

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

JOHN ATKINSON

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

EVIDENCE OF JAMES CAMPBELL AND JOSELYN CAMPBELL

BEFORE THE HONOURABLE JUSTICE E. MEIJERS,  
on May 8, 2014, at BARRIE, Ontario

APPEARANCES:

F. Faveri

Counsel for the Crown

K. Hyslop

Counsel for John Atkinson

(i)  
Table of Contents

ONTARIO COURT OF JUSTICE

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

W I T N E S S E S

<u>WITNESSES</u>	<u>Examination in-Chief</u>	<u>Cross- Examination</u>	<u>Re- Examination</u>
CAMPBELL, JAMES			
By Ms. Hyslop	2		
By Mr. Faveri		20	
CAMPBELL, Joselyn			
By Ms. Hyslop	23		
By Mr. Faveri		28	

E X H I B I T S

<u>EXHIBIT NUMBER</u>		<u>ENTERED ON PAGE</u>
15 (A)	Diagram with County Road 50	6
15 (B)	Diagram with County Road 50 cut off	6
16	Photo, previous Exhibit 3 (D) marked up	11
17	Copy of Exhibit 5 marked up photograph	12

Legend

(i) - Indicates preceding word has been reproduced  
verbatim and is not a transcription error.  
(ph) - Indicates preceding word has been spelled  
phonetically.

1.  
R. v. John Atkinson

THURSDAY, MAY 8TH, 2014

COURT OPENS...

...RULING WAS GIVEN ON PRIOR DISCREDITABLE  
CONDUCT APPLICATION AT THIS TIME. THIS WAS DULY  
REPORTED BUT NOT TRANSCRIBED AT THIS TIME FOR  
THE PURPOSES OF THIS TRANSCRIPT ONLY...

THE COURT: So, the Crown's case is closed at  
this point.

MS. HYSLOP: Yes, we do have two witnesses here  
today, I'll certainly be calling the first one,  
Jim Campbell, or James Campbell; if he could be  
paged in, please.

THE COURT: Did you have any luck in terms of  
setting things up?

MS. HYSLOP: I can advise Your Honour that the  
expert is available to attend or a colleague of  
his is able to attend any weekday of the next  
two weeks. So, I've provided that information  
to Crown Counsel and I'm hoping...

THE COURT: All right.

MS. HYSLOP: ...that he can review that with  
Ms. Campbell while she's here this morning.

THE COURT: Okay. And so I take it then after  
we're done with evidence today we'll be looking  
for another day.

MS. HYSLOP: Yes, and we did attend at....

MR. FAVERI: We've done that.

THE COURT: Oh, you've done that.

MR. FAVERI: There should be a green sheet.

COURTROOM CLERK: There is, yes.

THE COURT: Just out of curiosity, what are we looking at?

MR. FAVERI: December.

THE COURT: All right, well, thank you for doing that.

...COURTROOM CLERK PAGES JIM CAMPBELL TO COURTROOM...

...JIM CAMPBELL ENTERS COURTROOM...

JAMES CAMPBELL: SWORN

EXAMINATION IN-CHIEF BY MS. HYSLOP:

Q. Good morning, Mr. Campbell.

A. Good morning.

Q. My name is Kim Hyslop, I'm John Atkinson's lawyer. I've got, hopefully, not too many questions for you today; would you like a glass of water?

A. No, I'm fine, thank you.

Q. Okay. And if you would like to sit down at any time, please let us know and if you need a break at any time please let us know that as well, okay?

A. Okay.

Q. If I ask you any questions or if His Honour or if Crown Counsel asks you any questions that you don't understand or need us to repeat please let us know and we'll be happy to do that. And then the last thing I'll remind you of is that you have to use your voice when you're giving answers to the questions, if you just nod it won't be picked up by Madam Reporter, okay?

A. Fine.

Q. Okay. All right, I understand, Mr. Campbell that you're Deborah Campbell's father.

A. That's correct.

Q. And are you retired, sir?

A. Yes.

Q. What did you do prior to being retired?

A. I had an architectural firm.

Q. Okay. And you currently reside at 1905 County Road 50.

A. Yes.

Q. And how long have you been residing there?

A. About 25 years.

Q. I understand that you reside there with your wife, Josie Campbell.

A. That's correct.

Q. And Deborah Campbell lives in part of the house, as well.

A. Yes.

Q. And there was a period of time when Mr. Atkinson resided in that part of the house as well, is that right?

A. Yes.

Q. And do you remember - how good is your memory, sir, about when Mr. Atkinson was residing at that residence?

A. Pretty vague but....

Q. Pretty vague.

A. Yeah.

Q. Okay. I'm going to ask you today mostly about one particular time period, so I'm going to take you back to January, February, March of 2008 which I know is some time ago but I'm hoping that you'll remember. We've heard

evidence in this trial that there was a Ford dump truck that became stuck on the rocks along your property...

