

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

A. Right, so we're already broken up by then.

Q. Right. And while you're receiving those messages from Mr. Atkinson what is it - your relationship as far as you're concerned was over April 2010, right?

A. Yes.

Q. So, between April 2010 and July when these messages are being left for you, you don't go to the police to tell them about the dump truck incident, the Ranchero incident, correct?

A. No.

Q. And during that time, July 15th or 14th, I believe, is the timing of when you called the police in relation to the threat you believe you heard relating to Daniel, correct?

A. Right.

Q. And you don't tell the police at that point in time either the same day or the day after, you don't go into the police and say, 'oh, by the way in addition to what he said to me about Daniel, he also did this to me with the dump truck and he also did this to me with.... Sorry, 'did this to Dan or sorry, Raymond, with the Ranchero.' You don't go into the police and do that, correct?

A. I did that when I got to August.

Q. Right. But I'm saying so before....

A. So, before I was still struggling with the promise that I made to John to not discuss his affairs with anybody, certainly not the police. And I had to give up on my promise in order to do this. I really didn't feel good about that, I feel that my word is important even if my word is to a person that hasn't been treating me well, and I really had to struggle with that. It was a big struggle, it's always been a big struggle, this whole process is a struggle for me.

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

Q. But it wasn't, it didn't appear to be a big struggle for you to call the police immediately after you hung up the phone on John Atkinson.

A. I was scared that night...

Q. Okay.

A. ...and he had already done so many things, I knew he was really meaning what he said. I was scared, I was scared for my son. And obviously John at that point had not given up thinking that we were still some kind of an item and he was still considering, he was still thinking that he had control over me, and that's how I reacted was that he - he doesn't have control over me, I'm done with this, I've got to get this over with and that's why I called the police. Because I thought he was, he really meant it. He meant it and that's what I talked to the police about that night. I didn't know what else to do.

Q. But you continued to, we're not going over it again, but you continued to assist him in August by getting him licence plates and by giving him money so you still maintained some sort of a relationship with him at least as far as that goes, correct?

A. It takes a long time to get yourself out of these things, doesn't it? The licence plates I got because I didn't want my truck being some kind of a target and that truck was in my name at that time and I told the policeman that when he came to my house that, that week.

Q. I'm almost done, Ms. Campbell, I'm just going to go over a very brief summary of your account that I understand what your evidence is on the two main events. So with respect to the Ranchero incident with Raymond, okay, that was May 14th, 2006, you recall that day that you walked out and met with Raymond in the driveway area, correct?

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

A. Right.

Q. And Mr. Atkinson came over and there was a heated exchange between him and Raymond, correct?

A. Yes.

Q. About he shouldn't - how he, being Raymond, shouldn't just show up unannounced, correct?

A. Correct.

Q. And you have a clear recollection of that argument happening, correct?

A. Yes.

Q. You remembered that Mr. Atkinson had been working, so, you remember that Mr. Atkinson had been working in the garage that day, correct?

A. Yes.

Q. And he came out from the garage to speak with you and Raymond where that heated altercation occurred, correct?

A. Yes.

Q. And then he went back into the garage, correct?

A. Yes.

Q. Started up the Ranchero.

A. Yes.

Q. And reversed back very quickly towards you and Raymond and Raymond had to jump out of the way.

A. He drove the car out of the garage towards Raymond.

Q. Right, he reversed back very quickly, correct?

A. Did you say that I said that - are you saying that I said it was reversed or am I saying that I said that it was reversed?

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

Q. I'm saying that you testified previously...

A. I said reversed....

Q. ...and said in your - in both when I was cross-examining you and when Mr. Faveri was asking you questions that he reversed out of the driveway...

A. Okay.

Q. ...correct?

A. Right, yep.

Q. And that's your evidence, right?

A. Yes.

Q. That you talked about how the Ranchero was parked facing into the garage.

A. Yes.

Q. Right?

A. That was how it was usually parked, yes.

Q. Okay. Now, Raymond, he says something different than that, are you aware that he said something different than that?

A. I have not discussed this case with Raymond.

Q. Okay. Because Raymond says that there was no discussion between him and John that day that what happened was that Mr. Atkinson glared at him. And he also testified that the vehicle was driven straight out at him. Do you agree that that is not possible based on your account of what you're saying happened?

