehicles at that point in time?

30 A. I still have a pickup truck and - a 2001 GMC pickup truck and I have a Mercury Marquis, and I have my mom and dad's car if I need to drive that. I have plenty of cars to drive.

Q. So if you knew that Mr. Atkinson didn't want Daniel driving the car, the Toyota, and you knew that there

was a risk that they would run into each other in Etobicoke why not give Daniel one of the other cars?

5 A. Well he did drive some of the other cars from time-to-time. I didn't want him driving the pickup truck because the insurance is higher when a younger person drives a pickup truck, so I didn't have him driving that one. He wasn't on the insurance for that one. But he could drive the Mercury, and he did. And one of the winter's that Dan was in school I didn't - he didn't have a car and I drove the Toyota myself all winter. So I drive that car myself as well. It still runs. It's a good car.

10 Q. When Mr. Atkinson was calling you your - and I just mean in general, okay when he's living in Etobicoke after the accident in April 2010 when Mr. Atkinson is calling you, one of the things he talked to you about was asking where the car was and who had the car, correct?

15 A. Probably.

Q. Do you have a recollection of that?

A. I don't recall exactly, no.

20 Q. Okay.

A. It was one of his topics of conversation though.

25 Q. Okay. And you - the police statement I believe is the bound volume in front of you, the police statement that you gave on August 26, 2010, you have a copy of that transcript there, correct?

A. Mm-hmm.

30 Q. And if you go to page 51, the bottom of that page, page 51, you start to talk about this idea that John would call and ask about the car, correct?

A. Right.

5 Q. And you were talking about the car and you said, "It works great, it starts every time, so he knows how much I like that car, but he doesn't want me to have anybody else driving it. So he's constantly at me, telling me, while he's talking to me on the phone from jail, how he doesn't want anybody driving the car, and I'm thinking he's in jail so what right does he have to tell me to run my life anyway."

Correct, that's what you said there?

A. Yes.

10 Q. And that's true, right, that's....

A. I still feel the same way.

Q. Then there's a time when Mr. Atkinson is not in jail, right, and that's the time period we're talking about. He's released in January 2010 and remains out of custody until August of 2010, correct?

15 A. Right, right.

Q. If you go to the next page, page 52, you continue to explain, and you say, "But - and - and - when he was down in Toronto this past recent while he told me that. He's always asking me whose driving the car, where is the car? And he'll say things like I sent a guy by and he didn't see the car in driveway. Like, I don't believe him when he says those things."

A. Mm-hmm.

25 Q. You continue, but it makes you nervous.

A. Mm-hmm.

Q. And then you continue, "I sent a guy by and he's not - and the truck - the car wasn't there, or I drove by there but I didn't see the car, where is it?" So you're recounting to Detective Conway the types of conversations that you would have with Mr. Atkinson when you say he's asking about the location of this car.

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A. Yes.

Q. And if we continue on, you say, "You know this kind of thing. And um, he told me that he didn't want Daniel driving it. One time I told him that Daniel had the car and he - he said, 'well I don't want Daniel driving it,' and I said, 'well, I don't mind if Daniel drives it. Daniel's a good driver. There's no reason why he shouldn't be able to go places in my vehicles'." So there's one occasion there where you're talking about where you actually tell Mr. Atkinson that Daniel had the car, correct?

A. Mm-hmm.

Q. And I think if we read a little bit further where you're referring to there, where you're telling Mr. Atkinson that Daniel had the car I believe that that's the July 5th, 2010 incident.

A. No, it's not necessarily the same, but it's possible, but it's not necessarily. I don't remember exactly when I told John that.

Q. Okay, well let's continue on. So I just read to you that portion on page 52 where you began a sentence saying, "One time I told him that Daniel had the car," correct, that's what I just read with you?

A. Right. And this is a manner of speaking because I'm in an audio conversation with somebody that's being videotaped, so just because I said one time doesn't mean it was the only time. I certainly did at least one time, but I don't know whether that's specific.