A. Yes.

Q. ...or along your driveway, do you recall that?

A. Yes.

Q. And I understand that you played some role in that in terms of....

A. In removing the truck from...

Q. Removing the truck.

A. ...from the rock, yes.

Q. And what's your memory like in terms of that process?

A. Reasonably well remembered, I - I jacked the truck up and put some planks under the wheels and Debbie drove it off.

Q. Okay. So, you've indicated that Debbie, so, Deborah Campbell, she was present when it was taken off the rocks.

A. Yes.

Q. Was there anyone else present on the day that you actually were able to get the truck off the rocks?

A. I don't remember anyone else.

Q. Do you remember how many times, if it was just one day or multiple days that you were involved in trying to get the truck off the rocks?

A. I probably did it in one day.

Q. In one day.

A. Yes.

Q. Okay. And you, I think you're indicating a little bit about how you got the truck off the rocks and you

indicated that you jacked it up and put some boards, I think you said under the wheels.

A. Under the wheels, yes.

Q. Okay. And you said that Debbie drove it, drove it off.

A. Yes.

Q. Okay. I understand, sir, that you assisted Ms. Campbell at some point in drawing a diagram of your property, is that correct?

A. I think I had a diagram already when we were doing landscaping so I didn't draw one then, I provided one.

Q. Okay. Do you remember what type of paper it was drawn on?

A. It was probably a Xerox copy.

Q. Okay. I'm going to show you a picture, sir, or a diagram - what I'm going to actually do is show you two.

A. Okay, I think so - okay.

Q. So, I'm going to show you these two diagrams, I'll identify them in a moment, do those look familiar to you at all, sir?

A. Yes.

Q. Is that something that you recall drawing?

A. I did.

Q. Okay. And so that I understand, did you mean that you drew these diagrams for another purpose or did you draw them for the purpose of preparing for this court case?

A. This - they were drawn for another purpose.

MS. HYSLOP: For another purpose, okay. I've got the two diagrams here, Your Honour, I'm going to be asking the witness to draw on them. Maybe what I'll do is, if I could have them

marked as the next exhibit and there's one, Your Honour, that's a different angle or a different sort of viewpoint of it, if we could have one labelled 'A' and 'B'.

5 THE COURT: All right, sorry, they're not identical documents.

MS. HYSLOP: They are identical except Your Honour can see that part of - it's centred differently so part of the building is cut off and one shows County Road 50 where the other one is sort of cut off because of the way it was photocopied.

10 THE COURT: All right. So - and I'm sorry, so, you made both of those documents, you recognize both of those?

15 JAMES CAMPBELL: It's the same document, it's a different view of the same document.

THE COURT: I see, gotcha. All right, so, the - the one that shows County Road will be - where are we at?

20 COURTROOM CLERK: We are now at 15, Your Honour.

THE COURT: 15(A) and the one that is cut off before County Road 50 will be 15(B).

COURTROOM CLERK: Okay, thank you, Your Honour.

25 EXHIBIT NUMBER 15(A): Diagram with County Road 50 - produced and marked.

EXHIBIT NUMBER 15(B): Diagram cut off before County Road 50 - produced and marked.

30 MS. HYSLOP: Q. Now, I want to let you know, sir, we heard from your daughter, Deborah, yesterday and so what I understand from her is that this is a scaled diagram.

A. Yes.



Q. But what that she told us, that the rocks aren't necessarily that shape or size, the rocks may not be to scale.

A. That's correct.

Q. Okay. And so we agree with that and the other thing I want to let you know is that there was an item drawn on this diagram that I've taken off the diagram, okay...

A. All right.

Q. ...which I've explained to my friend, Your Honour. So some of the rocks may be a little bit different than when the last time that you saw this diagram, okay?

A. Okay.

Q. But what I'm going to ask you to do to the best of your ability is draw with the red pen. We'll have you do it on 15(A) - yes, 15(A), please. If you can draw to the best of your ability where the truck was located, do you feel you're able to do that?

A. I can't remember but, but it would be, it would be somewhat in this area.

Q. Okay. So, I'm just going to show that to the Crown. Okay, so, I'm going to leave that up in front of you for now. Now, while that vehicle was stuck on your property would you have seen it every day?

