

Juanos dressed in
long Johns. page 36/
line 30
page 37/1-5 line

page 37

Julia's notation flash cards
she states I was arrested
August 3 2006 -

see - transcript of Bail
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TUESDAY, OCTOBER 8, 2013

REPORTER'S NOTE: Entire proceedings for the day of October 8, 2013, have been recorded but only the evidence of Deborah Campbell has been transcribed at this time.

DEBORAH CAMPBELL: SWORN

EXAMINATION IN-CHIEF BY MR. FAVERI:

Q. Ms. Campbell, I understand you brought something with you today from which you wish to - that you wish to use to refresh your memory about certain dates.

A. I have a little card, it just has the dates so that I can have a chronological - so I don't mix up which happened in what order. That's all it's for.

Q. I understand your relationship - that you were in a relationship with Mr. Atkinson?

A. Yes.

Q. It spanned about four or five years?

A. Yes.

Q. And the dates you've got on your card there sort of are anchored in certain things you remember about your relationship with him?

A. Yes.

Q. And when did you - I know you had this card at the preliminary inquiry when you testified there, but how long before the preliminary inquiry did you make up the card?

A. I probably made up the card before the preliminary inquiry as a preparation just so that I would get it straight in my head. That's sort of the way that I always prepare for anything that I do in life, I - I make little notes

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and then I get myself so that I'm - my - my thought process is organized so that I can deliver evidence in a manner that is understandable to other people.

Q. Did you rely on other documents to make the notes on that - I'll call it an - a memoir?

A. The - the dates that I have on here, I pretty much remember all of these dates. These - the reason that I make a card is so that I can save them in the right order, and so that if somebody is giving me a lot of questions they can't confuse me because I have a piece of paper that reminds me what it was. It's not that I didn't know what these dates were. I'm sure what these dates are. I do have other documents in my house that I have kept as part of the relationship that I had with John. I went to court lots of times to see what was happening with him, to support him as he was going into court, and I took notes of things that I saw there. When I wasn't - when I was asked to step outside I didn't see what went on in the court so there's a lot of times I didn't know what went on.

Q. You're talking about other court cases, not...

A. But other court cases...

Q. ...this one?

A. ...not this case. Mmm-hmm.

Q. All right.

A. So this card is just something that I would have made up. This kind of a card, if I was preparing for a speech or I was preparing for a - a training that I would give, any kind of thing like that, I would do this kind of thing, and so when I brought it last time I didn't know it was going to cause an issue.

MR. FAVERI: So my question is if she can be permitted to refer to it for the purpose of refreshing her memory as to those dates? I don't

would like to see what kind of notes you have made for this case

*I've had so much to remember now as she has
so I don't feel she need to refer to any more of her notes as she has
no need to refresh in her notes.*

3.

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know if counsel wishes to ask questions about it
or not.

MS. HYSLOP: I had the benefit of reading the pre-
lim transcripts. Just to ensure, because I can't
see the card from here, is that the exact card
that's been disclosed to me...

A. Yes.

MS. HYSLOP: ...a couple of times now? *-not to use the cards now
my request -*

A. Yes.

MS. HYSLOP: Okay.

MR. FAVERI: It should be.

MS. HYSLOP: I take no issue with this witness
having that in front of her if - if it doesn't
bother Your Honour at all. It's - it's been
disclosed. I don't think that the dates are
necessarily contentious, such that it would matter
if the card is there or not.

THE COURT: Thank you. Just so that I understand,
Ms. Campbell, then these are dates that you
essentially recall, but you've put them on a card
to keep them in order in your own mind as you
testify?

A. That's right, sir.

THE COURT: All right. I have no difficulty with
your referring to that card from time to time as
you need to. And just so that the record is
clear, we're looking at a - it looks like a recipe
card.

A. Yes.

THE COURT: Written in ordinary size writing front
and back?

A. Yes.

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THE COURT: Okay. Thank you.

MR. FAVERI: Q. Can I start by asking your date of birth?

