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Mr. John Atkinson

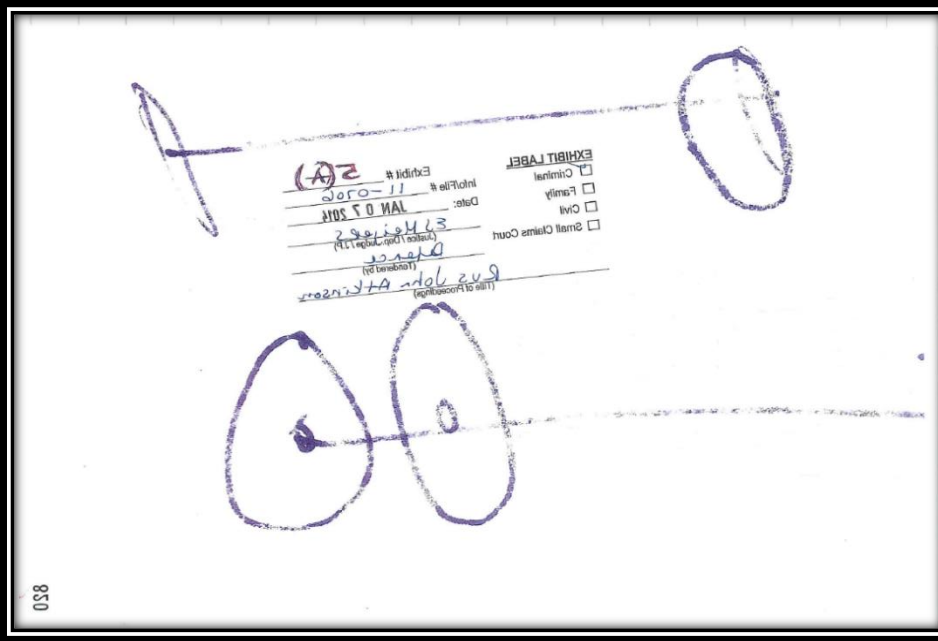
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BOOK # 2

Read

Reason for Judgement Pg.17 Para -18 Pg.18-27 Para -1-2

The Honourable Justice .E .J Meijer THE COURT: Mr. Atkinson presented as a Smug, Self-absorbed theatrical Witness who had, in my view, no interest in Perusing the truth, but rather concocted an elaborate explanation that had no Familiarity with Common sense or Reality and could not withstand even the Mildest scrutiny in Cross-examination, my view, he was among the most Fractious, evasive, tangential, Fuzzy and meandering witnesses I have ever Come across. I simply do not Believe his Evidence and it does not raise a Reasonable doubt in my mind



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Created by J.B. ATKINSON

Atkinson_John
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R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

Within these pages below are pages of the testimony by Deborah Lynn Campbell - Crown's Witnesses Who consistently lied, even when things were very unbelievable, that kind of testimony only assisted Bradford Crown: Franklin John Faveri, and colleague Crown Meijer's then weeks later appointed to the bench, Now Bradford, Ontario Judge, Meijer's Clearly then crown had dealings with me in the near past, and wouldn't that be a conflict of interest

This witness Deborah Lynn Campbell so boldly would go on to testify, as if these lies should be believed; Moreover, goes on to explain even when the pictures in their case did not show at all to what she was testifying to in an exhibit-Exhibit 5-A, and would fail to support to just what Deborah had just testified to, not a shred of truth, not a shred of evidence, in fact when one looks at the evidence `` **Birthday videos** `` clearly, show that it cannot be to what Deborah just testified to... Rather alarming to say the least of these exhibits 2, 3, 4, 5, and 5A

I give truth in all my testimony of my innocence, for I have been wrongly convicted; yet it is of their own evidence that was used, and proved there was no crime committed It was their own evidence used to show these courts, this crime never, ever took place. June 8th 2016 judge Meijer has heard my facts to the errors by the very judge Meijer's and has heard my arguments I had made in his own errors

Moreover, judge Meijer's had overlooked the serious errors caused by himself, and several times where reasonable doubt was at the heart of the issue, he was not able to get passed reasonable doubt, or could judge Meijer's see the obvious when it was right in front of himself. I when proceeding with evidence and arguments on my fresh evidence hearing... that evidence I was able to show it was physically impossible when one goes through the exhibits for even a charge to be laid In addition, I will positively prove by way of doing the math. As I say, mathematically Ms. Campbell's testimony cannot be equal to Fact base Evidence.

Evidence that is simple even for a grade 6 math Students; math with the longest measurement of 8 inches to 4 feet to a length of 17 feet; And I will read other Evidence that's not Humanly Possible by Ms. Deborah Campbell testimony. what I have to say to day About the Judge's Own findings do not make sense of the crown's evidence or the judge's findings as he states

There just is not evidence to judge Meijer's warding, and that is all it is, warding, with no substance, and the evidence to the simplest view to see just is nowhere to be found, and what we see cannot be the truth at any point in what she tries herself to describes, at times she herself cannot describes what she looks at to answer about what she has just testified to... when the lawyers say's how did you do that, Deborah Lynn Campbell will not answer, or when she is caught in a lie, she will answer, Well I never thought about that, or why don't you ask me something else (Found In Trial Transcript) And that being an answer is a time the evidence proves she is just lying, No material evidence that they submitted, do they rely

However, they do spin several webs of lies

What facts Judge Meijer's use to support his reason for judgement cannot be found?

Evidence, to make a positive to any of the charges, that evidence does not exist and can be disputed,

What is the evidence that is relied upon by the judge?

In addition, what facts does the Crown rely on?

It Surly is not by any of the crown witnesses as I will read to you why there evidence cannot be relied upon

In addition, unfortunately I did find as much Fault with the lawyers I had,

Them who fight me as I seek the truth? As odd as this may sound, you will hear that evidence... why I could leave no stone unturned However, for the sake of this court, I have all the evidence, I share with you the facts to this case and enable you to cross-reference trial transcripts the pictures the exhibits photographs and when you visit wronglyconvicted.ca you will see / read the factum I put together for the Fresh evidence hearing of June 8th 2016 Crown has not proven their case, in all you read there is no truth in any of it and their own evidence proves that in several areas based on facts, exhibits and testimony and how the case become so secretive to them involved in this case I chose to stay the course of Truth ...Facts you will here by Mr. Atkinson, I have taken their own Evidence and will, systematically show that this crime never, ever took place, That the crime did not take place, never took place, I am not so interested in the hundreds of lies but it is there, In closing I challenge any one to challenge me based on their own evidence to what the witnesses evidence is; place any of their evidence before me and I can prove you wrong I can also count on reasonable doubt, but let's set the bar higher than that let's set the bar at 100% proof

Respectfully: Mr. John Bradley Atkinson

R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

1. *Reading from transcribed video statements* **August 26th 2010**
Time estimation by Deborah Campbell
What time of day did that happen?

DCC: Yeah. Okay so let us go back to the... truck incident for just ...what **time of day** did that happen

DC: well I would've just come home from work;

So it would be like **s-six thirty. Seven o'clock**

Page 19

Paragraph 19-25

1. *Reading from transcribed video statements* **August 26th 2010**
Time estimation by Deborah Campbell
What time of day did that happen?

DC: I mean, it would've, been **reasonable time**.

I think I had reservations for seven at the hotel

DCC: Hm-hmm

DC: I can't ...can't recall exactly, but I think **that's the time** I did

DCC: Yeah

DC: and U m, and so it'd be, **Six Thirty.**

Seven o'clock by the time the **whole thing finished** it would probably be,

I don't know **eight thirty, nine o'clock** at the latest

Page 20

Paragraph 1-11

1. *Reading from transcribed video statements* **August 26th 2010**
Time estimation by Deborah Campbell
What time of day did that happen?

DC: Um, it probably ...we it would've been about **seven o'clock** that I had the reservations

DCC: Hm-hm

DC: and it would maybe have been... like I ...was starting to get anxious about whether I should phone and cancel the reservations ,at least and let them know we weren't coming and then after ,Uh all this happened . I decided it didn't matter. The restaurant would just have to have some no show that night

DCC: Hm-hm

DC: but anyways um, by the time the tow truck dr... driver come it might've been **nine thirty, nine o'clock, nine thirty** I don't remember exactly

Page 32

Paragraph 11-26

1. *Reading from transcribed video statements* **August 26th 2010**
Time estimation by Deborah Campbell
What time of day did that happen?

DC: I wasn't really paying attention on the time too much but , Uh, but from the time john got in the ca.- ...the truck the first time the green truck and drove back I would've had to wait at least **forty five minutes** for the tow truck

DCC: Mm-hm

DC: so...so like **seven o'clock eight o'clock maybe nine o'clock**

DCC: and what's happening in the interval waiting for the tow truck

Page 33

Paragraph 2-11

1. *PRELIMINARY HEARING* **July 22nd 2011**
Time estimation by Deborah Campbell
What time of day did that happen?

Examination In-Chief-Mr. Faveri

A: Yeah, it was Monday, so I was at work until I don't know **5 o'clock** or so come home and john was there with his friend carl Lockhart

Page 86

Paragraph 1-2

Book - # 2-2

1. PRELIMINARY HEARING July 22nd 2011

Time estimation by Deborah Campbell

What time of day did that happen?

Q: So you left work at 5:00, you went directly home when you walked in the door Carl's there and John is there?

A: Oh yeah

(Which is the answer – straight directly home) Or (when you walk in the door there)

Page 86

Paragraph 15

1. PRELIMINARY HEARING July 22nd 2011

Time estimation by Deborah Campbell

What time of day did that happen?

A: it was cold because it was January and it wasn't snowing or anything.

There might have been a little bit of ice on the road maybe .it was just about dusk because it was...well it was probably just passed dusk Cuz it was like 7 o'clock 6:30,7:00 o'clock something like that, 7 o'clock maybe even 7:30 by then

(Dusk-darkest stage of twilight, after sunset)

(Reading Off the internet: 5:03 p.m. Sun did go gone down)

Page 89

Paragraph 14-19

1. Proceeding at Trial October 8th 2013

Time estimation by Deborah Campbell

What time of day did that happen?

Q: On January 14th 2008 did you have to work

A: yes that was a Monday and as I was at work and I got off work about 5 o'clock

Page 19

Paragraph 28-29

1. Proceeding at Trial October 8th 2013

Time estimation by Deborah Campbell

What time of day did that happen?

A: Left work at a reasonably time – five o'clock being reasonable for me, and I got home probably about half hour later

Page 20

Paragraph 23-24

1. Proceeding at Trial October 8th 2013

Time estimation by Deborah Campbell

What time of day did that happen?

A: I was there for about an hour and maybe a little longer when I thought I should make them some food

Page 21

Paragraph 2

1. Proceeding at Trail January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

Q: now you left work that day around your usual time?

A: yes

Q: and was that at 4:30 or, 5?

A: probably five o'clock; I don't really have a specific time. Because I work, salary so I leave when I'm finished my work. But because I had reservations that night I would've left by five o'clock

Page 49

Paragraph 24-31

Proceeding at Trial January 7th 2014

Book - # 2-2

1.

Time estimation by Deborah Campbell
What time of day did that happen?

Q: so on that particular day your view – or your belief is that you have left at 5 P.m.

A: yes

Q: and what time was the reservation for?

A: I'm thinking it was probably 7 o'clock it was 7 o'clock as far as I remember

Q: how long did it take you to get from your work to your home?

A: half an hour – twenty minutes half an hour

Q: and you went straight home that day

A: Yep

Q: so you would've been arriving around 5:30?

A: Yep

Page 50

Paragraph 14-29

1.

Proceeding at Trial **January 7th 2014**

Time estimation by Deborah Campbell
What time of day did that happen?

Q: How long is it that you were sort of talking part in the party before you started to make some dinner?

A: I never got to the kitchen, so I never started making dinner but I was probably there at least an hour so We would've already been not able to get to are reservation by then

Q: sorry you could not have made your 7 o'clock reservation

A: I don't think so, because by the time I got home it'd be 5:30. I was there for 6:30. It was at least a half hour to drive to Thornton, maybe 40 minutes

Q: okay

Page 55

Paragraph 21-32

1.

Proceeding at Trial **January 7th 2014**

Time estimation by Deborah Campbell
What time of day did that happen?

Q: are you able to put a time line how long – or how much time passed between when Mr. Atkinson leaves the living room and when you see the truck driving down?

A: less than a minute less than a minute less than two minutes less than a minute I'd say

Q: so you went – you stay inside with Mr. Lockhurst at that point

A: yes

Q: and about 5 minutes later Mr. Atkinson comes back

A: yeah five or ten minutes I'm not sure exactly but it wasn't that long

Q: by the time Mr. Atkinson left was it dark outside?

A: it was dark, yes

Page 64

Paragraph 18-32

1.

Proceeding at Trial **January 7th 2014**

Time estimation by Deborah Campbell
What time of day did that happen?

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

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

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

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

Page 65

Paragraph 1-10

Book - # 2-2

1. Proceeding at Trial January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

Q: now you had taken these videos of Mr. Atkinson and Mr. Lockhart- sorry Lockhurst just before Mr. Atkinson had driven away

A: Yes

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

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

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

A: yeah I would think **I would be there for at least an hour**

Page 80

Paragraph 16-30

1. Proceeding at Trial January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

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

A: Yes

Q: and in that video, it appears to be quite light out

A: Okay

Q: do you agree with that

A: Yep

Page 82

Paragraph 23-31

1. Proceeding at Trial January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

Q: and if these videos are taken sometime After 5:30...