A. I'm sorry?

Q. When the truck was stuck on the property, on the rocks, would you have seen it every day or almost every day?

A. I've seen the truck before, yes.

Q. But how often, I want to - I'm trying to understand how familiar you are with the truck being stuck on the rocks. So, is it something you would've driven up and down the driveway and seen every day or....

A. No, I think that the truck was moved off the rocks fairly, fairly soon after it was stuck there.

Q. Okay. Do you recall, sir, what day or what month it was removed from the rocks? No?

A. No, no.

Q. Okay, and you indicated that you used the jacks, to jack the truck up to put some planks or some wood, pieces of wood underneath the wheels.

A. Yes.

Q. Do you remember how many pieces of wood or how many wheels ended up with pieces of wood underneath of them?

A. I think all four wheels would need wood under them.

Q. Okay.

A. And I don't know how many pieces but high enough so that, that the truck had solid underneath the wheels higher than the rock...

Q. Okay.

A. ...that's how I was attempting to do it.

Q. So, you were trying to get the truck lifted up so it was higher than the rock.

A. Yes.

Q. So I take that to mean something was stuck on the rocks or on the rock.

A. They, they - yes, the truck would not be able to be driven unless it was raised.

Q. Do you recall, sir, what part of the truck was stuck on the rocks?

A. No, I don't.

Q. Can you describe for me, sir, you said that you raised the truck up so that Deborah or Debbie could drive

it off the rocks, do you recall saying that just a few moments ago?

A. Yes.

Q. Okay. Can you explain to us the process of how she drove it off the rocks?

A. I can't really explain it, the, the truck had to be driven backwards back onto the driveway. There's no way to go forward, there's no way to go forwards, so she backed it off, I presumed.

Q. Do you - did you observe Mr. Campbell, any pictures being taken that day?

A. I don't remember.

Q. You don't remember. I'm going to show you some pictures, sir, and you can tell me if you've seen these pictures before.

MS. HYSLOP: These, Your Honour, are copies or fresh copies of Exhibits 3 and 5 just so that the court is aware, they'll have to be re-numbered.

Q. Okay, so, I'm going to show you one picture where we don't see - we see in the far right-hand corner of the paper a door that appears to be open.

A. Yeah.

Q. The front door.

THE COURT: Can I just, just so that we're all clear we know what photograph you are showing.

MS. HYSLOP: Exhibit 3. Some of them were labelled as Exhibit 3 and some were labelled as Exhibit 5 according to the exhibit list.

THE COURT: Well, let's just make sure we know which one - I gather that these are copies you got from the disclosure otherwise before they

were marked up during the course of the trial,  
that's your point.

MS. HYSLOP: That's correct, Your Honour.

THE COURT: Okay.

MS. HYSLOP: So, right now, I'm showing the  
witness 3(D).

COURTROOM CLERK: 3(D).

MS. HYSLOP: 3(D), yes.

THE COURT: Thank you.

MS. HYSLOP: Q. Is that your property? We'll  
start with that.

A. Yes.

Q. Okay. Does that look like where the truck  
was stuck on the rocks?

A. I can't really say I would've thought it  
was, it was farther up in this area.

Q. Okay.

A. As I located on the background.

Q. You can see that there's snow on the ground.

A. Yes.

Q. Okay. And you see that there's a part of  
the property where there's no snow on the ground.

A. Yep.

Q. Okay. That's the area that I'm going to  
talk about right now. Do you see there's some equipment or  
some tools on the property?

A. Yes.

Q. And are those the type of tools that you  
used in order to get the truck stuck or unstuck from the  
rocks?

A. Yes.

Q. Okay. I'm going to show you another picture.

COURTROOM CLERK: That is Exhibit 5.

THE COURT: All right, so, let's - you've shown him one, he's identified it, let's call that - where are we at, 15, 16?

COURTROOM CLERK: 16.

THE COURT: 16.

EXHIBIT NUMBER 16: Photo, previous Exhibit 3(D) - produced and marked.

MS. HYSLOP: Q. Okay. So, now I'm showing you another picture.

A. Yes.

Q. Okay. And do you see there's a number of pieces of wood in that picture?

A. These are the pieces of wood that I would've used under the wheels, yes.

Q. Okay. And can you see, sir, based on the, the picture that's in front of you - actually I'll go back. This dump truck was, my understanding is that it's a dump truck that had on the rear axle, four tires in total.

A. Might have had I can't remember.

Q. You can't remember, okay. Are you able to help us at all in understanding there's planks of wood that are on the bottom just left of center of the page, I am pointing to them. Those appear to be a little bit lower into the ground, would you agree with that?