A. March 28th, 1955.

Q. Are you still living on County Road 50?

A. Yes.

Q. And I understand during the duration of your relationship with Mr. Atkinson you lived on County Road 50?

A. Yes.

Q. And what - at what address?

A. One, nine, zero, five.

Q. I understand it's a bungalow with a walk out basement?

A. Yes, it's a raised bungalow, and so my parents live upstairs and I live downstairs.

Q. And it's a rural property?

A. Yes.

Q. Is it on the east or west side of County Road 50?

A. It's on the east side of County Road 50. It's about half way between Loretto and Highway 9.

Q. How long have you lived there now?

A. Twenty years.

Q. When you - I'll ask this first. When did you meet Mr. Atkinson?

A. I met him in July of 2005. ?

Q. Were you married at that time?

A. Yes, I was.

Q. What - your husband's name?

A. Carl Summerfield.

Q. Was Carl living with you at the house on County Road 50 when...

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A. Yes, he was.

Q. ...you met Mr. Atkinson?

A. Yes, he was.

5 Q. Did you have any children living with you at that address when you met Mr. Atkinson?

A. I have three sons and I believe they were all living there.

Q. So where did you meet Mr. Atkinson?

10 A. I met Mr. Atkinson at the Loretto Tavern where I went line dancing. I still go there for line dancing. ?

Q. When you met Mr. Atkinson what was your - what was the state of your marriage?

15 A. My marriage was in - I had been living with - married to Carl Summerfield for 20 years, and in 20 years I was getting to the point where it was dissolving. The - my - Carl is a - he drinks and he doesn't make any money, and he was never attempting to get a job, and I was quite a bit fed up with it at that point.

20 Q. So I understand that Mr. Atkinson ended up living with you...

A. Mmm-hmm.

Q. ...in the - I'll call it a basement of County Road 50. How did that come to be?

25 A. So when we met John Atkinson he was with his common law wife at the Loretto Tavern. She was - attended the line dancing as well, and I guess we all were sitting at a large table with lots of people there and we struck up a conversation. He appeared to be a person who was quite talkative and he - he talked to not only me, but lots of other people at the table.
30 He had some issues that he was talking about with his common law wife to sell a boat, and I knew a guy who was an auctioneer that sold boats, so I gave him my card to write down my telephone

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Talked to Carl about the boat to sell -
 number on it, and I really thought it's the sort of thing you just do and people don't ever phone you back, but the very next morning he phoned me at work, and - and then started asking me to - told me that he thought that my husband didn't treat me properly and that he behaved badly and that I should get away from him, and, you know, he really pursued me pretty hard - Mr. Atkinson did.

Q. All right. And how did it progress from - from there?

A. So from that point he came and I had some small problem. My headlights in my car didn't work and he said he could fix them. So he came down to my house with his wife and attempted to fix my headlights. And then after that he said *Deborah was in charge now* he was a roofer and he could - my dad needed somebody to roof *was it his dad* the barn and so he said he would do that, and he - my dad agreed that Mr. Atkinson could re-roof the barn. And so he was at my house for some period of time - about a week doing that barn roof, and I got to know him better and he phoned me all the time and asked me to go out for coffee, and he really pursued me pretty hard.

Q. How was he paid for re-roofing the barn?

Deb spoke to her dad then I did after the roof was done
 A. He made a deal with my dad. There was an RV that my dad had that was sitting in the driveway. My dad hadn't used it and my dad decided - agreed to exchange - it was John's idea that the RV could be used to pay for the roofing job, so that John could get the RV in - in lieu of payment.

Q. Did John ever stay in the RV?

A. He stayed in the RV almost immediately. As soon as he made that agreement with my father he decided that he would come and stay there, and he - so while he was doing the work it was not unusual that he would stay there and while he was on the worksite, right? So - but then he never left after

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that. He just kept going there and as he was there and he would talk to me, and - and my husband and I were having a lot of difficulties, and - and at some point my husband and I had a - a big blow up when my husband was yelling at me and the police were called, and then my husband left the house and didn't come back.

Q. When John was living in the RV was his - I can't remember her name, was his common law spouse living in there with him?

A. No, Millicent Lake is his common law wife and she lives up in Alliston at a house he told me he owned by the way.

Q. So after your husband left did your relationship with Mr. Atkinson go to another level - if I can put it that way?

A. Yes, it did. We got to be quite friendly and started to spend a lot of time together. We started to - he told me he - he had this really nice place that he used to go to up near Bancroft that he wanted to take me to and show me what it was like, and so went up there and we stayed in a motel or - on a couple of weekends. At some point we decided that we - we would buy a property up there. So we used my money and we bought a property. The property wasn't serviced at all or it has no buildings on it, so the idea was that John Atkinson was going to build a - a house for us to stay in up on that property.