A: yep

Page 83

Paragraph 1-3

1. Proceeding at Trial January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

Q: ...up until maybe an hour, right because you were at the place for about an hour before Mr. Atkinson left,

Seems to me that would be inconsistent with the level of daylight that's still outside given the time of year

- we're talking about January two thousand – well January which is about the same time of year that we're at now, would you agree that it would be that light out at that time of year if we're talking about 5:30 to 6 or 6:30 ?

Page 83

Paragraph 4-17

1. Proceeding at Trial January 7th 2014

Time estimation by Deborah Campbell

What time of day did that happen?

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

Q: okay

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

Page 83

Paragraph 12-17

2. *Reading From transcribed video statements* **August 26th 2010**

False statement By Deborah Campbell's victim impact statement

Neighbour did not come out

DC: You Know, it is okay if he swears a blue storm, but it's not for me.

DCC: Okay and he is yelling this.

DC: Screaming is more like it .Screaming.

DCC: Well

DC: He's, screaming at the top...I'm surprised that... that all the neighbours didn't come out and see.

DCC: Hmm.hmm

DC: It was like I was worried that the neighbours would s--- Would see

Page 23

Paragraph 12-21

2. *Reading from transcribed video statements* **August 26th 2010**

False statement By Deborah Campbell's victim impact statement

Neighbour did not come out (See exhibit 7A)

DCC:Five Ton, . Is itis...it a diesel?

DC: Diesel, yes

DCC: Okay, is it loud?

DC: Yes

DCC: Okay when it started up, do you have any I--... Well I....I Know

DC: I live in the middle of nowhere, so the neighbours won't reallyaren't really that close

Page 91

Paragraph 1-10

2. *PRELIMINARY HEARING* **July 22nd 2011**

False statement By Deborah Campbell's victim impact statement

Neighbour did not come out

Q: And to the left side of the image I see....

A: The Neighbour's driveway

Q: Okay, I was going to ask you what it was

A: So this is the driveway that when - you can probably even see , if yoy were to take this picture here

Q: That's Exhibit ...

A: Exhibit 4. The **place** where the truck had been ...

Q: In the ditch.

Page 101

Paragraph 15-21

2. *PRELIMINARY HEARING* **July 22nd 2011**

False statement By Deborah Campbell's victim impact statement

Neighbour did not come out

A: And then we saw him get out of the car

out of the truck , and start walking home and then some people picked him up in an car and drove him,

whatever ,50 feet along the road not very far because it wasn't very far to the neighbour's driveway

,where he got out of the car and walked up to the house

Page 146

Paragraph 12-16

2. *PRELIMINARY HEARING* **July 22nd 2011**

False statement By Deborah Campbell's victim impact statement

Neighbour did not come out

A: Got them to drive him in the driveway, back to the peoples next door and them drop him off on the

road down - there's a hill, so you can see the next guys driveway

Page 90

Paragraph 20-22

2. *Proceeding at Trial* **October 8th 2013**

False statement By Deborah Campbell's victim impact statement
Neighbour did not come out

A: And start walking back up to the house some car driving by picked him up to give him a ride and drove into the driveway just to the south – to the property to the south , south of us, Not to our property

Page 26

Paragraph 29-31

2.

Proceeding at Trial **January 7th 2014**

False statement By Deborah Campbell's victim impact statement
Neighbour did not come out

A: And they picked him up and of course he didn't have very far to go
– I don't know why he even got into the car with him because it was only a **few hundred feet** to the next driveway, the house from where this happened, where this truck spun out was only 300.feet away from my driveway , so why John would even get into a car I don't know , I never...

Page 66

Paragraph 26-29

2.

Proceeding at Trial **January 7th 2014**

False statement By Deborah Campbell's victim impact statement
Neighbour did not come out

A: ...Asked him why, but these people dropped him off in the driveway. To the south

Page 67

Paragraph 1-2

2.

Proceeding at Trial **December 8th 2014**

Mr. Atkinson testimony got in car Neighbours never came out

Neighbour did not come out

A: So when Jason was – or Sean was sitting at the side of the road with the car, I got in his car and I said you know – well **actually before I got out of the truck I said Jay stay , all right and we'll get a tow truck** So I went to Sean and I said Okay Sean

Q: **Let me stop you there** so where does Sean come from

A: Well Sean was behind us when we turned around; he followed us out in his car when we left

Q: Okay so continue on

A: So just before we're getting to the house right I just said "**you know what this night is a bust I**

Page 14

Paragraph 20-31

2.

Proceeding at Trial **December 8th 2014**

Mr. Atkinson testimony got in car Neighbours never came out

Neighbour did not come out

A: I mean this night is not going good at all right So I said instead of Sean even getting involved coming into the house and getting into the driveway I said Sean just let me out here

Page 15

Paragraph 1-5

3.

Reading from transcribed video statements **August 26th 2010**

Prepare some Food from the Kitchen, which is What I Did

DC: Um so I thought I would just not say anything about going out for dinner and just sort of say you know, **start to go into the kitchen and start to prepare some food which is what I did**

Page 9

Paragraph 20-24

3.

PRELIMINARY HEARING **July 22nd 2011**

Prepare some Food from the Kitchen, which is What I Did

A: and so I thought Oh dear, I don't really want to go out to Thornton's to this fancy restaurant with a couple of drunks guys don't think

Page 86

Paragraph 30-32

3.

PRELIMINARY HEARING **July 22nd 2011**

Prepare some Food from the Kitchen, which is What I Did

A: That wouldn't work out very well so I'm thinking what do I do now So I just sort of you know try to fit into the party a little bit and then eventually I thought okay well maybe I should make something to eat so I headed towards the kitchen to make something to eat
Page 87 **Paragraph 1-5**

PRELIMINARY HEARING July 22nd 2011

Prepare some Food from the Kitchen, which is What I Did

A: I was saying, "Listen I think, why don't we just stay home, I'll make something to eat. I don't think it's a good idea for you to drive. I don't think a good for us to go to the restaurant let's just stay here."
I think we've, maybe missed our Reservations, that sort of thing.

Page 88

Paragraph 9-14

3.

Proceeding at Trial **October 8th 2013**

Prepare some Food from the Kitchen, which is What I Did

A: Well I didn't say anything to remind them about the dinner reservations. I just tried to fit into the party and you know, they were having a good time, and Carl Lockhurst is – was always a good friend for John. John would always be happy when Carl was around. He enjoyed his company and they seemed to get along well and they – I'd never had any issues with Carl being there and so when I went there I thought, okay, that's not – we're not going to go out, but we're going to – I'm going to try and fit in, and so that's what I did.

And we were probably – they were singing that were playing the guitar and laughing and drinking and we took some birthday pictures

And we – and then I guess I probably was there for about an hour and maybe a little longer when I thought, well, maybe I should make them some food because they're - maybe that would help with the Inebriation, but – so I headed towards the kitchen to make some food, and John says, "what are you doing? Aren't we going out? And I said, "well, I didn't really think that was a very good idea. That perhaps we should just stay in instead, and we will have a good time, but do not worry we'll have a good time anyways."

Page 21

Paragraph 8-27

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

Q: So at that point in time you decided that you wouldn't go for dinner because they've been drinking

A: well that's what I was thinking that it just wouldn't be a good idea

Q: you didn't cancel the reservation at that point in time is that correct

Page 54

Paragraph 27-32

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

Q: You just went about sort of preparing something in the kitchen

A; I tried to but as soon as I started to do that, he realized that I was going to try and not go

Page 55

Paragraph 8-11

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

A: I never got to the kitchen so I never started making dinner, but I was probably there at least an hour

Page 55

Paragraph 23-25

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

A; yes as soon as I started to make any move towards making the – go to the kitchen and then he realized that I wasn't going to take him, that's when he – that's when he said 'Oh' Yeah 'we're going. And I said I didn't think it's a good idea, I really thought it was a terrible, but I didn't

Page 56

Paragraph 10-17

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

Q: you didn't relent and you didn't say fine?

A: No, I didn't because I didn't get an opportunity. As soon as I said I didn't think it was a good idea he went berserk

Page 57

Paragraph 25-28

3.

Proceeding at Trial **January 7th 2014**

Prepare some Food from the Kitchen, which is What I Did

Q: Okay, so I've turned to you there to **page 9**. This is where you're going through with detective Conway, the incidence that happened on **January 14th 2008** very similar to what you've just testified to in front of His Honour about what happened when you got home.

So the part that I put to you – well maybe we'll go back then to **page 9** you tell Detective Conway; So I thought I would just not say anything about going out for dinner and just sort of say you know – start to prepare some food which is what I did

A: Okay

Q; and so that's what you're saying you actually did and you were trying not to bring up the issue with the restaurant and were just going to go about things and hope he forgot, Correct?

A: Right

Q: and then you continue to explain, and when he saw me doing that, he said, "What are you doing

Page 60

Paragraph 1-18

4.

Reading from transcribed video statements **August 26th 2010**

"His Friend had been with him all day"

DC: well when I came home from work that day somehow his...I can't remember how, his friend had been there with him all day and when I got there they were both Loaded from alcohol

Page 8

Paragraph 20-24

4.

Reading from transcribed video statements **August 26th 2010**

"His Friend had been with him all day"

DC: we went and fetched him from Wasaga Beach

Page 17

Paragraph 17-18

4.

PRELIMINARY HEARING **July 22nd 2011**

"His Friend had been with him all day"

CROWN-FAVERI

Q: I want to talk to you about **January 12th 2008**. Did you see Mr. Atkinson that day?

A: Yes Sir

Q: Can you tell us about that and maybe first I'll ask you where you were with him

A: I was at his house.

Q: Is that on county road 50?

A: Yes Sir

Q: Was there an occasion?

A: Yes Sir

Q: What was it?

A: it was his Birthday.

Q: Do you know how old he turned that day?

A: I'm not sure, Sir.

Q: Do you remember how you got to his house?

A: By his wife

Page 41

Paragraph 15- 30

4.

PRELIMINARY HEARING **July 22nd 2011**

Book - # 2-2

“His Friend had been with him all day”

CROWN-FAVERI

Q: sorry his wife?

A: Yeah. His girlfriend, wife. What ever

Q: did she drive you

A: Yes, Sir.

Q: Do you remember what time you arrived?

A: No idea, Sir

Q: Do you remember if it was daytime or nighttime?

A: It was nighttime

Q: Was it dark out?

A: Yes Sir

Page 42

Paragraph 1-10

4.

PRELIMINARY HEARING July 22nd 2011

“His Friend had been with him all day”

BLISS-COUNSEL-Witness-Carl Lockhurst

Q: So when you got to john's house that was what time?

A: It was at Night, Sir

Q: It was at night?

A: Yeah

Q: And the person who drove you there was his girlfriend someone you understand to be his girlfriend.

A: Yeah

Q: Do you know that to be Deborah

A: Yep

Q: And then she leaves?

A: No one said she left

Q: Sorry

A: No one said she left.

4.

Q: When you left home for work that morning were there any guest over?

A: I can't remember, I can't remember if there was or not, I know that when I came home Carl Lockhurst was there but I cannot remember if he was there morning or he had come the night before

Page 19

Paragraph 31-32

4.

Proceeding at Trial October 8th 2013

“His Friend had been with him all day”

Q: Were you expecting that Carl would be coming for dinner too?

Page 20

Paragraph 31-32

4.

Proceeding at Trial October 8th 2013

“His Friend had been with him all day”

A: I wasn't expecting Carl to be there for dinner so that's why I can't Quite figure out whether he was there in the morning or not

Page 21

Paragraph 1-3

4.

Proceeding at Trial January 7th 2014

“His Friend had been with him all day”

Q: And when you arrived home, Mr. Atkinson had a friend over

A: Yes

Q: He had Carl Lockhurst over

A: Yes

Page 50

Paragraph 27-31

4. Proceeding at Trial January 7th 2014

“His Friend had been with him all day”

Q: That friend had been there all day with Mr. Atkinson

A: Apparently, Yeah, I I didn't know “Cuz” I wasn't there when he arrived. I'm pretty sure that he must've come - Somebody must have dropped him off. Or I don't know how he got there, I wasn't expecting to see him there

Q: You don't recall if you had gone and picked him up from where he lived in Wasaga Beach

A: I can't remember doing that but it is possible – but I don't recall him - he did come and we did pick him up a couple of times. But I'm not sure that that was specific and why would I have a reservation for two people when – if I know that there was going to be a third, so.

Q: Okay, so you're indicating that it's possible that, that you had gone the night before to pick him up but that doesn't make sense with the idea that you had a reservation only for two

A; Right

Q: Because it certainly wasn't your plan to take Mr. Lockhurst with you for dinner as well

A: No

Q: Do you recall telling the police officer, Detective Conway, when you first met with him that you'd gone to fetch Mr. Lockhurst from Wasaga Beach?

A: When?. I did fetch Mr. Lockhurst from Wasaga beach a couple of times, but I don't know if it was that night I can't remember

Q: I'll Show you page 17 of your statement to the police. So, in the middle of the page there you indicate to the officer that Mr. Atkinson had a friend over from Wasaga beach and that you Had gone and fetch him from Wasaga beach . Is that correct?

Page 51

Paragraph 1-31

4. Proceeding at Trial January 7th 2014

“His Friend had been with him all day”

A: Well that's what it says her

Q: But today you're saying you're not sure if that's the case

A: Yeah I don't remember. He was certainly there and he doesn't have a driver's licence so some body brought him. It was either me or it was his Dad

Q: But you agree with me that when you gave your police statement back on August 26th 2010 you indicated that Mr. Lockhurst was there and you had fetchd him from Wasaga Beach, Is that correct

A: Yes

Q: And today you can't seem to remember how he got there, Correct?