A. I'm saying, well, I would agree - I don't - well, I haven't discussed it with Raymond so I don't know what Raymond said. I know that my recollection is that the vehicle came out of the garage at a high rate of speed and Raymond had to jump out of the way and I had to jump out of the way. I know that when I was talking to Raymond in - I was talking to Raymond with a low voice to say, 'You know, you should be

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

careful what you talk because this guy is crusty and you should stay away from him and please try and just be kind and don't start an argument' because Raymond wanted to go and argue back with him.

5 Q. Right and you have a clear recollection of there being an argument.

A. I have a very clear recollection of that, whether the car was going forward or backwards I don't remember 100 percent, I would say 99 percent I remember. Mostly based on the fact that most of the time that car was parked with the nose in, that's the way John would leave the thing and you would see the taillights all the time in the, in the garage. I remember the car coming out of - the vehicle coming out of the garage I don't necessarily remember whether it was forwards or backwards.

15 Q. But you agree that when you explained very, I thought very clearly, what happened that day, you said that the vehicle reversed back out of the driveway.

A. That's what I thought happened.

20 Q. But now you're backing off of that?

A. Well, I'm not certain. I mean memory isn't a perfect thing, is it? I - the important part that I remember is that he drove that vehicle out whether it was forwards or backwards at my son, that's what sticks in my mind and there's no question whether it went forward or backwards it came out of that garage and John was driving it.

25 Q. And your position is that you haven't discussed this at all with your son Raymond...

A. Yes.

30 Q. ...since you've testified in court.

A. Ever, that's right.

*yet at a later time  
you said I  
did a  
3 Point  
turn.*

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

5 Q. Well, you did - I think you agreed with me in cross-examination on the last occasion that you had at least mentioned to him that you thought the police wanted to talk about the Ranchero prior to Raymond going in to talk to the police.

A. Yeah, I don't remember talking about it, there was no details discussed. We didn't talk about whether it was forward or backwards that's for sure.

10 Q. I also asked Raymond about the dump truck and the position it was facing when it was stuck on the rocks. And I think I spoke to you briefly about this on the last occasion but he says that he saw pictures of the dump truck pinned on the rocks and you say that that's not possible.

15 A. That's not possible, I don't know where he would've seen those pictures because there wasn't any.

Q. He said that you took pictures, that you took those pictures, so you disagree with that?

A. I disagree with that.

20 Q. And he also says that the truck was facing the opposite direction of what you say, meaning facing towards the road. Do you disagree with that?

A. Yes.

Q. Have you talked to Raymond about the dump truck incident either since it happened or....

25 A. No, I have not.

Q. Never.

A. Never, never talked to him about it.

30 Q. So, in the entire process of when the boys come over, the three of them are trying to get the truck off the rocks prior to you and your dad getting it off the rocks, they had made efforts, right?

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

A. I don't remember them having efforts but it's possible.

Q. I believe and we're not going to go to it because we have the transcript, I think you told me that under cross-examination last time that the boys did try maybe once to get it off the rocks. So despite this being sort of a family affair in terms of trying to get it off, you never mentioned to either of the, any of the boys or to your parents how that truck ended up on the rocks. *Bingo - see Jamie Campbell*

A. That's right. *Bingo*

Q. And you haven't talked to them, either your parents or the boys about how the dump truck got stuck on those rocks since then? *Bingo*

A. That's right because the court told me not to, I was told not to so I didn't. *Bingo*

Ms. HYSLOP: I believe, Your Honour, that that completes my cross-examination. I was hoping just to speak with Mr. Atkinson to confirm with him that he didn't have anything else, and I don't know, I think we'll probably around Your Honour's lunch time, I'm not sure, but I also don't know if my friend has any re-exam for this witness.

MR. FAVERI: I do.

MS. HYSLOP: Okay, so, if she has to come back anyway, Your Honour, I'd be asking just for a brief break in my cross-examination to - and over the lunch break I'll speak with Mr. Atkinson.

THE COURT: Okay. We'll break for lunch until 2:10.

MS. HYSLOP: Thank you, Your Honour.

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

...ANOTHER MATTER SPOKEN TO AT THIS TIME...

R E C E S S

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

...OTHER MATTERS DEALT WITH AT THIS TIME...

...JOHN ATKINSON MATTER CONTINUES...