Q. Okay, well what I just referred or read to you you continued on and I've already gone over that about how you said, 'Daniel's a good driver, there's no reason he shouldn't be able to drive' - sorry, 'to go places in my vehicles'.

A. Mm-hmm.

Q. And you continued, "What's the big deal?"

5 "Then he told me that he thought that the car was a gift that he had given me and that he didn't want it, you know (it's an inaudible part) by anybody else and that he wanted it to be only mine. It's like, well if it's mine then I should be able to do what I want with it."

A. Right.

10 Q. And then you continued, "He doesn't see it that way at all so he told me that if he saw Daniel driving the car he would broadside him."

A. Yes.

15 Q. "I don't know how that's good for the car. It's really not good for Daniel. It scared the life out of me, like he was really absolutely serious and he said it - it's not like he said it trivially or - or off the cuff or anything. He was absolutely serious."

A. Yes.

20 Q. When I read that, Ms. Campbell, I take that to be talking about the same one incident. Would you agree with that?

25 A. I was trying to describe the way that John is about it. I'm not sure that it was the same incident but it's entirely possible. For sure the night that I called the police was the night that Dan - that he told me this section here on page 53 where it says he would broadside him if he saw him and that - and he sounded absolutely serious. That part happened that day that I called the police, because I - he scared me. I'm not sure that it's the same conversation.
30 It's because the way that I was describing the interaction about the car.

Q. Right. But where you are - in that entire portion where we're talking - where you're talking to Detective Conway about the July 5th, 2010...

A. Right.

Q. ...even where we've just gone through all those parts do you agree with me that it doesn't say anywhere in there that Mr. Atkinson said he saw Daniel, do you agree with that? Take your time to - so we started reviewing at page 51 at the bottom.

A. Yeah, I - I see what you're saying is that it specifically doesn't say exactly that John said he saw Daniel.

Q. Right. Because the way that we read that it indicates that Mr. Atkinson didn't know who was driving the car. He kept asking you where the car was. He mentioned that he didn't want Daniel driving it but it's actually you who told Mr. Atkinson, according to the way I read that statement, that Daniel had the vehicle.

A. That's entirely possible that - but that day he said he had seen Daniel. He said that. And he said that if he saw him he would broadside him. Whatever I told the police that night is what was - what was freshest in my mind.

Q. Okay.

A. The police - do you have the police transcripts with you as well?

MS. HYSLOP: I don't think we have the 911 call. I don't know if it was recorded.

Q. But this is a statement that you're giving just under two months after you would have called the police on July 5th, 2010, correct? So this statement is August 26, 2010.

A. Yes.

Q. And the incident that you're saying where you received a threat over the phone...

A. Right.

Q. ...was July 5th, 2010.

A. Right.

Q. So we're talking less than two months away.

A. Right.

Q. My point is that this is the way that you described it in your police statement, your statement to the police officer.

A. Right.

Q. That it was Mr. Atkinson saying he would have people drive by or that he was asking you where the vehicle was, and in there you don't mention Mr. Atkinson saying he saw Daniel driving the vehicle. It's not until we come back into the court proceedings where you're now saying that Mr. Atkinson actually saw Daniel driving. Do you agree with that?

A. I would say that's what this transcript is reading. I would think that the way that I said it to the police officer that night I would have told them if he'd said that and that would be considered a threat.

Q. Why did you ever tell - so if you want - it you disagree with me that you had actually told Mr. Atkinson on July 5th, 2010 that Daniel had the car but that if your position is rather that Mr. Atkinson had seen him, why would you on any other occasion tell him that Daniel had the car if you knew he didn't want him driving it?

A. Well that's a good point. I don't know why I would say that. I probably would try to avoid telling him that Daniel had the car unless John really pushed me and I was feeling like we weren't together anymore and I don't know why

you could even expect that John should have any reason to tell me how to do anything. I've already gone through all of those years before that of him telling me what to do constantly.