Page 52

Paragraph 1-6. - 7-10

4. Proceeding at Trial January 7th 2014

“His Friend had been with him all day”

Q: But it was certainly not your intention to take Mr. Lockhurst with you for dinner

A: Not when I made the reservation, it wasn't my intention, I didn't invite him to come with us

Page 53

Paragraph 7-11

5. *Reading from transcribed video statements* August 26th 2010

Got into the Green Truck and he, Drove it down the Highway at a High Speed

DC: ...And I don't even know if he got his coat on, I don't remember. But he went out and he got into the green truck and he drove down the highway at high speed. Just took off to South

Page 10

Paragraph 19-23

5. *PRELIMINARY HEARING* July 22nd 2011

Got into the Green Truck and he, Drove it down the Highway At a High Speed

Book - # 2-2

A... He tried to grab the keys and he must have got the keys from me because eventually he ran outside and got in the truck and he drove off, and he drove off at a high rate of speed down the road

Page 87

Paragraph 11 - 14

5. PRELIMINARY HEARING July 22nd 2011

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: And did he drive it onto County Road 50

A: Yes, Cuz that's the road that's right outside our house, he went south

Q: do you remember what the weather was like?

A: It was cold because it was January and it wasn't snowing or anything. There might have been a little bit of ice on the road, maybe it was just about dusk because it was, well it was probably just passed dusk Cuz it was like 7 o'clock, 6:30, 7 o'clock something like that . 7 o'clock maybe 7:30 by then

Page 89

Paragraph 10- 19

5. PRELIMINARY HEARING August 17th 2011

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: Did you actually SEE when John leaves the house to go into the truck and drives away?

A; Drive it away? The green truck?

Q: Yes the green truck I presume is the truck that he ends up you say getting stuck on a – or requiring CAA.

A: NO. Yes, requiring CAA.

Page 145

Paragraph 1-7

5. PRELIMINARY HEARING July 22nd 2011

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: when john leaves where were you standing as you're watching this truck out?

A: well I remember seeing it drive off down the road to the south and so I must have been on the south side of the house. I don't remember if I was inside the house or outside at the time. I saw it drive away

Page 145

Paragraph 27-32

5. Proceeding at Trial July 22nd 2011

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: Do you see it; do you see it in the ditch?

A: Well not until it comes back, we saw the whole thing, we we're standing outside "by then "so we saw him drive away

Page 146

Paragraph 1-4

5. Proceeding at Trial October 8th 2013

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: And then what did he do?

A: Then he ran out of the house and he jumped in the pick-up truck and he's yelling and screaming and telling me I couldn't tell him what to do, and I wasn't his boss and I was just some low life person, only in worse words , and he got in the truck and drove away

Page 22

Paragraph 16-22

5. Proceeding at Trial October 8th 2013

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q; All right, so he hit- He took off quickly, hit the park bench on the way out. Drove south at a high Speed. - When do you When do you see him next?

A: So Carl Lockhurst and I went out to the driveway. While he was doing these things, we were on the way following him. We didn't follow that closely at that point but we were up in the driveway, and then we saw him and I – I was asking Carl why on earth he would think that john could drink that much , and why did he participate in that sort of behaviour? I trusted Carl to look after john when I wasn't there, if anything, and he didn't do a good job of it because the two of them were drunk. Anyway, Carl he said he didn't know that john...

Page 23

Paragraph 7-19

5. Proceeding at Trial **October 8th 2013**

Got into the Green Truck and he drove it down the Highway At a High Speed

A: So I was just saying that I had a discussion with Mr. Lockhurst about, about why they had been drinking so much and I was disappointed. **And then we went outside into the driveway** and we talked about whether or not he would come back

Page 25

Paragraph 16-18

5. Proceeding at Trial **January 7th 2014**

Got into the Green Truck and he drove it down the Highway at a High Speed

Q: So he gets the keys and runs out. Like the sliding doors that you go out to the walkout/

A: No, there's a door there, that's an exit...

Q: okay

A: ...a man door.

Q: Okay and you see him leave with the keys

A: Yes

Q: Do you follow him?

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

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

Page 63

Paragraph 16-32

5. Proceeding at Trial **January 7th 2014**

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Q: ...In the truck because you said very soon after you see it driving down.

A: Right and there isn't anybody else around there that was going to be driving that truck. So it had to be John.

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

Page 64

Paragraph 1-9

5. Proceeding at Trial **January 7th 2014**

Got into the Green Truck and he, Drove it down the Highway at a High Speed

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

A: That's correct. No, there's no street light.

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

A: No

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

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

Q: Now, the nixed time that you see Mr. Atkinson you see him when he comes to the house or you see The - him driving down the road

A: I could see the truck driving south when he left

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

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

Page 65

Paragraph 11-31

5. Proceeding at Trial **January 7th 2014**

Got into the Green Truck and he, Drove it down the Highway at a High Speed

Book - # 2-2

Q: So you were outside at that point.

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

Q: Okay , but you ...

A: Did I say before when?

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

A: So I remember that we were talking inside the house , we saw him coming back, we went outside.

Page 66

Paragraph 14-23

6.

Reading from transcribed video statements August 26th 2010

Key to the Green Truck

DC: He says No, no. I wanna go out , we're alright, we can go out , I said fine **He said give me the keys** , I said ...so I said to him really quietly, under my breath so his friend couldn't here "Cuz" he would get really mad if I would say anything bad to him in front of people

Page 10

Paragraph 4-6

6.

Reading from transcribed video statements August 26th 2010

Key to the Green Truck

DC: And ...Um he... and I said I don't ...I don't think that, That's a good idea I don't think it's a good idea for you to drive And 'uh' and he lost it ...absolutely lost it he went completely berserk , started screaming and started running around , **went in and got the extra keys "Cuz" we had extra , went and got the extra keys** And **I don't even know if he got his coat** on I don't remember But he went out

Page 10

Paragraph 11-19

6.

PRELIMINARY HEARING July 22nd 2011

Key to the green truck

So I headed towards the kitchen to make something to eat and John say's we're ready to go out to the restaurant, give me the keys. And I thought there is no way this guy's going to drive

Page 87

Paragraph 4-6

PRELIMINARY HEARING July 22nd 2011

Key to the green truck

A: And so I talked really quiet to him and he just went berserk and he started screaming at me, He tried to grab the keys and **he must have got the keys from me because eventually he ran outside and got into the truck and drove off**

Page 87

Paragraph 10-13

6.

PRELIMINARY HEARING July 22nd 2011

Key to the green truck

A: I have a lock box with keys in it, in the house

Q: Sorry in the house

A: I keep all – yeah, I keep all – I have so many key's and **John has millions of keys** for all sorts of things ,so I bought a key box and I put the key box up and put all the keys in the key box, so that's where I keep the keys

Q: so he would have – would have to go into the house to get the keys....

A: Yes

Page 91

Paragraph 8-18

6.

PRELIMINARY HEARING-ATTORNEY GENERAL FRANKLIN J. FAVERI July 22nd 2011

Key to the green truck

A: I went into the house, I called C.A.A. I said, "My truck is stuck in the ditch and you should come and pull it out for me. So then I said, I mean I'm frightened. I want to get away, so I said, "I'll go over to the truck and I'll wait there. You stay in the house because obviously shouldn't be outside on the road when they come " So CAA came. **Only John didn't know what he did with the keys to the truck** but the truck

keys are missing can't find them don't know where they went. So this truck guy, this CAA guy has to tow the truck and it's locked in park

Page 95

Paragraph 4-14

6. *PRELIMINARY HEARING – COUNSEL: JONTHAN BLISS* **August 17th 2011**

Key to the green truck

Q: Did he have the keys as you understood, with him or did he have to go in the house and get them?

A: I think he would have had to go in the house and get them

Q: do you follow him

A: I honestly can't remember what I did exactly

Page 149

Paragraph 4-10

6. Proceeding at Trial **October 8th 2013**

Key to the green truck

Q: Okay, So he says "Give me the keys" just the keys to what ?

A: So he wanted the keys to the 2001 G M C Z78 4x4 pickup truck that we had it was in the driveway and that's what we would drive, when we went places

Q: All right, so did John did you give him the keys

A: I didn't give him the keys, But we have a key box on the wall that holds all the keys and he went to the key box and he got the keys himself

Page 22

Paragraph 7-17

6. Proceeding at Trial **October 8th 2013**

Key to the green truck

A: And the tow truck driver asked me to take the car out of park , But we didn't have the keys, because John misplaced the keys to the dump truck

Q: Had you tried to get it before you went out to the truck?

A: I did try and get it and he couldn't figure where he had put it

Q: Okay.

A: And so, you know when he's very angry like that easy for anybody else to figure out where the key might have gone. We looked in all the obvious places along the road, But it could have fallen out of his pocket anywhere , and you know I didn't really want to get too close to him in case he decided that I was still – he still mad at me . It didn't turn out that he was. So I went across the street to the pickup truck and picked up the wood and I waited for the tow truck driver, and when the tow truck driver arrived and there was no key, then had to pull the tow truck - the pickup truck on the back of the flat bed without taking it out of park. So, basically had to drag it. So , the tow truck driver, was pretty upset about that and I guess he also saw that in the back of the pickup truck were some Beer bottles that had fallen , because on the weekend , before when we brought the truck down empty beer bottles had been placed in the back of the pickup truck , underneath the wood , I didn't even know that they had spilled out , But the tow truck driver pointed them out to me . So then he thought that I had been driving and been drinking And called his boss , So his Boss also showed up

Page 33

Paragraph 5-32

6. Proceeding at Trial **January 7th 2014**

Key to the green truck

A: *I'm another pickup truck – In another pickup truck and they decided that they would call the police, The police were called*

Q: *And I understand a police officer did come?*

A: *A police officer did come , he spoke to me and asked me what happened , and I said the truck spin – spun out and ended up on the side and I was just getting it towed back up to my house which was just over there and I pointed in the direction of my house.*

Page 34

Paragraph 1-8

6. Proceeding at Trial **January 7th 2014**

Key to the green truck

A: And soon as I said, I didn't think it was a good idea "he went berserk, he wanted the keys"

Page 57

Paragraph 27-28

6. Proceeding at Trial **January 7th 2014**

Key to the green truck

Q: Okay and you – So we've just gone over the police statement there. It's at that point Mr. Atkinson ask you for the keys

A: Right

Q: ...Right, Sorry I talked over you, what was your answer

A: Yes

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

A: Yes

Q: And you didn't actually give him the keys set of keys, correct

A: No, I did not give him the keys

Q: Your recalculation – or is it the keys – that he went and got the spare set of keys

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

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

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

Page 61

Paragraph 8-32

6. Proceeding at Trial **January 7th 2014**

Key to the green truck

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

Q: Okay so there wasn't a spare set of keys there was just....

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

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

A: That we have extra keys which I true

Q: You indicated, "He went completely berserk"

Page 62

Paragraph 1-15

6. Proceeding at Trial **January 7th 2014**

Key to the green truck

Q: ...Started screaming, started running around went and got the extra keys, I want to understand Ms. Campbell Do you have a Recollection today of how Mr. Atkinson got the keys?

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

Q: The truck would have been the truck that you were taking to the restaurant right?

A: Yes

Q: But you had your car that you would have brought from work you didn't take the truck to work

A: Correct

Q: You would have been the one driving to the restaurant?

A: Yes

Q: But you didn't carry the keys on you for the truck

A: No

Page 62

Paragraph 15-32

6. Proceeding at Trial January 7th 2014

Key to the green truck

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

A: Yes

Q: And the key box is located in?

A: My bedroom

Q: Your bedroom not the office

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

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

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

Q: So he gets the keys and he runs out like the sliding doors that go out to the walk out?

A: No there's a door there, there's an exit

Q: Okay

A: A man door

Q: Okay and you see him leave with the keys

A: Yes

Page 63

Paragraph 1-23

7. *Reading from transcribed video statements* August 26th 2010

2001-Z28 (Z71) G.M.C Pickup Truck

Tinted Windows

DC: And It was dark out

DCC: Yeah.

DC: And I was worried about my own skin really

DCC: Mm-hmm. Were the lights on in the truck?

DC: Oh Yeah

Page 35

Paragraph 15-20

7. Proceeding at Trial May 7th 2014

2001-Z28 (Z71) G.M.C Pickup Truck

Tinted Windows

Q: I'm going to show you a photograph, Ms. Campbell, do you recognise that vehicle there?

A: Yes

Q: That's your pickup truck, Right?

A: Yes

Q: And that's a G.M.C Sierra.

A: Yes

Q: Now, the back window, so, the back driver side window and then the actual rear window of the vehicle are tinted?

A: Yes

Page 48

Paragraph 20-31

7. Proceeding at Trial May 7th 2014

2001-Z28 (Z71) G.M.C Pickup Truck

Tinted Windows

Book - # 2-2

Q. Are you able to say if the driver side, and I'm going to provide you with the second photo and we'll ask them to be made exhibits in a moment. There's another photo I'm showing which is sort of front of the truck correct?

A. Yes

Q: Can you help me understand the tinting on the window because it's hard to see in the picture, are all the of the windows tinted the same?

A, Except for the front, the windshield

O, Okay, so , the actual windshield is not tinted , is that correct ?

A. Well I think it has some tinting on it

Q. Okay, not as tinted as the other windows, is that correct?

A. The back window are darker

Q . Okay, is...

A. That's the way you're legally allowed to do it, you can only make it dark at the back, you can't have the front or sides as dark , you can still tint them though

Q. And maybe I should've of given you this picture, this is one last picture. So, maybe we'll make them exhibits. So , the one – with Your Honour's permission , the one picture is looking at it from behind , sort of the rear shot where you can see the driver's side , correct?

A. Correct

Ms. Hyslop: So , that could be 9(A)

THE COURT: Content Mr. Faveri?