Q. All right. And we'll probably come back to that later. So did he move in with you?

A. Yeah, probably about the middle of November or end of November 2005, he moved into - into the house. His - the RV was still there so that was still his spot and we spent a fair amount of time just sitting and talking in the RV, as well

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as he was invited into the house as well.

Q. At this point - well, you mentioned you used your money to buy a piece of property. I take it you were working?

A. Yes.

Q. For - is it Baxter Labs?

A. I work for Baxter Corporation in Alliston. I've been there now 17 years.

Q. And I just want to - I don't want to get into a lot of detail, but when you started your relationship with Mr. Atkinson if you can just give us a - sort of a - I just want to know what your financial picture was like at that point, because later on I'm going to be asking what it was like when you ended your relationship with Mr. Atkinson.

A. So I earn a fairly good salary of - at the time it was approximately \$70,000 a year, and Mr. Atkinson told me that he was a roofer, and he had work that he had contracted already when I met him, so I thought he actually worked, and so I didn't think there was going to be any problem. I - he had vehicles, and he had equipment, and he had all the things that he needed to do the work that he said that he was doing, and *also states she seen my Bookkeeping Books* there was jobs that he had started and was working on. From my perspective, at the time I do owe my parents that - we have a - I bought my house from my parents and so I pay them money every month towards paying off that debt that - and, you know, it was supposed to be sort of a symbiotic relationship where my parents are getting an income from their house without having leave, which works out really well for them, and works out fine for me too. It's quite a - a good relationship that I have with my parents. I have a line of credit against the house. When I met John the line of credit was at approximately \$70,000. ~~150,000~~ 200,000

Q. That's what you owed on it?

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A. That's what I owed on it, and it was mostly due to Carl Summerfield and his lack of income that put me in a position where I was really just always struggling to maintain vehicles, and pay the taxes, and keep the house up, and all mostly by myself. I mean I'm truly supporting my entire family plus my parents to some extent.

Q. Okay. So if - tell me if this sounds right? You - you're making about \$70,000 a year when you started your relationship with Mr. Atkinson and you owed about \$70,000. Well, ...

A. That's right.

Q. ...you owed \$70,000 on your...

A. On the line of credit.

Q. ...line of credit?

A. Plus I owe money to my parents.

Q. For the - for the house?

A. Right.

Q. All right. So he moved in around November 2005. When did your relationship with him end?

A. April 2010.

Q. And what were the circumstances of the end of the relationship?

A. One of the things that I did try and - I did try to break up with him earlier than to April. He had come out of jail in January that year and he was - his behaviour was very bizarre. He wouldn't sleep. He wouldn't eat. He spent most of his time in the garage not coming into the house. He was - he was having difficulty re-adjusting after having been in jail, that's what he said. In February the 14th, which was Valentine's Day, I came home and he had - he had killed my little dog. And I didn't think that I was going to be able to I'd gotten through a lot of stuff with him at - by this point,

the dog was still alive, it was not dead. I wanted to go to the hospital, she would not.

and I did not think - I could - just couldn't deal with it - that anymore and I said I would - "Please, if you would just please leave I would really think that's - would be the best." But he begged me to not go and he didn't want to go and - and so he didn't go. And then the next thing that happened was the April the 10th incident where I went to help him with a tree and I was injured, and I was critically injured.

Q. Help him with a tree - just....

A. So one of the things besides roofing that John did for income was he cut down trees. He had told me that he had cut down a lot of trees in his life and I had seen him over the period of the five years that I knew him cut down trees successfully without any incident. I did not think it was dangerous in any particular way for me to go and help him, and he had been cutting down a tree for a lady in Waikiki Beach. He had his friend Carl Lockhart helping him, and Carl's son, and they had stripped all the branches off the tree, but then they had a fight, and so he had nobody to help him take down the trunk of the tree. And since he hadn't been making any money, and he certainly owed me a lot by then, I thought it would be best if I gone and I just made sure he did the job and finished the job and he got the money that he was supposed to get for cutting down the tree. Unfortunately, it wasn't - it all did not go well and I was injured.

Q. Did you - and you ended up in the hospital?

A. I was in the hospital. I lost my spleen. I had head injury. I had - I was on a ventilator for four days. I nearly died.

THE COURT: Can you stop for one moment? I just want to catch up on a couple of these things. I'm sorry, you said your injuries were your spleen?