A. I'm not sure that these are anything more than the debris after something was done. I'm not sure that necessarily that's where the wheel was, I don't know.

Q. Okay. I'm going to show you one last picture.

James Campbell - In-ch. by Ms. Hyslop

THE COURT: Can I just ask you, Counsel, just so we need not clear things up, was there any marking or anything on Exhibit 5 that you have concern that you couldn't just show the....

5 MS. HYSLOP: I may have this witness mark on these diagrams, I was expecting he may have been able to identify something on that diagram. I still may have him mark on them, Your Honour.

10 THE COURT: All right, so a copy of Exhibit 5 will become Exhibit 17.

EXHIBIT NUMBER 17: Copy of Exhibit 5 marked up photograph - produced and marked.

THE COURT: If you could give 16 and 17 to Madam Clerk so that she can mark them properly.

15 MS. HYSLOP: This one I think I can just use the exhibit copy if I can find it, Your Honour.

COURTROOM CLERK: Thank you and that was Exhibit 3(B), Exhibit 3(B).

20 MS. HYSLOP: Q. Okay, sir, so in Exhibit 3(B) can you see that the dump truck is visible in that picture?

A. Yes.

Q. And which way is the dump truck parked or sort of stopped, which direction is it facing if you say towards the house or towards the road?

25 A. I would say towards the road.

Q. Okay. And are you able to - like, the jack that's in the top of Exhibit 17, okay, that's one of the jacks that you would have used to prop up the truck.

A. Yes.

30 Q. Okay. And what you said is that these boards here are like the boards that you would have used to put under the wheel, is that correct?

A. Yes.

Q. But you're not sure if those are actually positioned in a way that would assist you.

A. That's correct.

Q. Are you able to say whether or not this rock that's in Exhibit 17 had anything to do with how the truck was stuck?

A. I couldn't say for sure.

Q. Okay. Could I ask you sir, it's my - it's my position that the truck had some part of it over, covering over where the snow doesn't seem to be on the, on the picture, would that....

A. Makes sense, yes.

Q. Okay. Are you able to draw for me, sir, with this red marker how you would to the best of your recollection how you recall the vehicle being stuck?

A. I can't...

Q. Okay.

A. ...I have no recollection of how exactly it was positioned.

Q. Can you say which direction it was facing, would you be able to draw with an arrow for me which direction it was facing?

A. It would be facing to the, to the east.

Q. Okay. So, we want to draw - if you can put it either, if you think you can place it then do a rectangle if not then just draw an arrow.

A. I don't think I can, I can place it.

MS. HYSLOP: So, I'm going to have you - he's saying he's facing this way...

THE COURT: Okay.

MS. HYSLOP: ...okay.

THE COURT: Yep.

MS. HYSLOP: Q. Maybe what I'll have you write, sir, is just so that it's very, very clear just write above the arrow which side of the truck would be the front. I assume you mean that the direction that the arrow was pointing is the front of the truck but I'll just have you write that. And so, if I were to say whether or not that was pointing towards the house or away from the house....

A. Towards the house.

Q. Towards the house, okay.

MS. HYSLOP: And can you hand these exhibits back to Madam Clerk.

Q. Okay and your evidence was that you didn't recall any pictures being taken?

A. I'm sorry?

Q. You didn't recall any pictures being taken that day.

A. I wasn't aware of pictures being taken at all, no.

Q. Okay, the pictures that I just showed you today, had you seen those pictures before?

A. I don't remember them, no.

Q. Okay and you said that Deborah had to drive the vehicle out, is that correct? Sorry, in reverse.

A. Yes.

Q. Okay. And you recall her doing that.

A. Yes.

Q. Okay. Have you talked to Deborah about this case since it happened, since the truck was pulled out?

A. No, no.

Q. Did you talk to Deborah about how the truck got stuck on the rocks in the first place?



A. Yes.

Q. Okay. Did she explain to you how it ended up on the rocks?

A. Yes.

Q. Okay. How long ago was that discussion?

A. When it happened.

Q. Have you discussed that particular part of this with Ms. Campbell since...

A. No.

Q. ...the incident?

A. No.

MS. HYSLOP: Could I have, can I see 1(B)?

Q. I'm going to show you Exhibit 1(B) - I want you to ignore all of the blue ink and all of the red ink and all of the words you see on it...