Ms.Hyslop: Sorry Mr. Faveri , these are the photos that were disclosed to me recently.

Mr. Faveri: Yeah, thank you

Page 49

Paragraph 1-31

7.

Proceeding at Trial **May 7th 2014**

2001-Z28 (Z71) G.M.C Pickup Truck

Tinted Windows

EXHIBIT NUMBER 9 (A) : Photograph of rear of truck – Produced and marked

Ms.Hyslop: Q. Okay, and then the nixed photograph is a **front view** of the where you can see the passenger side .Correct.

A: Right.

Ms. Hyslop: that could be 9 (B)

EXHIBIT NUMBER 9 (B) Photograph of front of trucked – Produced and marked

Page 50

Paragraph 1-9

7.

Proceeding at Trial **May 7 2014**

2001-Z28 (Z71) G.M.C Pickup Truck

Tinted Windows

Q. And are you able to make **comments about the tinting** of the window **in that particular picture?**

A. Yeah, **so the rear window and the back seat window are as dark as you can allow** and **the ones in front are not as dark as those**, and they're also, **I believe those are also tinted because if you actually could see the truck you would see that they are**

Q. Okay. So, even though they **don't look as dark or as tinted as the back** you're recollection is that **those front windows are even a little bit tinted.** right?

A. **They are a little bit tinted.**

Page 50

Paragraph 13-23

8.

Reading from transcribed video statements **August 26th 2010**

Keys to the Dump Truck

DC: Comes back **storming into the house**, he's still mad, **Gets the key to the dump truck**

Page 11

Paragraph 16-17

Book - # 2-2

8. PRELIMINARY HEARING July 22nd 2011

Keys to the Dump Truck

A: ...And he's still Mad, he's still jumping up and down Mad; And he grabs the keys to the dump truck. Cuz we have more than one vehicle. Of course, So the dump truck it's a 1987 Ford F150, F350 Dump Truck and he grabs the keys

Page 90

Paragraph 24-28

8. PRELIMINARY HEARING July 22nd 2011

Keys to the Dump Truck

Q: If I could just back you up again a bit, you said he got the keys to the dump truck, Where would have got those from?

A: I have a lock box with keys in it in the house

Q. Sorry in the house?

A. I Keep all - Yeah, I keep all – I have so many keys and john had millions of keys for all sorts of things , Locks and Pad locks and things , So I bought a key box and I put the key box up and put all the keys sin the key box. So that's where I keep the keys ...

Q. So he would have – would he have to go into the house to the keys

A. Yes

Q. For the dump truck

A. Yes

Page 91

Paragraph 5-15

8. PRELIMINARY HEARING July 22nd 2011

Keys to the Dump Truck

Q: So he would have – would he have to go into the house to get the keys

A: Yes

Q: For the dump truck

A: yes

Page 91

Paragraph 16-19

8. PRELIMINARY HEARING August 17th 2011

Keys to the Dump Truck

Q. So when he comes walking back up the driveway, I take it your first reaction is, or he's making a move towards where the other truck is which is – is in the garage or it's parked along the side of the driveway?

A. It's not in the Garage because it doesn't fit. It was, parked beside the driveway

Page 148

Paragraph 26-31

8. PRELIMINARY HEARING August 17th 2011

Keys to the Dump Truck

Q. This is part of the – you've described the cars that you would park in a parallel fashion.

A. Yes

Q. Did he have the keys , as you understood, with him or did he have to go in the house and get them?

A. I think he would have had to go in the house and get them

Q. Do you follow him?

A. I honestly can't remember what I did exactly

Page 149

Paragraph 1-7

8. Proceeding at Trial October 8th 2013

Keys to the Dump Truck

A: So I was walking along the driveway following John trying to convince him that getting the dump truck to pick the pickup truck out of the ditch was a bad idea and he got into the dump truck and started it up , the and backed up on to the driveway and he's still yelling that he wasn't going to do what I wanted him to do and he was going to get it out of the ditch , and I wasn't going to stop him, and all with `F` this and `F` that the whole time

Page 28

Paragraph 21-30

8. Proceeding at Trial **January 7th 2014**

Keys to the Dump Truck

Q. So when were- you inside the house or did you follow him or how did that work

A. I didn't exactly remember that part. I think that he came back in the house

because he got the keys to the other , the other vehicle, but we were still standing outside
Cuz- so we were- I was probably following him and he went back inside the house and then he went back
in the house and I followed him back outside and then he's talking about going and getting the dump
truck to pull the pickup truck out of the ditch

Page 67

Paragraph 11-19

9. *Reading from transcribed video statements* **August 26th 2010**

Dump Truck Parked On Parking Pad

DC: And he said no, I'm gonna get the dump truck and I'm gonna pull it out of the ditch , so like fine
Anyways ...so **I go up after him** and I'm thinking this is a really badso I'm just...

Page 11

Paragraph 20-24

9. *Reading from transcribed video statements* **August 26th 2010**

Dump Truck Parked On Parking Pad

DC: And he gets, really mad at ... And he starts driving the truck straight at me
And we have this curvy driveway and there's rocks lining one side of the driveway. and
Uh so, when he stated driving the truck right at me I took off across the top of the hill because there's a
hill that goes down and I thought if I could get away from him
I could get away on the hill if there was any way of getting away, I thought for sure he was gonna hit the
house for Sh—the way he was driving he was gonna hit the house or was gonna hit me . I don't know
what But I just took off. And what happened was like Luck the truck got stuck on rocks and the truck
stopped, and he's still mad. Gets out of the truck and starts jumping up and down

Page 12

Paragraph 5-20

9. *Reading from transcribed video statements* **August 26th 2010**

Dump Truck Parked On Parking Pad

DCC: Any idea of the speed? And I realize that's hard to gage
DC: Well he would've ben starting off in the driveway so it's not like he would've got ahead of steam or
anything

Page 34

Paragraph 1-5

9. *Reading from transcribed video statements* **August 26th 2010**

Dump Truck Parked On Parking Pad

DC: And, Um I wasn't very far away from the front of it when he started

Page 34

Paragraph 9-10

9. *PRELIMINARY HEARING* **August 26th 2010**

Dump Truck Parked On Parking Pad

A. So what happened when he got the dump truck and started it up it up and he's still so mad at me so I'm
still following him around like trying to see reason and he got mad at that , that's when he drove the
truck right at me

Q. Okay where were you standing?

A: I was on the driveway and he drove the truck I mean he was so mad and I was sure he was going to
kill me with that truck. I'm sure he intention was to do that. He doesn't – he thinks these things- he
doesn't think things through . He just thinks of what he's going to do at the moment

Q. All right. Can you describe where you were standing when John drove the truck at ya?

A. I was standing on the driveway. I was probably 15 feet, 20 feet from the house towards the – before the house and the road and the dump truck was – he had headed down – he was farther down the driveway so he was closer to the road then me. I was between – there was the road and then there was the truck and then there was me and

Page 92

Paragraph 13-25

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

A. Then There was the house so he's driving the truck towards me and I thought , I didn't know what he's going to do now but maybe what I have to do , is run down the hill because certainly – why would he follow me down the hill. And sure enough he did , and luckily GOD put some rocks in the way and the truck got hung up on the rocks and he was unable to go any farther, the truck was stuck

Page 93

Paragraph 1-7

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

A: No .So the driveway is in the front of the truck in this picture and the truck in this picture and the truck is parked to the north on the grass. It's – this is after. I didn't Unfortunately I didn't take pictures of the truck when it was stuck on the rocks. I only took picture as of the celebration of getting it off the rocks.

Q: Okay

A: So this picture is afterwards, the rocks are – the driveway is here and there's a rock on this side of the driveway

Page 98

Paragraph 1-10

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

Q. So when he came walking back up the driveway, I take it your first reaction is. Or he's making a move towards, where's the other truck, which is- is it in the garage or it's parked along the side of the driveway

Page 148

Paragraph 25-31

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

It's not in the garage, because it doesn't fit. It was parked beside the driveway

Page 148

Paragraph 30-31

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

Q. This is part of the – you've describes the cars that, you would park in a parallel fashion

A. Yes

Page 149

Paragraph 1-3

9.

RELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

Mr. Bliss Q: With respect to - are you at the window of the truck as he's getting in it or what are you doing to try and persuade him that that this isn't a good idea?

A. I honestly don't recall exactly

Q. But the next thing and please correct mm if I'm wrong, as I put this to you, but the next thin is he starts up the truck and he's driving out

A. I don't, I don't remember where exactly so far as the beginning of the incident because I don't remember exactly where the truck was parked

Page 150

Paragraph 17-31

9.

PRELIMINARY HEARING August 17th2011

Dump Truck Parked On Parking Pad

Book - # 2-2

Q: And so he's driving out of the driveway there's no incident between you and he when he's driving at you. Correct? He's just driving out of the driveway presumably to go back to the truck that's in the ditch. Right?

A: I don't recall that that part of it I don't recall that part of it.

Q: Okay. All you recall is on the return, that somehow he turns back

A: He turned around and came back.

Q: And came – comes back

A.: Yeah.

Q: And where you still standing in the driveway when he's coming?

A: Yes

Q: And when, after he gets the truck stuck up on the rocks that's when he gets out of the truck. Right?.

A: Yes

Page 152

Paragraph 15-31

9. Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

A: I have a picture where the dump truck is when he starts it....

Q: Oh, I see

A:After the incident – after the pickup was in the ditch and where the dump truck was

Q: All right

Page 28

Paragraph 4-9

9. Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

A: So on this diagram. if I have drawn where the dump truck was parked when I come home work that day

Page 28

Paragraph 14-15

9. Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

So I was walking along the driveway following John , trying to convince him that getting the dump truck to pick the pickup truck out of the ditch was a bad idea , and he got into the dump truck and started it up and backed up on the driveway , and he's still yelling at me that he wasn't going to do what I wanted him to do , and he was going to get that ,it was his truck and he was going to get it out of the ditch and I wasn't going to stop him and all with F `This , And `F` that the whole time

Page 28

Paragraph 21-29

9. Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

Q: Thank you, So what does 3-A Show ?

A: This is the Ford 1990 F 350 Dump Truck

Q: This is the one you say Mr. Atkinson drove at you up the driveway

A: Yes it is

Q: And where – Is this the picture taken at home

A: Yes, this is a picture of the truck positioned on the north side of the driveway after we had manipulated it

Page 56

Paragraph 23-31

9. Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

A: Off the granite rocks

Page 57

Paragraph 1

Proceeding at Trial **October 8th 2013**

Dump Truck Parked On Parking Pad

Book - # 2-2

A: **The area where** the park – the dump truck had been **parked before John started it** was down at the - this end of the driveway. There's, this ...

THE COURT: are you looking at exhibit....

A: ...**Grassy area at the end.**

THE COURT: You're, at **3-D** and you're looking at the **extreme right of the photograph?**

A: Yes

Page 58

Paragraph 25-32

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

Q: Now where's the dump truck parked

A: It was, **parked near the end of the driveway** I located it on the picture during my testimony

Ms.Hyslop: Q. If it could see the exhibit .I Believe it's **Exhibit 1-B**

Page 68

Paragraph 13-16

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

Q: Right so **Exhibit 1-B** where it's lettered 'A' is where the dump truck was originally Positioned

A: Okay

Q: Okay and that's your recollection today is it, That's where the dump truck was parked

A: That's where the dump truck was parked

Q: Is there any other place that the dump truck would sometimes be parked

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

Page 68

Paragraph 16-31

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

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

A: So part of the problem was in the preliminary hearing, I didn't have the picture with me

Page 69

Paragraph 12-21

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

A: And I felt that was a very difficult way to describe, and certainly, when you read back that testimony it is confusing to somebody who doesn't live there, so that's why I brought the picture when we had the trial so that I can more clearly explain where these vehicles were - there's absolutely no doubt in my mind where they were parked at that time

Q: Okay if you just can just assist me with **page 148** So well just review it together at the bottom of the page – this is after just to put it in context, it's before CAA arrives , this is Mr. Bliss talking – that john come back

Page 69

Paragraph 21-32

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

Q: And he's going to get the other truck to take the vehicle out of the ditch ,So that's the dump truck , "Correct" ?

A: That – he's going to get the dump truck to take the G.M.C Pick up out of the ditch

Q: Okay, and so the question that you're asked is so when he comes walking back up the driveway ,

Book - # 2-2

I take it your first reaction is , well he's making a move towards where the other truck is , which is it in the garage , or it's parked along the side of the driveway?

Page 70

Paragraph 1-9

9. Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

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

A: Right

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

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

Q: okay now the diagram –okay so he goes down – you're trying to walk in front of him and prevent him from even getting in the dump truck, Correct?

Page 70

Paragraph 9-32

9. Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

Page 71

Paragraph 1.

9. Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

A: Yes

Q: How far is it parked from the road?

A: The road is indicated on the map, so probably that about 35 feet. I don't know exactly , I'd have to measure with a stick – I the drawing is to scale so you see the driveway is – it's close to the end of the , it's close the road , so if he was going to go on the **NEVER MIND. I'LL LET YOU ASK THE QUISTION**

Q: Which way was the dump truck parked

A: It was parked towards the house

Q: So where you have it down on the diagram there

A: Yes

Q:It actually facing the house

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

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Paragraph 13-32

9. Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

Q: Again, Your Honour, If I can see that **Exhibit** back for a moment, please.