A. I lost - yes, the spleen was shattered and it

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had to be removed, and so....

THE COURT: And a head injury?

A. Yeah, I got - I landed on the ground. I don't remember exactly because I was unconscious when I was - was - they took me away in an ambulance to the hospital. I went to the hospital in Collingwood because that was the closest to the Wasaga Beach.

THE COURT: And how long were you in hospital for?

A. I was there for eleven days. I was in intensive care for four days.

THE COURT: Thank you, ma'am.

MR. FAVERI: Q. So this injury you suffered figure into the end of your relationship with Mr. Atkinson?

A. Well, absolutely it did. I think that it gave me an opportunity to make a break and end the relationship. I personally wasn't the one that - that told John that he couldn't be at the house anymore, but certainly my family rallied around me in my moment of need and told him he would have to vacate and made sure that he did.

Q. So when you were able to leave the hospital and return home was - was he gone?

A. Yes.

Q. And that - that was the end of it?

A. Yes.

Q. So your financial picture then in April of 2010 when the relationship was over?

A. So by then I had - I - I'm - I'd become a lot worse. My line of credit was up to the maximum, and my maximum is \$236,000, you know, which is a lot of money.

Q. What was that - so you went from 70 to 236, what - I don't expect it a penny by penny by accounting, but

generally what was that money spent on?

A. So a lot of it was spent on equipment for John. He said that he would be able to get - if I could get this equipment then we could make money by being in business and he could operate the equipment, and - and he would have an income from it and it would pay for itself. So we bought a bobcat and then another bobcat after he'd broke the first one, and then we bought a pit - a dump truck, a - a 1990 F350 dump truck. We bought power washers. We bought a property. We bought a well for the property, a septic tank for the property. It - it was a lot of stuff, and then after he got in jail I paid for a Toronto lawyer for him, and then I paid for a Barrie lawyer for him, and there was a guy that we tried to - he tried to get bail for - from two different lawyers that I paid the money to them as well, and I made a lot of mistakes letting him do that to me.

Q. All right. So now let's - we've got a picture of how the relationship started and how it ended, and now I'm going to ask you what happened in between. So let's start, if I may, with - I think chronologically May 2006. Did you see anything in that month involving Raymond - your son, Raymond?

A. Yes. It was - one of the things that John did is he tried to ostracize me from my family and my friends. He - so Raymond and Luke were both asked to leave. He said they were old enough and they should be able to look after themselves. I think Raymond was living over at my sister Pat's house at the time. So he came back in May of 2006 on Mother's Day to visit me because I am his mother and he loves me. And John took exception to the fact that Raymond showed up without his permission. And I told Raymond to be careful because John was kind of a crabby guy and that he wasn't pleased that Raymond had come over without asking permission and just please just don't

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try to get him riled up and try and stay away from him, and Raymond wasn't really - he didn't understand the - the concept that I was trying to portray to him. And so we were in the driveway and John was in the garage and he had his 1976 Ranchero he had - a Ranchero that he had brought down from his house in Alliston and it was in my garage, and he was working on it to get it fixed up to drive on the road. So it did start and run and so when he - when John saw Raymond in the driveway he asked him why he was there, and told him that he was - he would - he should have been asking for permission, and - and then he went into the garage and he started the Ranchero up, and Raymond and I were standing in the driveway, and John drove the - the *THE CHANGE* Ranchero back out of the driveway - out of the garage into the driveway towards Raymond, and Raymond had to jump out of the way. John was attempting to assert his authority over somebody that he didn't really have any authority over at all.

Q. So when - when John drove towards Raymond was *BINGO* he backing up towards Raymond or was he looking - like going forward towards Raymond?

A. Backing up.

Q. Is the garage area depicted on this diagram?

A. Yes.

Q. Just a moment. I just want to let Ms. Hyslop know what you're looking - looking at.

A. I don't know why you've cut off the edge of the house on the diagram. My - I have one in my purse that - if I can get it?

Q. Because I couldn't fit it all...

A. Okay. So....

Q. ...on the photocopier.

A. There's a roll there, Mr. Faveri.

Q. Okay.

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A. This is a picture of my property. It shows the road on the far right side of the picture, and the house is on the left side of the picture. The....