A. Uh-hmm.

Q. ..okay? On this diagram there's a black rectangle...

A. Yes.

Q. ...on the property.

A. Right.

Q. Have you seen this particular version of this diagram before?

A. Well, it's not marked up but it's the same drawing as we used before.

Q. Okay. And have you seen - so this is your drawing, correct?

A. This is my original drawing, yes.

Q. If we look at the pencil and we ignore the pen that's on there.

A. Yes, yes.

Q. Okay.

A. Yes.

Q. So it's a photocopy I guess of your original diagram, right?

A. That's correct.

Q. Okay. And the black rectangle or the darker shaded rectangle that we see on the picture, is that something that you have seen drawn on your diagram prior to you looking at this today?

A. No...

Q. No.

A. ...no.

Q. That's not something that you observed Ms. Campbell drawing on the diagram.

A. No.

Q. Okay. How sure are you, Mr. Campbell, about the direction that the truck was positioned on those rocks?

A. I'm quite sure that the truck was facing towards the house.

Q. And you - but you can't - if I were to give you those diagrams or those pictures back of the pieces of wood and whatnot are you able to indicate on there where the wheels were located?

A. I couldn't locate them accurately, no, no.

Q. The diagram that you had drawn, the scale diagram of your property, you said that you had created it prior to knowing that there was going to be a court case, right?

A. I believe it was done many years ago, yes.

Q. Okay. Do you know what purpose it was drawn for?

A. We were talking of landscaping at the time.

Q. Did you draw the rocks on that diagram or did Ms. Campbell draw the rocks on the diagram?

A. I think I drew the rocks on the diagram.

Q. We saw the picture....

MS. HYSLOP: Sorry, Madam Clerk, if we could go back to this picture, this diagram or this picture rather, not diagram.

COURTROOM CLERK: Is it already an existing...

MS. HYSLOP: It was an exhibit....

COURTROOM CLERK: ...exhibit? Number 3(D).

MS. HYSLOP: Yes, thank you.

Q. In that picture, sir, you can see the dump truck...

A. Yes.

Q. ...right. And it's - you already confirmed that it was facing towards the road, right?

A. Yes.

Q. And you have already told us you don't remember when any of these pictures were taken, right?

A. I don't remember.

Q. Okay. Are you able to explain, sir, how that dump truck ended up facing towards the road?

A. I guess it got turned around.

Q. Okay. Do you remember who turned it around or when it got turned around?

A. Only Debbie was driving it so it would be Debbie that did it.

Q. During the time that Mr. Atkinson was living at the residence where you were living but in a separate part, do you recall whether or not he had done anything around the house to assist you, around the property rather, not the house?

A. Not - he did put a new roof on the, on the barn but, but it was done as a, as a, a job rather than, rather than assistance - I paid for material and paid for his labour.

5 Q. Okay. Did you - you had a barn around the back of the house where there's...

A. The back of the property, yes.

Q. ...a pathway. And did Mr. Atkinson ever do any snow plowing or shovelling of any pathways?

10 A. He might've yes, yes.

Q. And I understand, sir, that you are a member of the Model 'A' Club...

A. That's correct.

Q. ...is that right? Is that still something you're doing?

15 A. Yes.

Q. And at the time that you or Mr. Atkinson was residing with Deborah in the same house or same building that you were residing, did he ever have any involvement with the Model 'A' Club?

20 A. Only once, only once.

MS. HYSLOP: Okay, could I just have one moment, Your Honour, just to speak very briefly with Mr. Atkinson...

25 THE COURT: Yes, that's fine.

MS. HYSLOP: ...just step aside here.

30 Q. I'm sorry, I'm just going to do my best to see if I can understand your memory or the best of your memory of how the dump truck is positioned on the rock or how it's stuck on the rocks. I can't recall what your answer was, do you know what part of the truck was actually stuck on the rock?

A. I would think it would be somewhere in under the undercarriage because the rear wheels were no longer on the ground so the truck could not be moved. So, some place underneath the truck, I have no idea exactly where.

5 Q. Sorry, you said the rear wheels were off the ground.

A. Yes, yes.

10 Q. And when you say "the rear wheels" do you mean sort of both sides of the vehicle were up or one side of the vehicle?

A. I couldn't say that exactly.

Q. So, the back wheels, the rear wheels rather were off the ground, what about the front wheels?

A. I can't remember.

15 Q. And do you remember which wheels you had to put pieces of wood under?

A. We put wood under all four wheels.

Q. Even the wheels that weren't on the ground?

A. That's right, yes, of course.

20 Q. Are you able to narrow down, you said that it was somewhere on the undercarriage that was stuck on the

25

30

James Campbell - Cr-ex. by Mr. Faveri

rocks, are you able to narrow down whether it was towards the front of the truck or the back of the truck?