A: So when he opens the truck door, I was able to still be on the driver's side, talking to him because the truck door would've been facing the driveway

Q: Okay and so you recalculation it that he reversed back onto the driveway

A: Yes

Book - # 2-2

Q: He reversed – I thought he was going to go out to the road by just backing out on in “Cuz” Because he back up well, and he didn’t – he then put it in drive and started going forward , and he was driving up the driveway towards the house at that point and I was standing in the driveway . It took me a second of two to figure what he was doing, and then I started to Run because he was driving the truck towards me

Q: So he never even makes a motion for the road is what you’re saying

A: Well when he first started backing up the truck I thought that he was going to back out on to the road

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

Page 72

Paragraph 1-25

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

A: Not at all. ; No

Q:The only way

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

Page 72

Paragraph 26-32

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

A: Me a couple of seconds to realize that he was actually driving towards me and then I started to run

Q: When you’re at the door of the truck and you’re still trying to convince him not to take the truck and he’s starting to back up, what path do you take, where do you go from there

A: I stayed in the driveway

Page 73

Paragraph 1-7

9.

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

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

THE COURT: Which **Exhibit** are you showing there Please.

COUNSEL: Ms.Hyslop: So this is **Exhibit 1-B**

Page 73

Paragraph 18-32

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

COUNSEL: Ms. Hyslop: Does my friend have any issue if I have it marked directly on the diagram?

CROWN: Mr. Faveri: I don’t, No

A: Well I’m not absolutely certain where I would be, I would be in the vicinity

THE COURT: All right. Now your pointing to an aria – do you want to draw a circle with that red pen in that aria you’ve just marked?

Page 73

Paragraph 23-32

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

A: All right I would have been standing somewhere in here

COUNSEL: Ms. Hyslop: Q: Okay, maybe I’ll – if you could put a “DC “for **Deb Campbell**

Page 74

Paragraph 1-5

Proceeding at Trial **January 7th 2014**

Dump Truck Parked On Parking Pad

Q: Okay if you could turn to page 150 of the Preliminary Hearing Transcript, which is the one, either the clip on it, I assume when you’re cross-examined –sorry do you have page there? If you want to

remove that clip to make it easier that's fine...so in the middle of the pageMr. Bliss is talking to you about standing at the window of the truck that you're trying to convince Mr. Atkinson not to drive it and Mr. Atkinson starts the truck and he's driving out and you give an answer

Page 74

Paragraph 20-32

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

Q: And you say "I don't, I don't remember what happened exactly as far as the beginning of the incident because I don't remember exactly where the truck was parked"

Page 74

Paragraph 29-32

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

Page 75

Paragraph 1-7

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

Q: The way I read that Ms. Campbell ,was there was an idea that he had actually Turned around and came back up the driveway ,So am I Mistaken ? I's that not what you meant there

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

Page 75

Paragraph 8-11

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

A: Exactly and I think I'm clear on that

Page 75

Paragraph 18-19

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

A: No the backing out part happened, he still would have had to back off the "lawn" he was parked on the lawn

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

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

Page 75

Paragraph 20-32

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

A: Absolutely. Not I do not remember that

Q: So it's not possible that the dump truck was parked at the front – or up at the house in that parallel parking aria, and.... and that he drove down it?

A: I don't think so

Page 76

Paragraph 1-8

Proceeding at Trial January 7th 2014

Dump Truck Parked On Parking Pad

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

A: I certainly wouldn't do that.

Page 76

Paragraph 9-12

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

Q: Okay, so on the occasion we also talked about where the dump truck was parked that evening Before anything happened in terms of what you alleged that Mr. Atkinson drove the truck at you Okay, And you had Testified last time that that the truck was parked down at the bottom of the driveway and I think there was a picture that of the dump truck , by the Green Bin where you said , This is where the dump truck was parked on that Occasion ' although that picture may not have been of that Occasion . Do you recall?

A: I recall talking about it

Q: Okay you're recollection is that the dump truck started off at the bottom of the driveway closer to the road, is that correct

Page 27

Paragraph 14-27

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

A: You Know I'm really not sure that my memory is really good about that point , I'm not certain where that truck was parked and you certainly asked me enough questions about it that made me think that perhaps I wasn't sure where that truck , I know for sure that he drove that truck from the road

Page 27

Paragraph 28-32

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

A: Towards me when I was on the driveway , Weather he had turned it around , already by then , I don't I can't say 'Imagine "how that work so I'm not certain ,It makes sense to me that the truck was parked at the end of the driveway rather than in the parking lot

Q: Okay, so if I understand correctly, you're saying that it's possible it was actually parked elsewhere, it was parked, for example up on the parking pad

A: Yeah, I cannot remember where it was parked

Q: Okay

A: I'm not 100% percent clear that I would want to say for sure where it was

Page 28

Paragraph 1-11

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

Q: Sorry so you're not talking about – I'm not talking about when he's driving the dump truck as you say , at you ,and it gets stuck on the rocks , I'm talking about before that. Before that happened Is it possible based on you, you're not being able to remember, is it possible that it was parked up at the top of the driveway by that.

Page 28

Paragraph 21-32

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

Q: Parking pad and that at some point that evening, he drove the dump truck down the driveway towards the road

A: Yeah, I don't remember him doing that and so I can't say that is true or not true. I don't remember him doing that. I remember that he drove the truck the end of

Page 28

Paragraph 27-32

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

A: The driveway up towards the house and I had to run out of the way. I don't remember where it was to begin with. I don't that it was on the parking pad, I think it was at the bottom of the driveway

Q: But you can't rule out.. That my question

A: There's a slim possibility that it was up there. That that's the way I feel about that

Page 29

Paragraph 1-8

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

A: I think the truck was at the end of the driveway is what I think, I'm like 90% Present sure that's where it was

Q: So you would have made a mistake. I can take you to it Ma'am , In the prelim

A: No because , I'm thinking that the truck was parked where he usually parks , he would've had to turn around any ways if he was coming back up "Couse I think that he, he, the way that he always parked the truck He usually parked the truck , the truck was usually parked **WHAT EVER WAY YOU WANT TO SAY THAT**, He would've had to come forward and then turn to come up , back up the driveway . he certainly came back up the driveway there's no question of that

Page 30

Paragraph 14-26

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

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 it's trip before and where did john start his trip before he ended up driving , chasing you up the driveway and onto the lawn , for lack of a better ward

A: Uh-hum

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?

Page 100

Paragraph 20-32

Proceeding at Trial May 7th 2014

Dump Truck Parked On Parking Pad

Re - Examination by Mr. Faveri

A: So the bottom of the driveway , there was a place towards the road , just before , In the little section where the driveway goes down to the barn there's a place that you could park there , Or you could park where I showed it ended up the picture 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 had" I'm not sure which one you're

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 (4)- for series

A: So that way the other option that it could've been there. I don't think so though " I think that it was at the closer 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

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 these and just tell me what one that you're referring to

A: This, this is Exhibit 3-A or these two, two things on there

Q: So it says Exhibit 2 in Blue, Exhibit 2-(A) and

R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

A: And on the back of this, one it say's 3(A) (i) so 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**

A: **It was**, It – Yes sometimes we parked it there

Q: Okay

Page 101

Paragraph 1-32

Reading from transcribed video statements **August 26th 2010**

I Called CAA

DC: Anyways. HeI don't even remember what happened after that , I decided , I guess I had to get the dump truck out of the ditch so I **called CAA** to get the truck out of the ditch

Page 14

Paragraph 7-11

Reading from transcribed video statements **August 26th 2010**

I Called CAA

DC: I went across the street and....and we had a whole load of wood in the back of the truck, I startedand it had spilled out, so I started picking up the pieces of wood and putting them back in the truck

DCC: I...I don't want....This is outside your address on highway 50

DC: Yeah, **Right across the street**

DCC: **How far down. WAS IT** You said right across the street, so....

DC: So there's a horse farm across the street that's got a wooden fence

DCC: Mm-Hm.

DC: And the wooden fence comes along the Boulevard and then it comes out or ...and so

Page 14

Paragraph 13-27

Reading from transcribed video statements **August 26th 2010**

I Called CAA

DC: There's an -----a place where the fence is not in the same location on the property it has a jog in it

DCC: Yes

Page 15

Paragraph 1-4

Reading from transcribed video statements **August 26th 2010**

I Called CA

DC: It was really close to the jog because they ,Uh They....The question was weathers there was property damage done by having the truck hit the fence , but apparently it didn't hit the fence, it ----

DCC: Who asked that question?

DC: It was the, Uh Tow truck driver who wanted to know whether there was maybe some property damage and ...

(DC)(DC): Okay do you recall the tow ...who...Whose tow trucks it was?

DC: It was the fella from Shemberg , it was a CAA guy from Shemberg and his name , I use to have ...on a card ,it wasn't him though , it was ...it was an older fella

DCC: Mm-Hm

DC: I'm pretty sure the guy would remember because he broke his hook trying to get the truck on the back of the dump truck, or the

DCC Did...

Dc...Tow truck

DCC: Did the Police Attend?

Page 15

Paragraph 5-27

Reading from transcribed video statements **August 26th 2010**

I Called CAA

DC: The police were there. Yeah

DCC: And what, uh, what happened?

Book - # 2-2

Dc: So the police ASKED ME WHAT HAPPENED AND I TOLD THEM THE ROAD WAS ICY

DCC: Mm-Hm

Page16

Paragraph 1-5

Reading from transcribed video statements August 26th 2010

I Called CAA

DC: He saw ...the tow truck driver told them that he thought that that Uh- there was Alcohol because he had seen bottles of beer and thethe fact is the bottles of beer came from the weekend it was in thewith the wood and so there was em---...It was empty

DCC: Hm-Hm

DC: And it had just not....it was underneath the wood, so I didn't even know it was in there

DCC: Yeah...., Yeah

DC: So that...I mean there was ...there was no problem, the police officer didn't give me a problem

DCC: Okay. So how did this incident end?

DC: John calmed down, after thethe whole thing where ...where.... What's it called, the tow truck.

Cuz, I'm standing out in the

Page16

Paragraph 6-27

Reading from transcribed video statements August 26th 2010

I Called CAA

DC: Cold by myself, Cuz I told him he just couldn't be there

DCC: Hm-Hm

DC: And I, Um , So I'm standing out on the road I'm with the tow truck driver , and I can see him in the window , with the Binoculars watching , So by the time I got to the house he was all sorry.

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Paragraph 1-8

Reading from transcribed video statements August 26th 2010

I Called CAA

DC: I would've have had to wait at least FORTY-FIVE minutes for a tow truck

DCC: Mm-Hm

DC: SoSo like, SEVEN O'clock, EIGHT O'clock maybe NINE O'clock

DCC: And what is happening in the interval waiting for the tow truck, you...

Dc: Well. When we're waiting on it while I was waiting for the tow truck , it was the whole thing , well John calms down , once he gets over it he realizes thatthat....this isn't gonna work , then he's like it didn't happen

Page 33

Paragraph 4-18

PRELIMINARY HEARING July 11th 2011

I Called CAA

Q: Where did the truck end up?

A:The truck ended up in the ditch on the other side of the road , so on the east , west side of the road ,So on the East ,West side of the road So he was at that – he was going North – bound on highway 50 , back towards the house and the truck spun around and ended up pointing Southwards on the other side of the road , it had a load of wood in it and the wood spilled out every where

Q: When you say wood, you mean?

A: Firewood, pieces of tree, we had brought it down from Wilberforce the week before on the weekend

Page 90

Paragraph 3-12

PRELIMINARY HEARING July 11th 2011

I Called CAA

R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

A: So I said, "I think that's a really bad idea, Why don't I call the CAA. And get them to pull it out of the ditch. He say's – and he's just like screaming.

Page 90

Paragraph 31-32

PRELIMINARY HEARING July 11th 2011

I Called CAA

Q: All right. So if you can just carry on with what happened

A: So what happened next was that, I said, I mean by now he's sorry – Calmed down and it's like a light bulb

Page 94

Paragraph 29-32

PRELIMINARY HEARING July 11th 2011

I Called CAA

A: It's either one or off , and so he – he's Okay , I said " Okay " you know what , Let's All go in the house , I'll call CAA. And I'll get the truck towed, it will be Okay. So that is what we did, I went into the house, I called CAA. I said my truck is stuck in the ditch, and you should come and pull it out for me," So then I said, I mean I'm Frightened, I want to get away. So I said, "I'll go over to the truck and I'll wait there, you stay in the house because you obviously shouldn't be outside on the road when they come "So CAA came, Only john, I don't know what he did with the keys to the truck, But the, the truck keys are missing , Can't find them , Don't know where they went . So now this truck guy, This CAA guy has to tow the truck and it's locked in park

Page 95

Paragraph 1-12

PRELIMINARY HEARING July 11th 2011

I Called CAA

So he was displeased because he couldn't pull this truck

It's heavy pickup truck and so he called – and I don't know why , but he said I' going to have to call the police , it looks to me like you must have been drinking because , And you know what , I hadn't been drinking because I had only just got home " From Work" And I said Please don't call the [police I just didn't need that . It's already hard enough to deal with this as it is, So please don't call the police .

So he called his boss and they call the police anyways. So a police car did show up.

Page 95

Paragraph 13-23

PRELIMINARY HEARING July 11th 2011

I Called CAA

A: But it's the pickup truck. I'm worried because the pickup truck is out on the road, it's in the ditch across the street, you can't leave it there. So I Called CAA to get that truck pulled out of the ditch

Q: You said a police officer did come, did you speak with the officer

A: Yes

Q: Did you tell that officer anything about what had just happened to you in terms of John driving

A: No

Q:At you in the driveway?

A: I didn't

Page 96

Paragraph 1-16

PRELIMINARY HEARING July 11th 2011

I Called CAA

Q: Is there a reason you didn't?