10 MR. FAVERI: You can page her in she's just  
outside.

...COURTROOM CLERK PAGES DEBORAH CAMPBELL...

...DEBORAH CAMPBELL ENTERS THE COURTROOM...

15 MS. HYSLOP: Sorry, Your Honour, can I just have  
a brief moment, please? Okay, thank you very  
much, Your Honour, for that brief indulgence.

THE COURT: Okay. Come forward please, ma'am.  
You have more questions on cross-examination?

20 MS. HYSLOP: I just have one question that might  
lead into one brief one.

CROSS-EXAMINATION OF DEBORAH CAMPBELL BY MS. HYSLOP CONTINUED:

25 Q. Do you remember a man or a doctor by the  
name of Jim Green, a psychologist by the name of Jim Green?

A. No.

Q. You're shaking your head, no. Do you recall  
that on August 5th, 2010, so just before Mr. Atkinson was  
arrested, sending a text message to John asking him if he had  
made an appointment with a Jim Green?

30 A. No, I don't remember that.



Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

Q. You don't remember that. Have you changed your cell phone number since August 2010?

A. Yes.

Q. Would you mind telling me what your cell phone number was then back in....

MR. FAVERI: Finish the question.

MS. HYSLOP: I'm just asking if she would provide the cell phone number for back in 2010 unless there's any remaining privacy interest in that.

MR. FAVERI: So, an old cell phone.

MS. HYSLOP: Q. The old cell phone number not the current cell phone number. But if somebody else in your family is using that cell phone number then I don't wish to have it, I'm wondering if you could tell me.

A. I don't remember what the cell phone number was...

Q. No, okay.

A. ...in 2010, I don't have the same cell phone number.

Q. When Mr. Atkinson and you were having those meetings in August of 2010 just prior to him being arrested, by meetings I mean giving him the licence plates or giving him some money or meeting at the NAPA Auto Parts, or Cookstown Auto Wreckers, were you texting with him back and forth; is that how you would make your arrangements?

A. I can't remember texting, I don't remember whether it was text. He'd usually phone me he's not very good at text.

Q. Okay.

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

5 A. Although he did text me a lot, I don't remember. And I never met him at Cookstown Auto. I had said that before I never did it.

Q. Okay.

A. He was not there.

Q. That's where you went to pick up the disc brakes.

A. I went there to pick up them, yes.

Q. Okay.

10 A. During that time were your messaging or having phone calls with Mr. Atkinson in August of 2010 before his arrest he would message you and say he loved you or he would end his phone calls with you saying he loved you, is that correct?

A. Maybe.

15 Q. Maybe. It wouldn't surprise you if that's the case.

A. Wouldn't surprise me at all. I don't remember him doing that but it's possible.

20 MS. HYSLOP: Okay, thank you very much, those are the questions, Your Honour, I have for this witness.

THE COURT: Just before you leave, what is your intention now with respect to access to  
25 Ms. Campbell's property and having someone do the measurements?

30 MS. HYSLOP: I was able to confirm with the expert over the phone on the morning break that he would likely be able to have somebody out there this week or next week within a week and that the whole process would take him two to three weeks to complete.

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

THE COURT: Two to three weeks.

MS. HYSLOP: To complete in terms of an end date to get the report finished.

THE COURT: Okay, so here's the question that I have for you - maybe, ma'am, do you mind just waiting outside for one moment?

DEBORAH CAMPBELL: Sure.

THE COURT: Thank you very much.

...DEBORAH CAMPBELL LEAVES COURTROOM...

THE COURT: I take it that from his comments before lunch that Mr. Faveri has some questions for re-examination and at that point the Crown's case is done.

MR. FAVERI: Except for the filing of some documents.

THE COURT: Except for the filing of some documents. I guess my question here is, if it is your intention to have the expert do that and check this out, procedurally speaking, bearing in mind, I guess principles like for example, *Brown and Dunn*, and so forth, if anything is to come from that, should you or should we carry on with other evidence? Do you understand what I'm saying?