A. I couldn't, I couldn't say for sure.

MS. HYSLOP: Okay, sir, those are all the questions I have for you, thank you, very much.

THE COURT: Cross-examination, Mr. Faveri?

CROSS-EXAMINATION BY MR. FAVERI:

Q. Mr. Campbell, did you have any idea of when you walked into this courtroom that anybody cared about what direction the truck was pointed?

A. I have no thought of, of what my, my reason for being in this court was, no.

Q. You characterize the, you were shown some photos and you characterized the placement of the jacks and the wood planks and I guess, pieces of wood as debris after something was done....

A. I think those were not the actual placement of the wood but it was just the scattering of the wood pieces.

Q. Things got moved around as the job went along...

A. Sure, sure.

Q. ...and after the truck was removed.

A. Yes.

Q. And I gather because you were shown a picture of the truck after it was removed and it seemed to be pointing or it was pointing towards the road.

A. Towards the road, yes.

Q. So, I gather - and you said Deb was the one who backed the truck off the rocks. I gather she could have, am I correct that she could have made that truck point either

towards the house or towards the road when she backed it off just by whatever direction she turned the front wheels.

A. Sure, yeah.

Q. Thank you, sir.

THE COURT: Re-examination?

MS. HYSLOP: No, thank you, Your Honour.

THE COURT: The only questions I can think of have to do with the Model 'A' Club but we'll leave it at that. Thank you, sir.

JAMES CAMPBELL: We can talk some other time about that. I'm done?

THE COURT: You're done, thank you, very much, sir.

MS. HYSLOP: I know we started a bit late, Your Honour, I'm wondering, I may not wish to speak with or call Josie Campbell to testify. I just wanted to speak with Mr. Atkinson about that, I'm wondering if we could have...

THE COURT: Okay what are....

MS. HYSLOP: ...either a five-minute break or take the morning break, whatever suits Your Honour.

THE COURT: Let's take the morning recess.

MS. HYSLOP: Thank you.

MR. FAVERI: And, Your Honour, just before you rise, maybe just a little road map about what we think is going to happen today...

THE COURT: Sure.

MR. FAVERI: ...so we know. I think Ms. Hyslop is going to not call Mr. Atkinson today preferring to do that after the generation of the report if there is one. And I think you had

James Campbell - Cr-ex. by Mr. Faverì

5 expressed a concern about it, maybe that's the better way to do it yesterday. In any event, so, I think we're going to - we're not going to occupying much court time today with this case is what I expect. So, I just mention this now in case there's - we should be looking for other work.

THE COURT: Are you in the position to assist in those circumstances?

10 MR. FAVERI: Well, there's a lot of other things I'd rather be doing but my obligation is to the court so, yes, I am.

15 THE COURT: All right. So, I'll make an inquiry in that regard then and I guess, before we can say that we need to know whether there's another witness in any case. But we'll take the morning recess and I'll just suit her up. I appreciate the heads up.

20 R E C E S S

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

25 MR. FAVERI: Could you page in Josie Campbell, please?

COURTROOM CLERK: Yes.

...COURTROOM CLERK PAGES JOSIE CAMPBELL TO COURTROOM...

30 ...JOSIE CAMPBELL ENTERS COURTROOM...



JOSELYN CAMPBELL: SWORN

EXAMINATION IN-CHIEF BY MS. HYSLOP:

Q. Good morning, Ms. Campbell.

A. Good morning.

Q. My name is Kim Hyslop, I represent John Atkinson. Can you hear me okay?

A. Yes, I can.

Q. Okay.

A. As long as you keep the same level...

Q. Okay.

A. ...I have one bad ear.

Q. Okay, I'll do my best. If you don't hear me or somebody else who asks you a question please let us know and we'll repeat it.

A. Okay.

Q. And I'm just going to ask you a few questions. Now, I understand that you reside at 1905 County Road 50.

A. That's right.

Q. And you've been residing there for a number of years now.

A. Uh-hmm.

Q. Okay. You reside there with your husband.

A. Uh-hmm.

Q. And you also reside there with your daughter who lives in another part of the house, correct?

A. Yes.

Q. And at some point in time John Atkinson was living in that house with you, right?

A. Well, he wasn't living with me but he was in the house, yes.

Joselyn Campbell - In-ch. by Ms. Hyslop

Q. In the house, in the part where Deborah lived.

A. Yes.

Q. Okay. Do you recall a number of years ago, Ms. Campbell, that there was a Ford dump truck stuck on some rocks on your property?