A: the reason is that I really was not in any position to

I don't know how I would have done it , I was way too scared to do anything to get him into trouble , I didn't think that would work , he could go to jail and come out again and be mad at me for putting him in jail , I don't know what's going to happen this time

Q: So the police officer comes and I gather at some point, the police officer leaves

Book - # 2-2

A: Uh.- Hum mm, they pulled the truck out of the ditch , without the keys , So they had to drag it on to the back of his tow truck and then he deposited it in my driveway

Q: The dump truck, was left hung up on the rocks

A: Yes

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Paragraph 17-31

PRELIMINARY HEARING July 11th 2011

I Called CAA

Q: And when, after he gets the truck stuck up on the rocks that's when he gets out of the truck right

A: Yes

Page 152

Paragraph 30-32

PRELIMINARY HEARING August 17th 2011

I Called CAA

Q: And had the CAA been called at that point

A: No

Q: E# even with respect to the ditch, with respect to the truck in the ditch

Page 153

Paragraph 1- 5

PRELIMINARY HEARING August 17th 2011

I Called CAA

A: That's right

Q: And John gets out of the truck and he goes - you then tell him you may as well go into the house

A: I'm sorry but....

Q: Well ...What happens?

A: Well he's still yelling

Q: So what happens, Where does he go ?

A: **I think he tries to get the truck off the rocks** for – he – got – tried to get the truck off the rocks for a few minutes

Q: And was this, the truck he had taken...

A: The dump truck

Q: ...That was on the rocks. Sorry?

A: The dump truck was stuck on the rocks. The dump truck was the truck that he spun the tires , it has **FORE WHEEL DRIVE-** . **He tried Going BACK and FORTH. BACK and FORTH.** Until I Guess, he realised that he wasn't going to **get the truck off the rocks** and then he stopped

Q: And then what does he do?

A: Well then he's – well then I don't remember exactly what he did then

Q: So..

A: That's when we had a discussion around 'Well I'll Call CAA

Q: And was there any discussion about the CAA assisting in getting the

A: No

Q: ...The truck off the rocks at your place.

A: No

Page 153

Paragraph 5-31

PRELIMINARY HEARING July 11th 2011

I Called CAA

Q: So When- **who makes the call to CAA?**

A: I do

Q: And is this, you're now inside the house or ...

A: Yes

Q: When – So he's **now according to you, he's driven the truck at you , you believe**

Book - # 2-2

A: Yes

Q: He's **being threatening** towards you

A: Yes

Q: He's **Scary**

A: Yes

Q: And to the point that I take it at this point, you're **scared for your safety**

A: Yes

Q: And when the **police arrive, you say nothing** about any of this

A: That's **Correct**

Q: Now does John – **John remains in the house while the CAA guy gets the truck,** the other truck out of the ditch

Page 154

Paragraph 2-20

Proceeding at Trial **October 8th 2013**

I Called CAA

A: And then he says he's going to get the dump truck , the **1990 Ford F 350 5 Ton** , Dump truck , and pull the **G M C** pickup out of the ditch ands "I said I think that's a Bad idea , Why don't I

Q: Did you say that to]

A: I did

Q: ..., Mr. Atkinson?

A: I said, John I think that's a bad idea. **Why don't I just call CAA?** And we'll get them to pull the pickup truck out of the ditch.

Page 27

Paragraph 6-14

Proceeding at Trial **October 8th 2013**

I Called CAA

A: And you just go **BACK IN THE HOUSE** and relax because I mean all he was going to do is cause a problem ,So I didn't want to have a problem , I just wanted everything to be calm and John would have nothing of that . He still was angry and still swearing, and he ran **BACK TO THE HOUSE**, and **go the truck – the dump truck keys** and got out the dump truck and I'm still – So I'm Now – by this point I'm thinking this is a very bad idea , and **I'm following him back and forth** to – to try and Calm him down .
To avail

Page 27

Paragraph 14-22

Proceeding at Trial **October 8th 2013**

I Called CAA

A: So when he couldn't get it off the – **He'd spent quite a bit of time trying to dislodge the truck** - The **dump truck from the rock where it was stuck** , And eventually – **Probably 10 or 15 minutes** he spent trying to do that , and was unsuccessful . and so by the time that **10 or 15 minutes** went by he had **calmed down quite a bit** . And he got out of the dump truck, and then we discussed that we were going to do about the pickup truck, that was in the ditch across the street. And I Suggested again that **we could call CAA.** and I would **get the CAA** to pull the dump truck[*sic*] truck out and bring it back up to the house

Q: Did John go for that

A: Yes, he was agreeable. At the point he had calmed down and so he wasn't yelling anymore and so I **WENT IN THE HOUSE AND I CALL The , CAA**

Page 32

Paragraph 11-26

Proceeding at Trial **October 8th 2013**

I Called CAA

A: and I asked them to come and pull my pickup truck out of the ditch

Page 32

Paragraph 25-26

Proceeding at Trial **October 8th 2013**

R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

I Called CAA

Q: All right, And - all right , **so you called CAA**, Did someone show up ?

A: Yes, so I went across the street to the pickup truck and the pickup truck had been filled with a load of
Page 32 **Paragraph 29-32**

Proceeding at Trial **October 8th 2013**

I Called CAA

A: Wood and , I and the process of spinning a lot of the wood had fallen out of the back of the pickup truck, **So I started picking it up while I was waiting for CAA**, and I was pretty much finished doing that by the time that the tow truck arrived

Page 33

Paragraph 1-4

Proceeding at Trial **January 7th 2014**

I Called CAA

Q: So where **you inside the house Or did you follow him in** or how did that work

A: I don't exactly remember that part I think **HE CAME BACK IN THE HOUSE, ,Because he got the keys** to the other- the other vehicle , But we were still standing outside "Cuz" So we were – I was probably following him , I was following him- I was falling him and he went back in the house and then he ,

Page 67

Paragraph 11-17

Proceeding at Trial **January 7th 2014**

I Called CAA

A: Went back outside and **I followed him back outside** and then he's talking about going and getting the dump truck to pull the pickup truck out of the ditch

Q: **Okay and he didn't ask you to call CAA. At that point in time**

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

Q: At that point, in time did you mention calling CAA. Or was it a little bit later

A: No, I told him that if he – when he said he was going..Going to take the dump truck, I said – I told him that was a really bad idea, that you know – we got the – we could deal with this by calling **CAA. I said I would call CAA. Just calm down** – still racing back and forth screaming and yelling

Page 67

Paragraph 18-32

Proceeding at Trial **January 7th 2014**

I Called CAA

Q: So it was **the" back "of the truck that got stuck on the rock**

Ayes

Q: Now it's at that point in time that, I understand there's – Mr. Atkinson is trying to get the dump truck off the rocks himself, Or rocks himself Correct

A: He was **trying to do it by `DRIVING IT OFF, the ROCKS HIMSELF`.**?

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

Page 77

Paragraph 6 10

Proceeding at Trial **January 7th 2014**

I Called CAA

A: Some time after that, yeah

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

A: Yes

Q: And you spoke with the **police officer, Correct?**

A: Yes

Q: And **you indicated** to the officer that the **road was icy**

A: Right

Q: Do you agree that **you also indicated that you were the driver** to the **Police Officer?**

A: I didn't say that specifically, so I didn't specifically "LIE" to the Police Officer. But I Certainly implied, I LET HIM I did that, YEP. But he didn't ask me if I was the Driver, So I didn't LIE. It was misleading actually

Page 77

Paragraph 14-26

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: Well when I come home from work that day and when I got there they were both loaded from alcohol

Page 8

Paragraph 20-24

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: And, Um, and they were in a pretty good mood actually, they were laughing, and dancing and ...and having all kinds of fun. The fireplace was running which is normal for the wintertime

DCC: Mm Hmm

DC: Everything was fine

Page 9

Paragraph 1-7

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: And then he's ...Uh and then I'm talking to this...his friend and his friend. I said to him, well why did you let him drink so much liquor because (inaudible) don't you know he's not supposed to drink

Page 10

Paragraph 22-26

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: Mm

DC: And, Uh, anyways he didn't know that John would be like that "Cuz" they had been friends in jail

Page 11

Paragraph 1-3

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DCC: Okay, You mentioned ,Um , well first of all, Uh , an- answer me this if you can – How did you know John ,Uh , was drunk that night?

DC: It was obvious when I came in the house

DCC: Tell me what obvious drunk is

DC: Well for one thing, there was liquor all over the table

DCC: What kind of liquor? are you talking spilled or bottles or--?

DC: no I'm talking bottles .

DCC: Yes

DC: And it wasn't beer. Wa...there was beer and liquor.

DCC: Yes

DC: Probably have pictures

Page 36

Paragraph 8-21

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: And Uh. I mean they both completely giggly and goofy

DCC: Goofy, what does that mean?

DC: Stumbling and, um, laughing atthey were ...they were really having a good time...

DCC: Hmm hmm

DCC:....Until I got there and spoiled the party....

Book - # 2-2

DCC: **And spoiled it**

DC: **Or ...WHAT EVER.**

DCC Yeah

DC: I mean, Uh. We had a good ...we were having a good time, I wasn't gonna drink anything 'Cuz" I was Gonna ...expecting that I was gonna have to go out and go to a party, Or a ...a restaurant, But ...

DCC: Yeah

DC: ...That didn't end up happening ____

Page 37

Paragraph 8-25

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DCC: Okay. So he continued to drink while ...

When you ...When you came home?

DC: Yeah, TheyThey were still drinking.

Page 38

Paragraph 1-3

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: Well he would go over to the legion, there's a legion in (Inaudible)

DCC: Okay can you tell me about that?

DC: Well the first time we went to the ...Went to the Legion he wasn't drinking when I first

Page 62

Paragraph 21-25

Reading from transcribed video statements August 26th 2010

They were both, loaded by alcohol

DC: Met him. Eh? But after New Year's Eve he started dr--...to drink, He decided he was gonna drink on New Year's Eve at the party and we would have a good time

DCC: Mm-Hmm

DC: We really would have a good time and he's ahe likes to dance and we would have a good time.

Page 63

Paragraph 1-7

Preliminary hearing July 22nd 2011

They were both, loaded by alcohol

CROWN:

Witness: Carl Lockhurst

Q: When she came back home can you tell me how you were feeling as far as being drunk, or not goes?

A: Weren't Drunk, we just had a few drinks

Q: Would you say the same about Mr. Atkinson?

A: Had a few drinks, that's it.

Page 42

Paragraph 26--30

Preliminary hearing July 22nd 2011

They were both, loaded by alcohol

A: Okay, so what happened was I came in and they were drinking, They had obviously been drinking for quite a while because there was empty bottles all on the table. There was wine bottles and there was lots of cigarettes so the cigarettes, they brought the cigarettes, those Indian cigarettes that come in the package, that there's millions – of them and they were spilled on the table. So there - and they were singing. They were really having a good time; I mean they looked like they were having a really good time. They were really. Really, drunk.

Page 86

Paragraph 21-30

Preliminary hearing July 22nd 2011

They were both, loaded by alcohol

Book - # 2-2

A: I was at the trailer one time and we were sitting with two of our friends and we were drinking. It was night and we weren't in a public place. It was perfectly Okay, as far as I could see there wouldn't be any danger there, we drank for a long time. . **I was drinking wine**, they were drinking beer. I was not inebriated, I don't like to get that way because I was afraid of what might happen, But I had a few drinks

Page 103

Paragraph 17-24

Preliminary hearing **August 17th 2011**

They were both, loaded by alcohol

Q: Now when - to the **January 14th of 2008**, John and his buddy **Carl is drunk**

A: Yes

Q: That was your evidence, and they all seemed they both seemed to be in what you described as a pretty good mood

A: They were when I first got in there; they were in a pretty good mood

Q: And you take a video camera and you record their behaviour.

A: **I was taking pictures of the birthday celebration.** It is quite common

Page 144

Paragraph 6-18

Proceeding at trial **October 8th 2013**

They were both, loaded by alcohol

A: **I came in the front door , the two men ,Carl Lockhurst and John Atkinson**, were sitting in the living room **with a large number of empty wine and liquor bottles in front of them and they were obviously inebriated.**

Page 20

Paragraph 25-28

Proceeding at trial **October 8th 2013**

They were both, loaded by alcohol

A: I said I was asking, Carl why on earth he would think that John could drink that much, and why did he participate in that sort of behaviour? **I trusted Carl to look after John** when I wasn't there , if anything , and he didn't do a good job of it because the two of them were drunk , Anyways Carl he said he didn't know that John (Here Say)....

Page 23

Paragraph 13-19

Proceeding at trial **January 7th 2014**

They were both, loaded by alcohol

Q: Well for whatever reason, you're **surprised, So whether or not, he was there the night before and there in the morning**, your position is that you were surprised when you showed up home from work that day and he was there

A **I was surprised to see how drunk they were, that's what I was surprised about.** I was very surprised and I really don't – I mean the Queen's Hotel an expensive place.

I'm already into debt a ton of money from John – **I'm not sure**

Page 52

Paragraph 25-32

Proceeding at trial **January 7th 2014**

They were both, loaded by alcohol

A: **That I would be generous enough to take Carl to the Queen's Hotel as well**, coz, who would've of paid for his meal

Page 53

Paragraph 1-2

Proceeding at trial **January 7th 2014**

They were both, loaded by alcohol

A: When you arrived home you indicated they had been drinking, or that they **appeared to be drunk**, Where they drunk, intoxicated or what ward did you use.

A: They were inebriated, yes, they were drunk

Q: They were - drunk, they were in a good mood though when you arrived home?

Book - # 2-2

A: Yep

Q: And they were laughing and dancing together?

A: **Yep and Singing**

Q: And were in the living room, right?

A: Yes

Q: And is the living room - there's only one living room in your part of the house, is that fair?

A: Yes, Yes

Q: And the part we call the living room is the part that actually walks out that that has the walk out?