MS. HYSLOP: I think with respect to the *Brown and Dunn* issue I don't think that it necessarily poses a problem because this witness has been adamant from the get-go that that's the way the vehicle was facing and I think either one presented with a report suggesting otherwise if

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

5 that in fact turns out to be the case I don't  
think she's going to change her mind and adopt  
it. I think where I am more likely running into  
a problem is that there is a requirement that I  
provide the Crown's office or with the Crown  
with the report of the expert prior to his  
closing of his case. So, procedurally, that  
would put me in a problem because he would  
closing his case likely today and I'm not in a  
10 position to furnish him with a report. I would  
think that that issue could be dealt with, that  
reply evidence could be called if necessary to  
deal with any issues that might arise from a  
late filing of the report simply because I don't  
have it. But that's my - I mean, my preference  
of course would be to put the report to her when  
it comes back should it be what I think it is.  
I think even *Brown and Dunn* and the cases that  
follow it, though, would allow for a witness to  
be recalled if necessary to deal with compliance  
with *Brown and Dunn* and certainly Your Honour  
can weigh the evidence in a particular way  
should *Brown and Dunn* not be complied with. So,  
I don't know if it's necessarily a bar to us  
proceeding, that we do have avenues to recall  
25 witnesses if required to deal. I appreciate,  
Your Honour, it's not ideal, I hope that I've  
explained to the Court and certainly I think my  
friend has been aware from the get-go of why I  
can't proceed or why I could not have proceeded  
prior today because she was not consenting.  
30

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

5 THE COURT: What are your thoughts on this  
aspect of things? I guess what my concern is,  
Mr. Faveri, is in fairness to this witness and  
in fairness to the Crown, and quite frankly in  
10 fairness to Mr. Atkinson, before he makes a  
decision to whether or not to give evidence, if  
this is something that is going to potentially  
be forthcoming, I think it ought to happen in  
the currency of the Crown's case, but what are  
your thoughts on that? I guess what I was  
hoping was, I was hoping someone could get there  
this afternoon and do a quick little measure up  
and then come back, but I guess that's a bit of  
a pipe dream.

15 MR. FAVERI: I certainly wouldn't object to some  
bending of the rules if everyone agreed to do  
it. By that I mean I'd like to be able to re-  
examine Ms. Campbell today in the event that she  
doesn't need to come back, then she doesn't have  
to come back. I appreciate Ms. Hyslop's  
20 position that you know, *Brown and Dunn* would be  
observed because it's been put to her already  
and she's probably right but you never know  
until you get...

25 THE COURT: Until you know what the report says.

MR. FAVERI: ...the report.

THE COURT: Right.

30 MR. FAVERI: And if Ms. Campbell had to come  
back I guess to ensure just procedural fairness  
and trial fairness then she'd have to come back.  
I know her parents are under subpoena to come

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

tomorrow and I'd like to see them get done as well. So, I'm....

THE COURT: You mean a subpoena for the parents.

MR. FAVERI: Yeah, and I've already said I have no objection to them being called before Mr. Atkinson. So, I don't know, right now I can't, I'm not crying prejudice or anything like that, I'd like to be able to close my case and I think it would be - you know, if I had to apply to reopen it for some reason then I would apply to reopen it, but I'd like to keep the trial moving as much as we can. But in the end, I mean obviously it's your call.

THE COURT: No, I know but I certainly appreciate the desire to keep them moving I just want to make sure that we keep things moving in a way that it operates fairly to all of the participants and most honourably to

Mr. Atkinson. So, Ms. Hyslop, I take it in the circumstances here you would be content with carrying on in this way, that Mr. Faveri re-examine Ms. Campbell this afternoon to deal with the filing of the documents this afternoon.

That - do we have other witnesses or evidence this afternoon?

MS. HYSLOP: There's no other witnesses or evidence this afternoon but we still have to deal with that, the Crown's application for the admission of prior discreditable conduct which I expected we probably would deal with after Ms. Campbell finishes. I think primarily we're both going to rely largely on the materials that

Deborah Lynne Campbell - Cr-ex. by Ms. Hyslop Cont'd.

5 have been filed with Your Honour in any event.  
But that I would think would take us to the  
balance of the day depending on when Your Honour  
can render a decision on that, but I'm not where  
Your Honour stands on that matter. But I,  
there's no other evidence today and just so that  
Your Honour is aware in terms of the timing I  
would expect - I haven't spoken with Mr. and  
10 Mrs. Campbell so I'm hoping to speak with them  
tomorrow, but I imagine their evidence would be  
quite brief because I'm only speaking or I'm  
only going to question them on a particular  
area, and then of course depending on what my  
friend has of them in cross-examination I  
15 wouldn't expect them to be too long. I will  
call, just so that Your Honour knows, this  
expert today again and see if he can really iron  
things out for us, but I think it will also  
depend on when Ms. Campbell will allow these  
20 people onto her property. I don't know if she's  
going to want to be there.