Q. I'm just going to ask you to stop for a moment until...

A. She had her....

Q. ...Ms. Hyslop gets her...

A. ...has a copy.

Q. ...copy.

A. That's my good copy there.

MS. HYSLOP: It was disclosed to me, Your Honour. It was given at the last court appearance and I've just misplaced it but that's fine. I understand I have a different diagram I can follow along with, so that's fine.

MR. FAVERI: Q. All right. So can I just ask you first....

THE COURT: Is this like a surveyor's document or a scaled document or a drawing, or what is this?

A. It's a to scale drawing. My dad is an architect and I've been doing drawings my whole life. So I took measurements to draw this and my dad and I did it up on a drafting table to make this picture.

THE COURT: Okay. And that's....

A. It's something we do all the time for our friends at times - at times. So...

THE COURT: Okay.

A. ...it's not unusual for us to do this kind of drawing.

MR. FAVERI: Q. Can I just ask you to put an arrow towards the north?

Not a scaled drawing

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A. Okay. North is this - north is - north is to the north. North is this way.

Q. All right. Great. And if you can - maybe I'll try and - sorry, I'm just going to roll this out so that it'll stay flat.

A. Okay. Take this part off and it'll be easier.

THE COURT: Sorry, north is at the bottom on the drawing?

Q. I'm going to try to hold this so everybody...

A. Well, north....

Q. ...can see it.

A. Yes. So if we put north to the top...

THE COURT: Okay.

A. ...the house is to the east and the road is to the west. The garage - so this part, the garage is - is attached to the house and is to the northeast section of the building. The driveway pad is to the north and west of the garage - north of the house and northwest of the garage.

THE COURT: Okay. Now, you're pointing to things and it doesn't seem like much is labeled on there. So I think I know what you're talking about, but I'm not entirely sure since it looks like the driveway - the driveway pad, the house and the garage are all shaded the same way.

A. So the house is shaded on a diagonal and the driveway is shaded horizontally.

THE COURT: Okay.

A. So the driveway pad is all of the horizontal shading and the house is diagonally shaded.

THE COURT: Okay. So this is the driveway that appears to go to the front of the house and then to....

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A. To....

THE COURT: All right.

A. To - so the driveway goes from - there's a large driveway pad and then there's a paved driveway that goes all the way to County Road 50. In addition, there's a - an extension of the driveway that goes down below the hill and goes back to the buildings behind the house that are not shown on the diagram.

THE COURT: All right.

MR. FAVERI: Q. So to - the - the garage door that cars would go - is it the one garage door or two?

A. It's a double garage door, one door.

Q. All right. And does the door face the west?

A. The door faces west. *In hope Deb changes her story one again*

Q. All right. So it would be here?

A. Correct.

Q. All right. So the Ranchero was parked facing, if I understand it correctly, east?

A. It would have been facing east in the north section of the garage.

Q. Okay. So if you can point where you and...

A. Raymond.

Q. ...Raymond where?

A. Raymond and I were standing on the driveway pad approximately here. There would have been other vehicles parked. This would be park in the north section of the driveway pad perpendicular to one another like a parking lot. And so Raymond and I were - were - were standing approximately the middle of the parking pad and the - and the car came out of this and accelerated to the area where we were standing.

THE COURT: Okay. I think maybe you're going to

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have to mark on the exhibit. I take it - is there any objection to this item being made an exhibit?

MS. HYSLOP: No, Your Honour.

THE COURT: All right. That will be Exhibit One, and maybe Madam Clerk if you have some coloured pens or something we can....

EXHIBIT NUMBER 1: Diagram of property - produced and marked.

MR. FAVERI: Your Honour, would it be - that photocopy that I think we can use...

A. Oh, that one...

MR. FAVERI: ...for the purposes of marking. Would that work?

THE COURT: Okay. Well, let's....

MR. FAVERI: I'll make everything an exhibit.

THE COURT: And that will be Exhibit One, and you've got a copy of it that we'll make Exhibit 1-A that you can mark out. Is that acceptable?

MR. FAVERI: Sure.

THE COURT: Good.

EXHIBIT NUMBER 1-A: Marked diagram of property - produced and marked.

MR. FAVERI: Okay. I just filled that out - Exhibit One. And I'm just going to put the north on this. So if you can mark on what's going to become Exhibit...

THE COURT: 1-A.

COURTROOM CLERK: 1-A.