5 Q. Okay. So you say that Mr. Atkinson tells you that if he sees Daniel driving the car he's going to broadside him.

A. Right.

Q. And you recall that word 'broadside' specifically, correct?

10 A. Yes, yes.

Q. And you took that seriously.

A. I absolutely did.

Q. And you were scared for Daniel.

A. Yes I was.

15 Q. Because he's made that comment that he's going to broadside him if he sees him.

A. Right.

Q. For the sake of completeness, Ms. Campbell, I'm going to go back to - I don't have a copy of the transcript of your initial call. I don't know if it was recorded on July 5th, 2010. It's never been disclosed to me. What I do have is a general occurrence report, but you have to understand that this is Constable McCormick who's recording...

A. Right.

25 Q. ...his recollection. So, I'm going to, if with His Honour's permission, put to you what's in the report.

A. Okay.

Q. It is not a statement made by you verbatim, necessarily, and so you disagree with it if you don't think that it is accurate.

30 A. Okay.

5 Q. Okay, because it's not a transcript of what you're saying. But what is written in that occurrence report is that, 'On July 4th, 2010 Campbell was speaking with Atkinson via telephone. Campbell told Atkinson that she had loaned the vehicle to her son, Daniel Summerfield. After hearing this Atkinson became extremely upset and began yelling and screaming, asking why Campbell had lent the vehicle to Summerfield. Atkinson went onto say that he saw Summerfield driving the vehicle.' Sorry - 'Went onto to say that if he saw Summerfield driving the vehicle he would broadside it.' And then goes on to talk about 'Campbell attempted to contact Summerfield on his cell phone but found it to be turned off. Campbell then called the police.' Okay, so that's the way that the police have recorded what you said.

15 A. Okay.

Q. Do you agree with me at least in there that it doesn't say that Mr. Atkinson said he had seen Daniel driving the car?

A. I agree with that, that it doesn't say that.

20 Q. So does that change your recollection at all based on what I have been putting to you about your statement to the police and what I've just read to you. Does that change your position at all about whether or not you had actually been the one to say that Daniel had the car?

25 A. I probably did say that. It sounds to me like based on that transcript that I did tell John that night and that's what triggered him off.

Q. And not that he had seen Daniel drive it.

A. Yeah, possibly.

30 Q. Okay. So you immediately called the police - sorry I should - which did you do? My understanding is that you immediately called the police but based on that you had

called Daniel first and didn't get through then, is that correct?

A. Yeah.

Q. So the first time you tried to call Daniel you tried to get him on his cell phone.

A. Right.

Q. And his cell phone was off or it didn't go through, correct?

A. Yeah.

Q. So that's when you called the police.

A. Right.

Q. Now, were you aware that Daniel was still driving - or was driving the Toyota to come and visit you in the hospital in April of 2012?

A. I don't remember a lot about that. I don't remember a lot about that time, but I do know that Daniel had the Toyota. That was the car that he was driving at the time.

Q. Is it possible that you misunderstood what Mr. Atkinson said?

A. During that conversation that I...

Q. Yes.

A. ...reported to the police, absolutely not.

Q. Okay. So it's not possible that he had used the word 'broadside' but in a different context?

A. No.

Q. So it wasn't a possibility that he indicated to you that Daniel shouldn't drive that car in case the police saw it and thought it was him and then they - sorry, thought it was Mr. Atkinson and then they broadsided the car?

A. No, absolutely fabricated.

Q. There's no doubt in your mind that that's what you heard?

A. There is absolutely no doubt that John said he would broadside my son's car if my son's in that car if he saw him, that's what he said. And he was yelling at the time and going berserk like he does when he gets mad.

5 Q. Okay, and that's why you hung up on Mr. Atkinson and called Daniel, then called the police.

A. Right.

Q. Because you took that seriously.

A. I did.

10 Q. And you had a concern for your son.

A. Right. Which is sometimes more important than the concern you have for your own self.

Q. Okay, but you also had a concern for your other son a couple of years before this, right?

15 A. Yes, and I was there and I didn't see him get broadsided, I saw him jump out of the way.

Q. Right. But you didn't call the police.

A. No I didn't. But that was a long time before. I - like the time in July of 2010 is a long time after I've gone through a lot with John, and I've had a terrible accident, and I can't deal with him anymore. I think it changed - that accident changed me. Actually I think the fact that he killed my dog on Valentine's Day is what changed me. I tried to break up with him then but he wouldn't. He wouldn't go away. He wouldn't. He begged me to stay, you know and I'm generally a nice person and I've been taken advantage of. The accident that happened in April is what cut the whole thing off. If I hadn't of had that accident I don't know if I still would be - still with - with him. I don't know how I could have got out of it. I just - at that point I didn't have the strength to deal with him anymore.