THE COURT: I guess Counsel are looking for a  
ruling on the similar fact or the prior  
discreditable conduct prior to Defence opening  
the....

25 MS. HYSLOP: I know it was a long time ago that  
we discussed the timing of that application. It  
was my, it's my recollection that that's what we  
had discussed that there would be a Ruling of  
that prior to because it affects, perhaps maybe  
30 not necessarily whether or not I call  
Mr. Atkinson but certainly the types of

Deborah Lynne Campbell - Re-ex. by Mr. Faveri

questions that I might ask him if Your Honour rules that that evidence is admissible.

THE COURT: All right. So, fine, that's what we'll do then we'll continue or finish that evidence of Ms. Campbell. We will understand that the Crown's case may be closed today but depending on what the expert report says, but the Crown then will be given leeway to reopen with Ms. Campbell on that evidence, so should it be necessary at some later point. Okay, thank you.

R E C E S S

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

...COURTROOM CLERK PAGES DEBORAH CAMPBELL TO COURTROOM...

...DEBORAH CAMPBELL ENTERS COURTROOM...

RE-EXAMINATION BY MR. FAVERI:

Q. Today you were asked about the dump truck and a series of questions of, you know, where did it start, its trip before and where did John start his trip before he ended up driving, chasing you up the driveway and onto the front lawn for lack of a better word...

A. Uh-hmm.

Q. ...and I think you said something about it - you allowed for the possibility that it may have been parked at the top of the driveway, I think or near the house but that it may have been parked somewhere else. My question is where would the somewhere else be?



5 A. So, at the bottom of the driveway there was a place towards the road just before, in that little section where the driveway goes down to the barn, there is a place that you could park there, or you could park where I showed it ended up. The pictures that I had there was a picture of, on the other side of the driveway.

Q. Do you know what picture? You said "the picture that I had", I'm not sure which one you're....

10 A. Yeah, there's a picture in exhibits that shows the dump truck sitting on the north side of the driveway.

Q. I think that will be the four series.

15 A. So that was the other option that it could've been there, I don't think so, though, I think that it was at the, close to the end of the driveway near the road. That's where I think it was but I'm not 100 percent sure I'm like 90 percent sure.

20 Q. Okay. I just worry when you refer to a photo and we don't know which one you're referring to so maybe you can look through those and just tell me what one that you're referring to.

A. This, this is Exhibit 3(A) or there's two, two things on there.

25 Q. So, it says Exhibit 2 in blue, Exhibit 3(A) and....

A. And on the back of this one it says 3(A)(i) so that one would do.

Q. So, okay, so, 3(A)(i) and 3(A), I think you're saying that's one of the possible parking spots.

30 A. It was, it - yes, sometimes we parked it there.

Q. Okay.

Deborah Lynne Campbell - Re-ex. by Mr. Faveri

A. I don't think that's where it was, I don't -  
I think that it was farther towards the road.

Q. All right, thank you. You were also asked,  
you were pointed to some previous either testimony or your  
interview with the police and this was about the Mercury and  
whether it was - whether you ever said it was driven by John  
down the driveway to where you were on the side of the road...

A. Uh-hmm.

Q. ...so my question of you is, did you ever  
say he walked there?

A. No, I didn't say he walked there because he  
didn't walk he drove the Mercury.

Q. Towards the end of your cross-examination I  
think you were being asked about why you didn't break up with  
John earlier or why you didn't tell the police. Maybe it was  
why you didn't tell the police earlier about what had  
happened, and you mentioned you thought he killed your dog,  
dogs, you said you were, I think you said you were afraid and  
you said there is plenty of other reasons, so my question of  
you, are there anymore reasons beyond what you've already told  
us about when I was asking you questions or when Ms. Hyslop  
was asking you questions?

A. Reasons for me not to tell the police.

Q. I think that's what you were being asked  
about; my notes aren't the greatest. You were saying things  
like, 'I felt bad for him, I gave him a chance, he took  
advantage of me, I was scared, I'm still scared, his idea of  
reality not the same as mine'.