Q. ...1-A where you and Raymond were located when John backed out of the garage?

A. I was standing about like that. And the Ranchero was in the garage and it proceeded like this.

Q. All right. You've got to keep your voice up.

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A. The Ranchero backed up out of the garage under acceleration towards Raymond standing in the garage - in the driveway.

5 Q. All right. And I'm just going to take a minute and show this to Ms. Hyslop. Did you have to move out of the way at all?

A. I was probably standing a little farther back than Raymond but I was certainly aware.

10 Q. Did Raymond have to move out of the way at all?

A. He had to jump, yeah.

Q. How was Mr. Atkinson reversing the vehicle in relation to - or in comparison to how, let's say, you would back out of the garage or your dad would back out of the garage?

15 A. Well, he was doing it very fast. I wouldn't go that fast.

Q. So Mr. Atkinson backs out of the garage and Raymond - towards Raymond who has to, I think you said, jump out of the way. What happens after that?

20 A. Well, John - I can't remember exactly what happened after that. There would have been words and I probably *Bingo*
just went around a different part of the house and took Raymond
✓ away is what I did, and left John in the driveway.

25 Q. Do you recall whether or not there was any conversation between you and John about that event later on?

A. I don't recall specifically.

Q. All right. Can I move now to January 14th, 2008? Is there some significance to January 14th?

A. January 14th is John Atkinson's birthday.

30 Q. So January 14th, 2008, was John, if I can put it this way, at liberty at that time?

A. John was at the house living at the house with

me at that time.

Q. How long had he been - I mean I understand at some point between 2006 and January 2008 he was in jail.

A. That's right. He got out of jail on December *Bingo*
the 18th, 2007. *I was never released in Jan '18 2007*

Q. So he was home to celebrate his birthday on January 14th, 2008? *Leading the witness on*

A. Correct.

Q. Before that date - before January 14th, 2008, had you made any plans about how to celebrate John's birthday?

A. Yes. So I decided there was a - I decided that we could go out for dinner, and I thought that would be a nice thing to do. We often went out for dinner. And there is a place called the Village Inn in Thornton, our - it's also known as the Queen's Hotel. It's closed now, but it is - at the time it was quite a nice restaurant, and they offered a deal where if it was your birthday they would give you their - your meal for free as long as you came with one other person. So one person would pay, the other one would get their meal for free. So I thought that was kind of a nice thing to do. It would not be too expensive, but we'd get to go to a really nice restaurant. So I told him I would make a reservation and - and we would go up to the Thornton restaurant and have dinner.

Q. So any recollection about how long before his birthday you made those plans with him?

A. Probably it would have been about - probably a week before.

Q. On January 14th, 2008, did you have to work?

A. Yes, that was a Monday, and so I was at work and I get off work at about five o'clock. *see time for off work with dump truck*

Q. When you left home for work that morning were there any guests over?

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5 A. I can't remember. I can't remember if there was or not. I know that when I came home Carl Lockhart was there, but I cannot remember if he was there that morning or he had come the night before. We often - not often, but several times - three or four times we went and got John Atkinson's
10 friend, Carl Lockhart, up from Wasaga Beach, we brought him back to the house and we would have dinner or one time we took him up to the - we had moved the RV up to the property we bought up near Bancroft, and he went up - Carl Lockhart went up with John Atkinson and I to - on a weekend one time. So I can't remember if he was there that morning or not. He could...

Q. All right.

A. ...have been. It's likely that he was.

15 Q. But you remember him being there when you got home.

A. He was there when I got home.

20 Q. All right. So tell us about what you saw, and what you heard, and what happened when you came home from work, I gather with the expectation of going...

A. Out for dinner.

25 Q. ...out for dinner?

A. So we were planning to go out for dinner so I left work at a reasonable time - five o'clock being reasonable 5:00 for me, and I got home probably about a half an hour later, so ~~7:30~~ 25 when I came in the door the two men, Carl Lockhart 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, and I thought to myself that that was a big problem because there is no way I wanted to go out to dinner
30 with two inebriated men.

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

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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.

Q. All right. All right. So once you saw that they were - I think your word was "inebriated", you said that's a big problem. What - what did you decide to do about that problem or what did you do about that problem?

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 very good time, and - and Carl Lockhart 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 really well and they - I'd never had any issue 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 tried to do. And we were probably - they were singing, they 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'd have a good time, but don't worry, we'll have a good time anyway." But he says, "No, we're going out. We have reservations. Give me the keys." And I said, "I don't think that's a very good idea."