A. Yes.

Q. And that was back in 2008, do you recall that?

A. I don't - I recall it but I don't know the date.

Q. Okay. Were you present on the day that the truck was taken off those rocks?

A. I wasn't, no, I was away and when I came home it was off the rocks.

Q. Had you discussed with Deborah how the truck got stuck on the rocks, how it ended up on the rocks?

A. Yes.

Q. Have you - did you have that discussion with her at the time that the truck was still stuck on the rocks?

A. I believe so.

Q. Have you discussed the truck being stuck on the rocks since that incident or since the truck has been taken off?

A. Possibly only in passing, I - not my topic of conversation.

Q. Have you talked about the truck being stuck on the rocks since you became aware that John Atkinson was facing charges?

A. I believe so.

Q. Are you able to say how long ago you last spoke about this incident?

A. No, I can't tell you, I don't know.

Q. If I were to show you pictures or are you able to describe for me how the truck was actually stuck on the rocks?

A. I'd have to see a picture.

Q. You'd have to see a picture.

MS. HYSLOP: If we could show - I think that they're, I can't remember but I don't think I have - if I could see the last pictures that were made exhibits through....

COURTROOM CLERK: 16 and 17.

MS. HYSLOP: Okay. She did draw or he did draw it on it. So, I'll just, I apologize, Your Honour but I want to have the witness draw fresh on it so, I'm going to provide her with a copy of...

COURTROOM CLERK: 16.

MS. HYSLOP: ...16.

Q. Is that, do you recognize - I guess, first of all what that picture, of what that picture depicts?

A. Yeah, this is our driveway.

Q. Okay. Are you able to recognize if that's where the truck was stuck on the rocks?

A. Well, I believe it was this rock but I, I couldn't swear to that so I wouldn't like to....

Q. Okay.

MS. HYSLOP: Then I won't, I won't enter this photo then with you Your Honour, I will have her....

THE COURT: What you showed her was a copy of Exhibit 16, is that correct?

Joselyn Campbell - In-ch. by Ms. Hyslop

MS. HYSLOP: I showed her a copy of Exhibit 16, yes.

THE COURT: The Crown's content that, that for the record it be covered that way....

MR. FAVERI: Yes.

THE COURT: Thank you.

MS. HYSLOP: Q. Okay. So, are you able to tell me which direction the truck was stuck on the rocks, which way it was facing?

A. Let me get my bearings there. Coming from the west and facing east.

Q. And I don't know the directions of that area so if you can tell me - are you able to say whether or not it was facing County Road....

A. No, it was facing away from County Road 50. County Road 50 is to the west of our house.

Q. Have you ever seen any pictures that were taken of the vehicle stuck on the rocks?

A. Yes, I believe so.

Q. Have you actually seen pictures of the vehicle being stuck on the rocks or just pictures from that day?

A. Well, pictures from that day would show it being stuck on the rocks.

Q. Who showed you those pictures?

A. It could've been anyone in the house we are a family after all.

Q. True, that's true. Do you remember how many pictures you saw from that day?

A. No.

Q. Are you able to estimate if it were more than five or six or...

A. No.

Q. ...a hundred - you can't say.

A. No.

5 Q. I just want to - you said that there were pictures that were taken from that day, are you able to say what the pictures showed?

A. It showed that the truck has come towards the house and was on top of the rocks, partially on top of the rock, sorry.

10 Q. When was the last time that you saw that picture, do you recall?

A. No, I don't.

15 Q. Have you discussed - I'm sorry, you indicated you had discussed, had some discussions with Deborah about how the vehicle got stuck on the rocks, have you discussed anything about this case with your husband?

A. Well, he helped her get the truck off the rocks so I guess there was some discussion.

20 Q. But do you recall you actually having discussion with him?

A. No, I can't say that it's been years, this has been going on a long time.

25 Q. Do you have any in your possession, any pictures of that day or of the truck being stuck on the rocks?

A. No, no, I do not.

MS. HYSLOP: Okay. Thank you, very much, Ms. Campbell, those are all the questions I have for you.

THE COURT: Just before you go, ma'am.

30 JOSELYN CAMPBELL: Oh, yes, I'm sorry.

THE COURT: It's okay. Mr. Faveri, any questions?

Joselyn Campbell - Cr-ex. by Mr. Faverì

MR. FAVERI: Yes, please.