A. Uh-hmm.

Q. It was in around that portion of your  
evidence. You gave an example, you said there were plenty of

other reasons for example, 'if he could kill a dog he could kill me'.

A. Right.

Q. So I was just wondering if there was anything beyond what you've already remember telling us about.

A. So I guess I really was alluding to the way that the relationship was between me and Mr. Atkinson. At the beginning he was very charming and he was very nice to me and he helped me do a lot of stuff that I couldn't do myself around the house, work, housework and fixing things and fixing my car and that sort of thing. But as the relationship progressed he separated me from my friends; he told me my sons were no good and he made sure that they didn't visit unless they were allowed, and even had me telling my mom and dad that they were, they were invading my privacy all the time. He had little pieces of tape on the doors to see if people came through our area while I wasn't there. There was a couple of times in my house where we had arguments and there are broken, broken door frames in my house from where he smashed through doors when I went to lock myself in the bedroom and he smashed through the door to get at me. The door is still broken I can't, can't fix it, it's a solid wood door and it's broken. There's another one where he chased Daniel through a door, so, as the relationship developed from, from being kind and getting me to be on his side about how his life had been difficult and I really was trying to be kind to him and I thought that there was no one that was being kind to him. And, and I honestly I had a good time with him at the beginning. I don't know how to apologize for that but I certainly had a good time and as the relationship went on he became more and more controlling, he wouldn't let me talk to other people. When we visited his friends I had to wait in

5 the truck while he went and visited and that happened at,  
people that lived up near where he grew up. We went to visit  
his brother and his - and I sat in the car while he visited  
with his brother. It, it was strange. One time we went to  
the Legion in Wilberforce and I sat in the main room while he  
chatted up people in the back porch and left me there by  
myself for a couple of hours with nobody to talk to and I  
wasn't allowed to talk to anybody. You know, that's the kind  
10 of thing that he did, I wasn't allowed to look at anybody in  
case I might've been checking them out or something. I don't  
know what he had thought I would be doing but I wasn't allowed  
to look at people. That's the kind of thing that the  
relationship deteriorated into, the point where I was really  
afraid to talk to anybody. So my ability to tell the police  
that I was in trouble and that I needed help was, was  
15 compromised, there's no way I could've done it.

MR. FAVERI: Thank you, ma'am, those are all my  
questions in re-examination. Your Honour, just  
before you excuse Ms. Campbell, if that's what  
you were going to do, you mentioned earlier  
20 about the expert going to her property to take  
measurements. You said Ms. Hyslop would have to  
make some sort of application before that  
happened and that was a little lost on me, I'm  
not sure what you meant, but I thought maybe you  
25 were going to put some...

THE COURT: I guess what I was....

MR. FAVERI: ...conditions on it or something  
like that.

30 THE COURT: No, I think the concern that I have  
was that we would be suspending the cross-  
examination pending that...

MR. FAVERI: Okay.

THE COURT: ...so, we're not there. So, I would have thought that the application before me might have been one for an adjournment but we have other things that we'll be doing so that's what I had in mind there.

MR. FAVERI: Okay.

THE COURT: Okay.

MS. HYSLOP: While we're discussing this though, Your Honour, I'm wondering, my friend and I had had discussions about speaking with Ms. Campbell while she was in cross-examination. Now, that she's done cross and re-examination I'm wondering if Ms. Campbell would feel more comfortable if I impose upon Mr. Faveri or Mr. Louis to assist in those - I don't have Ms. Campbell's home phone nor would I ask for it but it puts me in a position of trying to make those arrangements with her in terms of a day that this expert can come out. So, I'm just wondering if....

MR. FAVERI: If Ms. Campbell would like us to be intermediaries then we're happy to do that.

THE COURT: I take it that's what you'd like, ma'am?

DEBORAH CAMPBELL: Yes, sir.

THE COURT: Okay.

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

THE COURT: All right, I don't have any questions for you at this point, ma'am, I guess there remains the possibility that depending on what happens when the measurements are taken at

your place that either of the lawyers might wish to have you back and we'll cross that bridge when we get there, okay, if we get there? But for now you're done here...

DEBORAH CAMPBELL: Okay.

THE COURT: ...okay?

MR. FAVERI: Can I see the Indictment, please? All right, okay. So, Your Honour, there's two documents I'd like to file at this point, one is Mr. Atkinson's Ministry of Transportation abstract or record if I can - I'm not sure what to call it anymore. But it's one of those under the hand and seal of the Ministry of

Transportation and that's to show that he was a disqualified or prohibited driver on the dates he's charged with that. The second....