Q. Why - why wasn't that a good idea? It....

A. Well, because he was drunk and he didn't have a driver's licence.

No phone calls
Reservations
at 7:00

6:30 -
7:00

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Q. Okay. So he says to you....

A. And I didn't want to drive in a car with a man that drunk. There is no way I would ever get in a vehicle with a person that was that drunk. So no matter what happened, I wasn't going. I didn't say that to him because, my goodness, you can't get him upset.

Q. Okay. So he says, "Give me the keys." Just - the keys to what?

A. So he wanted the keys to the 2001 GMC Z78 - Z28 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.

Q. And then what did he do?

A. Then he ran out of the house and he jumped in the pickup truck and he's yelling and screaming and telling me how 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 as fast as he could. On the way out of the driveway he hit my picnic - or my park bench that I had that has those cast iron ends on it and broke one of them. So the park bench was run over on the way out of the driveway.

Then he drove up the road to the south at high speed. I tried to tell him not to go, but he doesn't listen to me - he doesn't.

Q. You said he - I can't remember your exact language, but he said something and then you - but you said in language worse than that.

A. Well....

Q. You said something like that. I just - what

so why would someone take a car?
just dump truck
now p/u

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kind of language was he using? We've heard it all.

A. So every other word is "fuck" and he would tell me there's was no fucking way that he would ever listen to what I was going to say. I was just a low life cunt anyway, and, you know, that kind of horrible language that is not really suitable.

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 Lockhart 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 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. Anyway, Carl he said he didn't know that John...

MS. HYSLOP: Sorry.

A. ...would behave like that.

MS. HYSLOP: Objection there. That's - that's hearsay evidence.

A. That's what Carl said to me.

THE COURT: Okay, ma'am, just a moment. If there's an objection then what you've got to do is you've got to stop talking and we'll hear what the objection is and I'll make a decision and go from there. Okay?

A. Okay. Thank you.

THE COURT: Okay. Sorry, the objection?

MS. HYSLOP: My position is that's hearsay

see page
25
line 15

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evidence that's coming from Carl Lockhurst [sic].

THE COURT: Mr. Faveri?

MR. FAVERI: I think Ms. Campbell is going to tell us about something Mr. Lockhurst [sic] said. It's typically hearsay if the - you know, if Mr. Lockhurst [sic] isn't here to testify. I can tell you that he testified at the preliminary inquiry. We've been trying to serve him, but he hasn't been served yet. So it's still a bit of a question mark as to whether or not the declarant will be in court at some point or whether or not I'll be making an application to have his evidence read in from the preliminary hearing at the trial. But it's a little difficult for me to really respond without knowing what the answer is going to be because it - if it's just something that's offered for the fact that it was said, as opposed to the truth of its contents, it's no harm, no foul, really.

THE COURT: Yeah, except for the fact that I guess in order for it to be admissible upon an objection it ought to have some purpose, right?

MR. FAVERI: Well, it may be something that Ms. Campbell acted on. I....

THE COURT: I take it you don't know what she's going to say?

MR. FAVERI: I probably - I mean I've read all the evidence but I'm not sure exactly what's going to come out. My memory's not that good.

THE COURT: All right. Well....

MR. FAVERI: Can we just maybe hear the answer and if the objection is well founded then you can

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disabuse your mind of it.

THE COURT: I think that that's fair. It sounds to me like in any case we're dealing with some narrative now in any case that - and I do recognize that whatever is said by this witness at this point out of the mouth of somebody else certainly is not before me subject to an application by the Crown for the truth of its contents. So....

MR. FAVERI: Thank you.

THE COURT: All right.

MR. FAVERI: Q. You can answer - carry on with what you were saying. You were saying Mr. Lockhurst [sic] said something to you.

A. So I - I was just saying that I had a discussion with Mr. Lockhart 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, that kind of conversation, nothing - now, I don't know what I'm supposed to not say.

Q. Well,

A. Anyway, so what happened was John re-appeared in the pickup truck coming from the south at a high rate of speed. There was another little car in front of him and he had to slam his brakes on in order to avoid hitting the car, and in doing so the truck went out of his control and Mr. Atkinson spun off onto the verge of the road about 300 metres south of my driveway.