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MS. HYSLOP: I'm just noting the time, Your Honour. I was optimistic and I'm - I'm not close enough that I can say I'm going to be done in ten minutes, Your Honour. And I know that we are planning on setting some on - or we have two additional dates. I don't know if my friend's going to have re-exam but I don't think we're going to be able to complete Ms. Campbell today. So I'm wondering if we - if it makes sense while I'm finished with that area if we can have Ms. - unfortunately have Ms. Campbell come back on the next date.

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THE COURT: What's the next date that's scheduled?

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MS. HYSLOP: We were able....

MR. FAVERI: There's a green sheet, Your Honour.

COURTROOM CLERK: May 7th and 8th.

MR. FAVERI: In Barrie.

THE COURT: Sorry, which dates?

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MS. HYSLOP: May 7th and 8th in Barrie, Your Honour.

THE COURT: Are you going to be around then, Ms. Campbell?

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MS. CAMPBELL: I can make myself available if necessary.

THE COURT: Do you have more questions on this area for now or should....

MS. HYSLOP: Sorry, pardon me?

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THE COURT: Do you have more questions on this area now?

MS. HYSLOP: No, that's the end of the questioning on that area but I don't think I'll

be able to get through sort of the rest of what I need to get through.

THE COURT: All right, Ms. Campbell, unfortunately I have another engagement but even so I don't know if the court would be going much past 4:30 in any case. It's been a long day for you and it's looking like you're going to have to come back on May 7th, okay.

MS. CAMPBELL: Okay.

THE COURT: All right, so I'll bind you over until that date. It's very important and I'm sure that you're aware of this, but it's very important that between now and then that you not discuss your evidence or anything that happened in court with anybody else, all right. That is to preserve the integrity of the proceedings here, so that when we come back we'll carry on and hopefully be done with your evidence quickly on that day. Okay?

MS. CAMPBELL: Okay, thank you.

THE COURT: You can stand down then, if you'd like.

MS. CAMPBELL: Thank you.

MS. FAVERI: Your Honour, I know you put Ms. Campbell over to that date, can you put Mr. Atkinson over to those two days as well.

THE COURT: All right. Mr. Atkinson, your matter is going to carry on for two more days in May, hopefully we can get the matter completed at that time. So you will be remanded then to May 7th, this - pardon me, which courtroom was that?

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COURTROOM CLERK: It will be posted.

THE COURT: As posted, in Barrie, for a continuation of the trial.

MR. ATKINSON: Your Honour....

THE COURT: Do you have any other business for this courtroom?

COURTROOM CLERK: No, Your Honour.

MR. FAVERI: Your Honour, just I guess maybe to let you know where it goes from here, I don't expect to be calling anymore witnesses. I do have a Ministry of Transportation document I want to file. There may be some submissions about that, but that should be it for the Crown's case and then it's I guess going to be a question as to whether Mr. Atkinson is going to elect to testify or not that will govern whether we need those full two days or not, but that's sort of a roadmap as to what lies ahead.

THE COURT: All right. Thank you for that.

...COURT ADJOURNED

166.
Certification

FORM 2

Certificate of Transcript
Evidence Act, Subsection 5(2)

I, Tracey Gamsby, certify that this document is a true and accurate transcript of the recording of *R. v. JOHN ATKINSON* in the Ontario Court of Justice, held at 75 Mulcaster Street, Barrie, Ontario, taken from Recording No.('s) 3811-009-20140107 which has been certified in Form 1.

April 13, 2014

C.C.R.