A: Yes

Page 53

Paragraph 16-32

Proceeding at trial **January 7th 2014**

They were both, loaded by alcohol

Q: Okay. So just the one living room area,

Were able to determine that they had been drinking, I guess from **their behaviour**, but also because there was a number of bottles of alcohol?

A: Yes

Q: On the table?

A: Yes

Q: the coffee table, is that what you're talking about?

A: Yes

Q: The coffee table's in front of the couch sort of in the center of the room?

A: Yes

Q: And so there are sort of bottles all over it ?

A: Yep

Q: How many bottles were there?

A: I didn't count them, there was lots.

Q: There was also cigarettes spilled all over the table, is that fair?

A: yes

Q: And this is – So you came home, you're surprised that Mr. Lockhurst is there, you're surprised that they're intoxicated and there's a bunch of alcohol bottles and cigarettes all over the table when you get home

A: Yes

q: So at that point in time **you decide that you wouldn't go to the dinner because they've been drinking**?

A: Well that's what I was thinking that it just wouldn't be a good idea

Q: You didn't cancel the reservations at that point in time, is that correct?

Page 54

Paragraph 1-32

Proceeding at trial **January 7th 2014**

They were both, loaded by alcohol

A: **No**

Page 55

Paragraph 1

Proceeding at trial **December .8th 2014**

They were both, loaded by alcohol

KIM HYSLOP BY JOHN ATKINSON

Q: Before Debora got home that day, so throughout the day, had you anything to drink?

A: I may have had a couple of drinks

Q: Okay. Was Carl Drinking?

A: Yes

Book - # 2-2

Q: What would you have been drinking?

A: I probably had about - well, we only had probably about three –Quarters of a bottle of wine the entire day , so I'm not much of the heavy drinking as back in the day, so I probably had about 3 glasses .

Q: And that's what you're drinking throughout

Page 10

Paragraph 21-31

Proceeding at trial December .8th 2014

They were both, loaded by alcohol

Q: the day

A: Yes

Q: What time would you have started drinking?

A: Probably about. 11:00 O'clock.

Q: In the morning, 11:00 am?

A: Yeah. But this isn't sit there , drink sit there , drink , this is over a period of coming into the house , going A,T,V,ing , you know having a lot of fun, snowmobiling , come back in have another little drink , that's how that was gone about

Page 11

Paragraph 1-10

Proceeding at trial December .8th 2014

They were both, loaded by alcohol

Q: Well, you probably did just miss your birthday which would mean

A: Which would mean a belated birthday

Page 84

Paragraph 30-31

Proceeding at trial December .8th 2014

CROWN - FRANK FAVERI – ON CROSS - By JOHN ATKINSON They were both, loaded by alcohol

Q: November 5th All right. Well I'm going to suggest to you that the video that Deb provided and that we

Page 85

Paragraph 30-31

Proceeding at trial December .8th 2014

They were both, loaded by alcohol

Q: Played, was taken on your Birthday in 2008.

A: That's Not Correct

Q: Okay. So Would I be wrong to suggest you like to drink?

A: Go back about 17 years ago and I would agree with you

Q: But since 17 years ago, what

A: I'd say Just

Q:You've given it up?

A:....Right around 2003, 14years ,say that

Q: So on your birthday, let's say your birthday January 14th 2009, you didn't work that day ; right

A: No

Q: You stayed at home you had a good time? I think you said you went snowmobiling

A: Yeah

Q: Carl was over?

A: Yeah...

Q: Right. Carl likes to drink, doesn't he?

A: No, we're not heavy drinkers. We used to be years ago, but not - not in the years that have gone by lately, No.

Q:so all you had was three glasses of wins?

A: And they weren't consecutive – or I mean they weren't concurrent. They were over a period of time, yeah.

Book - # 2-2

Q: All right. So what you're telling us is that there is a couple of hours between each drink or something like that?

A: No what I'm just saying that I never got drunk.

Page 86

Paragraph 1-31

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

DCC: I thought you said it was 2005

DC: Yeah, No

DCC: But, Okay, so---

DC: No it wasn't

DCC: Alright

DC: It couldn't of been , and it couldn't of beenYou're right , that's not right . It was 2008. I Have ...

DCC: Okay

DC: Pictures that are dated

DCC: On John's Birthday

Page 31

Paragraph 18-26

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

DCC: Oh, okay, alright we'll make arrangements for that. You mentioned that you've got some Photographs.

DC: Yes

DCC: Have you got them with ya. ?

DC: I have, Uh, pictures that I have on my iPhone that I could show you what they look like. I tried to

print one for you YESTERSAY,. I didn't do a good job. It turned out badly.

DCC: This was yesterday

When you said you were coming in today?

DC: Yeah, when I was thinking about what I was gonna....

DCC: Okay

DC: What I was gonna do , I was thinking I should bring a picture with me just so I can show what I Have. Okay. So this here's a picture of the truck.

DCC: That's the dump truck.

DC: That's the dump truck

DCC: Yeah.

DC: Okay?. And, Uh, this here....this here's a picture of the front of the yard, and so what it shows is thethe spot the truck was in...

DCC; Yes

Page 89

Paragraph 1-26

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

....That's not covered with snow because this was March the 29th

DCC: Mm-hnn

DC:So it sat there from January the 14th till March 29th when my dad ...

DCC: Yes Okay

DC: Finally got it out of there. And John wasn't there by then 'Coz he was ...he was in Jail I guess. Oh, he went out west then.

DCC: Mm-hmm

Book - # 2-2

DC: that's when he went out west 'Cuz he left in February and it took us that long to figure out how we were gonna get the thing outta there. But it shows ...I have also Pictures of the How it was stuck. It was stuck in Big Holes, like here you can see ...the Picture ...this picture Shows where the dump truck's back Wheels were stuck in and

DCC: Mm-hmm

DC: We had to shove wood underneath , We had to jack it up and shove pieces of something in there toTo get it up off the ...Front high enough so we could get the jack underneath it .

DCC: Yes. It....that dump truck, is it ...you said it was a Ford 150

DC: Yeah

Page 90

Paragraph 1-26

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

DC: Alright. Uh, don't delete - Them pictures, I'd like to get, (inaudible)

Page 92

Paragraph 15-17

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

DC: I have them on my computer too

DCC: Okay we can pri...Can you print them off?

DC: I couldI could email them?

DCC: Sure, Yeah

DC: That would be easier. Coz printing them uses a lot of ink

DCC: Yeah

DC: My printer's almost out of ink

DCC: Yeah, No, email them to me.

Page 92

Paragraph 18-27

Reading from transcribed video statements August 26th 2010

I have pictures THAT ARE DATED

DC: Alright. I need

DCC: Uh --

DC:an email address to send them to.

DCC: Yeah, I'll give it to you. Um, but don't delete them, okay?

DC: I won't.

DCC: Alright.

DC: I think I have them saved on a CD anyway.

DCC: And I'll make a....Uh, I'll make arrangements to Uh...to get you're other messages of the phone.'

Page 93

Paragraph 1-9

Preliminary hearing August 17th 2011

I have pictures THAT ARE DATED

Q: And, I understand you took some picture of the process

A: Yes. Yes it was stuck there from January the 14th, until my Dad and I attempted it on March 29th and we and we were successful, it took several hours

Q: So, let's go through the picture this is one of – I gather that the dump truck

A: That's the dump truck

Q: And that's – where, it's positioned on there, is that on rocks or the driveway ?

Page 97

Paragraph 22-31

Preliminary hearing August 17th 2011

I have pictures THAT ARE DATED

Book - # 2-2

A: No. So the driveway is in the front of the truck in this picture and the truck is parked to the north on the grass. It's – this is after . I didn't - Unfortunately I didn't take a picture of the truck when it was stuck on the rocks . I only took pictures of the celebration of getting it off the rocks.

Q: Okay.

A: So that picture is afterwards. The rocks are – the driveway is here, there's rocks on this side of the driveway.

Q: So I think what you're indicating, because I have to put it into the words, is that at the bottom, off the page, but at the bottom of the page would be the

A: The driveway.

Q: Driveway

Q:and to the left of the page would be the rocks

A: Well, so the driveway is whatever width the driveway is 8 to 10 feet. Width, so the rocks are on the other side of that whole driveway

Mr. Faveri: Okay his Honour wants to

THE COURT: That's okay

A: So the driveway goes up here, so the road's out here. You can see the road is out here in this picture and the house is over here.

Mr. Faveri: This nixed - maybe I'll get this one marked first

THE COURT: Are we number 2 Madam Clerk?

CLERK OF THE COURT: Yes.

EXHIBIT 2 – Picture of dump truck off rocks Produced and marked.

Page 98

Paragraph 1-31

Preliminary hearing August 17th 2011

I have pictures THAT ARE DATED

Mr. Faveri: Q: The nixed photograph shows the truck from the back

A: Yes

Q:..and I see a snowmobile in there

A: Yes

Q: And my question to you, is the truck in the same position in this picture as the one we just marked as exhibit 2?

A: No.

Q: Okay. Is where the truck is in exhibit 2 shown in this picture?

A: You see this tree here...

Q: To the right?

A:this tree to the right , on the right hand side of the picture is the same as this tree here.

Q: Oh, Okay

THE COURT: So the trees on the right of exhibit 3, as it's going to become is the same tree on the right of exhibit 2 which is already marked.

A: CorrectSo the truck was parked in this spot previously .

Mr. Faveri: Q: All right. And you're just pointing to an area to the right of the truck. And is this picture looking from the road towards your house, or the other way around?

A: This picture is looking from my house to the road. This here is the road in the center of the picture. You can see the driveway at my house is under the truck at this point. The truck is positioned on the driveway. The driveway goes from the road past to the bottom right of this picture.

Page 99

Paragraph 1-31

Preliminary hearing August 17th 2011

I have pictures THAT ARE DATED

Q: Thank You

Book - # 2-2

THE COURT: Exhibit number?

CLERK OF THE COURT: 3

THE COURT: 3

EXHIBIT 3 – Picture of dump truck – produced and marked.

Mr. Faveri. Q: The next image shows some rocks. It looks like there's some sort of antique farming ...

A: Yeah, It's just a direction. So, Yeah, So this picture shows the rocks that the truck was stuck on, was stuck two rocks actually, **THESE TWO**.

Q: ALL Right, so there's

A: There's the two rocks to the right hand side of the picture. The most – right most two rocks in this picture **are the two rocks that the truck had been stuck on.**

Q: ALL right,. And not the rock, the big rock in the foreground.

A: Correct

Q: Mr. Faveri: Could that be 4.

THE COURT: **Exhibit. 4.**

EXHIBIT 4 – Picture of rocks – produced and marked

Mr. Faveri. Q: And the next image is, again we see the rock that was in the foreground in the other picture in the decoration...

A: Decoration, Yes

Q: And...

A: The two rocks in the middle of this picture, in the area where there's No SNOW are the TWO ROCKS, that the truck had been STUCK ON.

Page 100

Paragraph 1-31

Preliminary hearing **August 17th 2011**

I have pictures THAT ARE DATED

Q: Okay, And to the right of this photo, is this your driveway?

A: To the right is the driveway and at the very edge of the right hand side of the picture you can still see the truck with the door open

Q: OH, okay.

A: See that's it there. And it shows the Implements that we had to use to get this truck off.

Q: I see the bottle jack and ...

A: Bottle jack. I have a floor jack over here and this is the floor jack handle sticking up here. This had to be put under , and these Pisces of wood "Cuz" we had to jack it , put a piece of wood , jack it ,

Page 101

Paragraph 1-10

Preliminary hearing **August 17th 2011**

I have pictures THAT ARE DATED

A: Pieces of wood, until the thing was up far enough that we could get it off the rocks.

Q: And the left side of the image I see

A: The Neighbours' driveway.

Q: Okay, I was going to ask you what it was.

A: So this is the driveway that – when – so you can probably even see, if you were to take this picture here.

Q: **That's Exhibit 4**

A: **Exhibit 4** The place where the pickup truck had been

A: In the ditch , is just about at the top of the hill to the south ,you can see – well it's hard to see in this picture because it's a bit granny , but there is a farm that's on the horizon here and that's the horse farm house is here and the pickup truck was just to the north of the house , in the ditch the night , well January 14th...

Page 101

Paragraph 14-31

Preliminary hearing **August 17th 2011**

Book - # 2-2

I have pictures THAT ARE DATED

Q: All right. And you've been pointing to an area, if the snowmobile was the center of the clock, it's probably at about 10 o'clock

A: 10 o'clock, to the snowmobile, yes

Mr. Faveri: could the – this image be exhibit ...

Clerk of the court -5

EXHIBIT: 5 (THE COURT)

EXHIBIT 5 – Picture of rocks **where the dump truck was stuck** –Produced and marked

THE COURT: Is that it for the pictures

Mr. Faveri .I believe so

Page 102

Paragraph 1-12

Preliminary hearing **August 17th 2011**

I have pictures THAT ARE DATED

A: They were **when, I first got in** they were in pretty, good mood

Q: And you take a video camera and **you record their behaviour**

A: I was taking pictures of the birthday celebration, it's quite common

Q: **Did you take any pictures**, or **video's** or even have **any sound** when you **say John gets really upset with you and takes the vehicle**

A: No

Page 144

Paragraph 13-16

Preliminary hearing **August 17th 2011**

I have pictures THAT ARE DATED

Q: And you take a video camera and you record their behaviour.

A: I was taking pictures of the birthday celebration. It's quite common

Q: Did you take any pictures or videos,. Or have any sound of when you say John gets really upset with you and takes the vehicle

A: No

Q: Did you take any pictures of the pathway that you say John took to take the vehicle out of the driveway to go down to. What was it highway 50?