THE COURT: And that's been filed on consent.

MS. HYSLOP: Well, what I can advise, Your Honour, is that I believe, I'm just going to double check, I believe these are the documents that my friend had given me previously. So, they were disclosed to me earlier. I will have submissions to make to Your Honour about whether or not this is sufficient to prove beyond a reasonable doubt that Mr. Atkinson was suspended or disqualified from driving. I take it, my - well, I'll let my friend make submissions on it but, so I'm not objecting to him filing these documents but I do have submissions I'll make....

THE COURT: Submissions as to their sufficiency.

MS. HYSLOP: Correct.

THE COURT: All right. So, the M.T.O. Record Abstract then will be Exhibit Number...

COURTROOM CLERK: 13.

THE COURT: ...13.

EXHIBIT NUMBER 13: Ministry of Transportation Record Abstract for John Atkinson - produced and marked.

MR. FAVERI: Your Honour, the prohibition that covers both dates he's charged with is one, a life-time prohibition. It was imposed on January 29th, 2003 and I also have a certified copy of a Central West Region Superior Court of Justice Indictment and it, on the last page there's an entry in the endorsements from August 8th, 2007 which essentially contains the details of the plea and sentence that there will also be a driving prohibition for three years given the offence in count 5. So, that's August 8th, 2007, so it would only cover one of the drive disqualified charges he's facing here. There's one from 2006 and one from 2008.

COURTROOM CLERK: Exhibit 14, Your Honour.

THE COURT: Thank you.

EXHIBIT NUMBER 14: Certified Copy of Central West Indictment - produced and marked.

THE COURT: Thank you.

MR. FAVERI: So unless, subject to however Your Honour feels about it, we've already raised the concern about it, I'm prepared to close my case at this point.

THE COURT: All right, so that's the Crown's case subject to the possibility of reopening

5 should something come from the investigations  
that will be made at some point after today, all  
right. Okay thank you, very much. So, at this  
point is it that Counsel wish to make  
submissions on the prior discreditable conduct  
applications? Do you need a moment?

10 ...SUBMISSIONS BY MR. FAVERI ON PRIOR  
DISCREDITABLE CONDUCT APPLICATION...

...SUBMISSIONS BY MS. HYSLOP ON PRIOR  
DISCREDITABLE CONDUCT APPLICATION...

15 THE COURT: All right. We'll adjourn until  
tomorrow morning, I'll consider my decision on  
this. I might give a decision that's somewhat  
bare boned but I will have something so we can  
carry on.

...TRIAL ADJOURNED TO MAY 8, 2014, 9:30 A.M.

20 C O U R T A D J O U R N E D

25

30



Saturday July 28 / 012

CARD (1)

NOVEMBER .05 / AUGUST .06. Adjala / Highlands EAST (285 days) 9 months, with me

Jan. 1. 06 FIRST BEAR + driving - dounts - BANCROFT PARING LOT. yard.

FEB. 1. 06 RV To Wilberforce

AUGUST .3. 6. CALADAN IN RDENT

AUGUST .13. 06 ARRESTED IN Wilberforce (CARDIF.)

IN

AUGUST .13. 06 - DECEMBER .18. 07 MAPLEHERST DC. (492 days) away

IN

DECEMBER .18. 07. - FEBRUARY .6. 08. Adjala (50 days) 7 week. back ME

OUT

JANUARY .14. /08. DUMP TRUCK INCIDENCE, Monday

MARCH .29. /08 REMOVED TRUCK from rocks.

CARD (2)

FEBRUARY .6. /08. - July .1. /08 ALBERTA

IN

July .1. /08 - NOVEMBER <sup>26</sup> /08 KICOMANORTH TREATMENT-CENTER

IN

NOVEMBER <sup>26</sup> /08 / JANUARY .6. 2010. PEUVETANGUISHEVE

IN

END OF (2) JANUARY .6. /10 TO APRIL .10. 2010 ABJALIA (94 days) <sup>STAMS</sup> LAST time with me.

OUT

FEBRUARY .6. /08 - JANUARY .6. /10 (700 days) away

285 + 50 + 94 WITH ME (T=429)

492 + 700 away (T=1192)