CROSS-EXAMINATION BY MR. FAVERI:

5 Q. The pictures you have a memory of seeing of the truck on the rock...

A. Uh-hmm.

10 Q. ...do you remember in what format you viewed those pictures and by that I mean, did someone show you a screen on a camera or on a computer screen or a printed picture?

15 A. Well, I don't think we had the computer screen at that time. So, I'm not sure, I've seen printed pictures of it. I can't recall, I'm sorry.

Q. Well, that's fine.

MR. FAVERI: Can I see Exhibits, I think it's 4, 3(A), (B), (C) (D), 4, 5. Thank you.

20 Q. I'm going to show you some images, I just want to know if any of these - if you can say whether these pictures you've seen before. So, this one is marked as Exhibit 3(B).

A. Oh, this was after they got it off.

Q. You're going to have to keep your voice up even though I'm right beside you.

A. Yeah, okay, all right.

25 Q. You said this is after they got it off.

A. I'm not sure. I could say, I would say, "yes" but then I'm, I'm under oath so I'm not sure.

30 Q. Okay. Well, that's fine to say, 'you're not sure' if you're not sure. This one is Exhibit 3(A)(i), have you seen that one before?

A. No.

Q. Okay. I think those are the only two - I just want to make sure that you weren't maybe mistaking these images for ones you say you've seen the truck actually on the rocks. So, you....

5 A. I'm not much good as - 'cause I wasn't really involved in it, you know, it was done while I wasn't there and I wasn't - I didn't see it until it was actually on the rocks.

10 Q. Okay. You said the truck was pointed away from County Road 50.

A. Yes, it's pointed towards the house.

Q. Towards the house, okay.

A. Uh-hmm.

15 Q. Any other memory about the pictures you saw, like, where you were when you saw them? Who had them?

A. Well, Jim and Debbie were both there so they were probably - pictures that were taken and I was shown, like, who showed them to me I do not remember.

Q. All right, thank you.

20 A. Okay.

MR. FAVERI: There may be some re-examination, I'm not sure, ma'am, just stay put for a second.

THE COURT: Sorry, do you have any....

JOSELYN CAMPBELL: Oh, sorry.

25 THE COURT: No, that's fine.

JOSELYN CAMPBELL: I'm back.

THE COURT: Okay. That's fine, there's no further questions for you.

JOSELYN CAMPBELL: Okay, thank you.

30 THE COURT: Thank you. So, is there other evidence today?

5 MS. HYSLOP: As my friend indicated to you  
earlier I would appreciate having the report and  
being able to speak with Mr. Atkinson about that  
prior to him taking the stand. So we did obtain  
- the earlier dates we were able to get were  
December 8th and 9th. They were available both  
to myself and my friend, there were no earlier  
dates offered.

MR. FAVERI: That's in Bradford.

10 MS. HYSLOP: In Bradford.

THE COURT: So, are we taking both of those  
days?

15 MS. HYSLOP: If Mr. Atkinson testifies I imagine  
we'll be a full day and then we would need time  
for submissions and then if the expert needs to  
testify. I really would like to be able to  
finish the matter the next time out.

THE COURT: Well, you and me both, I understand  
that, okay. Mr. Faveri, you're agreeable to  
those days?

20 MR. FAVERI: Yes, sir.

THE COURT: Okay. All right, and sorry,  
Mr. Atkinson is in custody on other charges,  
right, so is he detained on these?

25 MR. FAVERI: He's serving a sentence.

THE COURT: Right.

MR. FAVERI: I don't know his status on these  
ones.

30 COURTROOM CLERK: On these ones there is a  
consent detention order.

THE COURT: Okay. All right, then Mr. Atkinson,  
your matter is adjourned then to December 8th



and thereafter December 9th in Bradford for a continuation and conclusion of the trial, and I take it he's content with a direct remand to that date.

5 MS. HYSLOP: Yes, please, Your Honour.

THE COURT: Thank you.

MR. FAVERI: Your Honour, I should say, we told the Trial Coordinator that we did not need to use in-custody dates so that's probably why it's so far away.

10 THE COURT: I understand, okay, thank you, very much. Okay, sir.

MR. ATKINSON: Thank you, Your Honour.

THE COURT: All right.

15 ...TRIAL ADJOURNED TO DECEMBER 8TH, 2014, 9:30 A.M. IN BRADFORD...

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

32.  
Certification

FORM 2

Certificate of Transcript  
Evidence Act, Subsection 5(2)

I, Julie Volkmann, 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. 3811\_10\_20140508\_091201\_\_6\_MEIJERE which has been certified in Form 1.

November 17, 2014



Court Authorized Transcriptionist  
9735690149