A: No

Page 144

Paragraph 15-26

Proceeding at trial **October 8th 2013**

I have pictures THAT ARE DATED

A: Sure, they were having fun, they – **we took a lot of pictures** and having birthday pictures was not unusual **So I was taking video**. I took some still pictures and **I took some videos** of them having a good time, Not very good singers.

Q: Did you supply the video to – **some of the videos to the police**

A: **Yes** I did

Q: **I'm hoping** that's what **we're going to watch** now.

A: It's coming.

.....VIDEO PLAYED

.....VIDEO STOPPED

Q: Okay, So that was- It looks like the file number is 01 MV1 01.MPG, and it was – like it's 55 seconds in length. So who is the person **in the foreground**?

A: That's, **John Atkinson**.

Q: And the person **beside him**

Page 35

Paragraph 16-31

Proceeding at trial October 8th 2013

I have pictures THAT ARE DATED

A: That's, **Carl Lockhurst** [sec].

Q: And is this a video you...

A: That's

Q: You took?

A: **I – I took this video and this is my living room**

Q: All right, is that arcuate representation of what you saw and heard at that time ?

A: Yes

Q: Okay, now, I'm, going to file number **02 MVI 02.MPG**

....**VIDEO PLAYED...**

....**VIDEO STOPPED....**

Q: Sorry that was about 10 seconds in length. Same thing?. You videoing **Mr. Lockhurst and Mr. Atkinson?**

A: Birthday party.

Q: All right.

A: Hmm-hmm

Q: And I'll now go to the next one which **03 MVI 03.MPG**

....**VIDEO PLAYED...**

....**VIDEO STOPPED....**

Q: Right, and that one was about two minutes and 17 teen seconds, according to the player, did that one also accurately represent what you saw and heard

A: Yes

Q: At that time?.

A: They were – they were having a really, good time and **I really hoped that we could just stay home that night, But that's not what turned out.**

Q: **All right, and these videos were recorded when in relation to Mr. Atkinson going out side**

Page 36

Paragraph 1-31

Proceeding at trial October 8th 2013

I have pictures THAT ARE DATED

Q: Just before....

A:driving, –**driving away in the pickup truck?.**

A: So it was....

Q: **Okay, just before ?**

A: It was just before.

Q: All right.

Page 37

Paragraph 1-6

Proceeding at trial October 8th 2013

I have pictures THAT ARE DATED

THE COURT: **Your client wishes to speak to you.**

MS HYSLOP: Sorry I apologize, Your Honour.

MR. FAVERI: **Yeah I – I don't know if there's a date and time. I – I tried to look for one and didn't see one.** I read out the file number, that's all I – I've - got.

Page 37

Paragraph 12-17

Proceeding at trial October 8th 2013

I have pictures THAT ARE DATED

JOHN ATKINSON: Is there a **date and time on there –any date or time?**

MR. FAVERI: Those ones the date or times **might be in the file numbers** that I read out. Could that be the next exhibits, please?

Book - # 2-2

THE COURT: So **Exhibit 2** is a **DVD** in which I gather has three videos, and is it **seven audio files**?

MR. FAVERI: **I thought it was Six.**

THE COURT: Six in any case, the messages that were played in court. Is there anything else on the disk?

MR. FAVERI: I don't think so.

THE COURT: Okay

EXHIBIT NUMBER TWO: DVD containing three videos and six audio recordings – produced and marked.

Page 55

Paragraph 6-20

Proceeding at trial **October 8th 2013**

I have pictures THAT ARE DATED

Q: All right. I'm going out of order here because I wanted to get that DVD done. So we got some images that I also have on DVD. These are what were used at the preliminary Inquiry

A: Mm-hmm.

MR. FAVERI: So what was marked as Exhibit 2 at the preliminary inquiry, and this should probably be, subject to your Honour, a composite exhibit, whatever number we're up to, and then "A", "B", "C", "D"

THE COURT: Okay, so that ...

MR. FAVERI: maybe we can mark those now and then I'll, refer to them by their....

THE COURT: Exhibit Three, "A", "B", "C" and "D".

EXHIBIT 3: Four photograph – produced and marked

MR. FAVERI: Thank you.

Q: So I'll start with 3-A. Do you know who took this picture?

A: I took this picture. I took all of these pictures

Q: Thank you. So what does 3-A show us

A: this is the Ford 1990 F350 dump truck.

Q: this is the one that you say Mr. Atkinson drove at you up the driveway?.

A: Yes, it is

Q: And where – is this picture taken at your home?.

A: Yes, this is a picture of the truck positioned on the north side of the driveway after we manipulated it

Page 56

Paragraph 3-31

Proceeding at trial **October 8th 2013**

I have pictures THAT ARE DATED

A: Off the GRANITE ROCKS.

Q: And when you say north side of the driveway, that's the usual parking space for the ...

A: No, this....

Q....dump truck

A:....is just on the grass

Q: Oh, okay. I'll hold that up so Mr. Atkinson's counsel knows what I'm talking about. Now, I'll just put that aside. So 3-B also taken by you, and is this looking down the driveway towards the road?

A: Yes this looking towards the west and shows the picture of the site where the dump truck was positioned before we got it off the rocks.

Q: And you said "WE", that was you and who else?

A: My Father and I got that truck off the rocks.

Q: All right. And how long was that after the January 14th date?

A: it was March the 29th, 2008

Q: Exhibit 3-C

Book - # 2-2

A: So again this is a picture of the position of the rocks and where the truck – the dump truck was hung up on those rocks, and it also shows the bottle jacks and the pump jack that we had to use in addition to some hardwood in order to lift the truck up high enough to manipulate it off the rocks.

Q: And this road I see...

A: That is County Road 50 looking to the south.

Q: All right. And what's this road that

A: That's the neighbour's driveway that I was saying earlier when John was brought up the road from where the pickup truck had been ditched. The people that picked him up

Page 57

Paragraph 6-31

Proceeding at trial October 8th 2013

I have pictures THAT ARE DATED

A: dropped him off

Q: Thank you. And then the final picture is Exhibit 3-D, and ...

A: Again, you can see the place where the dump truck had been positioned. It was stuck on this larger rock.

Q: Just ...

A: And

Q: ... the rock you were pointing to is this one?

A: Is this one, this larger rock, and it shows the tools that we had to use to ...

Q: to get the truck out of there.

A: ...To - to do that job.

MR. FAVERI: I think I'm done, Your Honour. Two minutes later then I said

Page 58

Paragraph 1-14

Proceeding at trial January 7th 2014

I have pictures THAT ARE DATED

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

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

Page 118

Paragraph 14-22

Reading from transcribed video statements August 26th 2010

Unfortunately, I did not take pictures of it on the rocks

DCC: Okay.

DC: ...Pictures that are dated

DCC: On John's Birthday.

Page 31

Paragraph 24-26

Reading from transcribed video statements August 26th 2010

Unfortunately, I did not take pictures of it on the rocks

DC: On John's birthday

DCC: Okay

DC: After he got out of jail.

Page 32

Paragraph 1-3

Reading from transcribed video statements August 26th 2010

Unfortunately, I did not take pictures of it on the rocks

DC: And it wasn't bear, wa--...there was beer and liquor.

DCC: Yes

Book - # 2-2

DC: I probably have a picture

Page 36

Paragraph 19-22

Preliminary hearing August 17th 2011

Unfortunately, I did not take pictures of it on the rocks

A: They were when, I first got in they were in pretty, good mood

Q: And you take a video camera and you record their behaviour

A: I was taking pictures of the birthday celebration, it's quite common

Q: Did you take any pictures, or video's or even have any sound when you say John gets really upset with you and takes the vehicle

A: No.

Page 144

Paragraph 13-23

Preliminary hearing July 22nd 2011

Unfortunately, I did not take pictures of it on the rocks

Q: And when- during that time from the time the truck is on the rocks before the truck is off the rocks during that two –and half months, well two-and – a – half months , do you ever take a picture of it?

A: No, I didn't

Q: You take a picture afterwards of where you say the truck was.

A: So it was like a celebration picture because I was ...

Q: You take a picture of it after the truck is off the rocks.

A: Yes

Q: So there - wasn't a before Picture AT ALL was there?

A: NO, THER ISN'T

Q: And, when – did you have to get the truck repaired?

A: No

Q: So no damage was ever reported to any place to get, needing to get repaired.

A: No

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Paragraph 5-22

Raymond Summerfield–Cr-ex

Trial Proceedings October 24th 2013

"I have" seen "Pictures" of the Dump Truck on the "Rocks"

A: May be we were trying to put it in reverse.

No, it was. There's pictures of it. Like we said, we took one shot at it and didn't really go on from there, we...

Q: They were....

A: ...couldn't get it out.

Q: Sorry, I cut you off there. There are

Page 124

Paragraph 27-32

Trial Proceedings October 24th 2013

Raymond Summerfield–Cr-ex

"I have" seen "Pictures" of the Dump Truck on the "Rocks"

Q: Pictures of it?

A: Yeah , pictures of it on the road , on , on there and success pictures of when my grandfather managed to get it off. I've seen them pictures.

Q: You've seen pictures of the vehicle actually stuck on the rocks?

A: Yes

Q: Okay . who took those pictures ?

Book - # 2-2

A: My mother

Q: Your mother did? where you there when she took those pictures?

Page 125

Paragraph 1-10

Joselin –In-ch

Trial Proceedings

May 7th 2014

"I have" seen "Pictures" of the dump Truck on the "Rocks"

Q: Have you ever seen any pictures that were taken of that 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 picture you saw that day?

A: No.

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

"

Page 26

Paragraph 17-32

Trial Proceedings May 7th 2014

"I have" seen "Pictures" of the dump Truck on the "Rocks"

Joselin –In - ch

A: No.

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

A: No

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

A: It showed the truck came towards the house and was on top of the rocks , partially on top of the rock, sorry

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

A: No I don't.

Page 27

Paragraph 1-12

Joselin – Cr-ex

Trial Proceedings May 7th 2014

"I have" seen "Pictures" of the dump Truck on the "Rocks"

Q: The picture you have a memory of seeing of the truck on the rock...

A: Uh-hmm

Q: ...Do you remember what format you viewed those pictures and by that I mean, did someone show you a screen at that time on a camera or on a computer screen or a printed picture?

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

Q: Well that's fine.

Mr. Faveri: Can I see Exhibits, I think it's **4. 3' (A), (B), (D), 4, 5, Thank you**

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 3(B).

A: Oh, this one 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 .

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 under oath so I'm not sure.

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 this one before

A: No.

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Paragraph 3-28

Trial Proceedings **May 7th 2014**

"I, Have" seen "Pictures" of the dump Truck on the "Rocks

Joselin – Cr-ex

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

A: I'm not much good – 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.

Q: Okay . You said the truck was pointed away from country road 50

A: Yes it was pointed towards the house .

Q: towards the house, okay.

A: Uh-hmm.

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

A: Okay

Mr. Faveri: There may be some re-cross-examination; I'm not sure, ma'am, just stay put for a second.

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

Joslyn Campbell: Oh sorry

THE COURT: No that's fine

Page 29

Paragraph 1-25

Reading from Transcribed Video Statement **August 26th 2010**

Deborah, I printed for you – O.P.P.

DCC: You Mentioned that you've got some photograph.

DC: Yes

DCC: Have you got them with ya?

DC: I have uh, pictures that I have on my iPhone that I could show you what they look like. I tried to print one for you yesterday I . didn't do a good job, it turned out badly.

DCC: This was yesterday when you said you were coming in today?

DC: yeah, when I was thinking about what I was gonna...

DCC: Okay

DC: ...What I was gonna do, I was [thinking] I should bring a picture with me just so I can show you what I ...have. Okay , so this here's a picture of the truck

DCC: That's the dump truck.

DC: That's the dump truck

DCC: Yeah

DC: Okay? And ,uh , this here ... this here's a picture of the front yard . And so what it shows is the ...the spot the truck was in ...

DCC: Yes

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Paragraph 2-4

Reading from Transcribed Video Statement **August 26th 2010**

Deborah, I printed for you – O.P.P.

R.V. ATKINSON
- Condensed Book # 2 -

Book - # 2-2

...What's not covered with snow because this was March the 29th ...

DCC: Mm-hmm

Dc: ...So it sat there from January the 14th till March the 29th when my dad...

DCC; Yes okay .

DC: ...Finally got it out of there. And john wasn't there by then 'cuz he was...he was in jail I guess. Oh, he went out west then

Page 90

Paragraph 1-18

Reading from transcribed video statements August 26th 2010
Wrong Year Detective Richard Conway

DCC: **Now be ...be – before we go any further**, we have to ...I -...I think **we need to correct**
Something
DC: Aright
DCC: **You Met John in 2005**
DC: Five Yeah
DCC: **The incident** with the truck we're talking
DC: Was
DCC: **About 2008**
DC: Yes
DCC: Okay "Cuz" I think ---
DC: **I got mixed up**
DCC: I...I thought
DC: I...
DC: Yeah, No
DCC: But , Okay , so---
DC: No it wasn't
DCC: Alright
DC: **It couldn't of been , and it couldn't of beenYou're right , that's not right . It was 2008. I**
have ...
DCC: Okay
DC: ...**Pictures that are dated**
DCC: **On John's Birthday**
Page 31

Paragraph 1-26

Reading from transcribed video statements August 26th 2010

Book - # 2-2

Fire Place Was Running – which is Normal

DC: And, um, and they were in a pretty good mood actually, they were laughing and dancing and... and having all kinds of fun, **The Fire Place was Running which is normal for the winter time**

DCC: Mm-hmm

DC: **Everything was fine,**

Page 9

Paragraph 1-