Q. I'm sorry, the - I'm not sure what you mean by "the verge of the road".

A. The side of the road. So he went - there was a property, there's a horse farm to the south of us about 300

page 23-
L15
Bingo

Bingo

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5 meters. The ^{edge of the road} verge of the road - what do you call that? The road allowance?

Q. Oh, okay.

A. So his - the truck went from - it was coming northbound, it spun around and ended up pointing southbound on the west edge of the road, off the roadway on the road allowance.

Q. Okay. And when you say "spun around", do you mean 360 degrees or more or less?

10 A. So it would have had to been - it ended up going backwards, so it was - I don't know if it did a full circle or it did a half circle. *Bingo*

Q. All right.

A. It could have done a 180 degree spin or it could have done whatever a 180 plus 360 is.

15 Q. Did it end up in such a position that it looked like that it could be driven out of what you call the verge of the road?

A. Well, it wasn't flipped over or anything. It looked fine, yeah.

20 Q. All right.

A. Probably Mr. Atkinson attempted to get it out of there at that point. Well, not probably, we could hear that he was attempting to get it out of there. And it - he was
25 unsuccessful. There is a drop off - a slight drop off into a sort of a ditch on that part of the road for water - so when it rains water will be carried away. So he couldn't get the truck out. So then he - we saw him get out of the 2001 pickup truck and start walking back up to the house. Some car driving by
30 picked him up to give him a ride and drove him into the driveway just to the south - to the property to the south of us, not to our property. And he got out of that car and ran up the hill

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towards the house from the south, still angry, still jumping up and down, and screaming. He went out to the end of the driveway and he's still jumping up and down and screaming, his arms are - like he puts his fists in the air and jumps up and down and swears all at the same time when he's really angry. It's something. And then he says he's going to get the dump truck, the 1990 Ford F350 five ton dump truck, and pull the GMC pickup out of the ditch, and I said, "I think that's a bad idea. Why don't I...."

see preline

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, and you just go back in the house and relax." Because I mean all he's 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 into the house and got 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 no avail, and - and then the dump - and if I can go back to the picture I can tell you where the dump truck was when he got into it.

see pre line

Q. Sure. Maybe we'll use - the exhibit, I think it was 1-A...

THE COURT: This one here?

Q. Thank you. Okay, so we'll use one of these - or maybe I'll....

A. It's the picture - the dump truck is - oh yeah, this one doesn't have it on.

Changing the place where the dump truck was parked see video and preline

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THE COURT: Do you want a fresh one?

A. See in my picture...

Q. Yes.

Bingo

A. I have a "picture" where the dump truck is when
he started 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.

A. Okay. There you go.

Q. I'm just going to do north on this one...

A. Mmm-hmm.

Q. ...in accordance with where you placed north,
 and so - okay, I see....

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

Q. Maybe just put an "A" beside that.

A. Okay. And this is the dump truck. And this
is the original position. Okay?

Q. All right.

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 and backed up onto 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. And then he - and then he - do you want me to draw
on this some more?

Q. If you want to.

A. So then he - so he backed this dump truck up.

*yes. that where
 the dump truck
 is parked
 unless it ended
 on it*

*see pre-lin
 see Vickie
 statement?*

?
o

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to here and then he went forward up the driveway as I was standing probably - I was running along here, and I cut through and ended up over here. So the "X's" are Deborah - X1, X2 and X3.

Q. Okay.

A. Okay?

Q. And can I just - I'm going to put an arrow here showing he backed up, and then some...

A. And then he went that way.

Q. ...arrows...

A. Okay.

Q. ...for direction.

A. That's right. So that's what happened. He backed the truck up saying he was going to go - but obviously never - he was too mad to go and fetch that pickup truck from the road, he intended deliberately and drive - drove right at me up towards the house, and I was shocked. I didn't know that he would do a thing like that, but he did. And so I started to run because he was accelerating and I ran between these big rocks. I have boulders, which I have identified here on this diagram, along the edge of my driveway. They're supposed to be decorative and some of them are bigger than others. The one he drove this truck towards me as I'm running down the hill and it was caught up on the rocks and stopped.

Q. All right. So if I can ask you this, how close did - when Mr. Atkinson was driving it, how close did the dump truck get to you?

A. Ten feet.

Q. If you had not run?

A. I'd be squished.

Q. And was there a purpose in you going to those granite decorative rocks? Why did you head in that direction?

*Read all of
problem
and locate
statement
that has to
do with
these new
remarks.*