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5 A. I mean I was terrified, and at the time I thought he wouldn't drive towards the house, so I ran towards the house and down the hill thinking that no sane person would attempt to - this is a pretty steep hill here. It goes down - I don't know, it has a grade of approximately a 15 foot drop...

Q. So if I....

A. ...over....

Q. If I drove into your driveway I'd be going downhill as I approached the house?

10 A. The driveway - no, the driveway itself is flat, but if you go towards the south, there is approximately a 15 foot drop from the level driveway to the back of the house.

Q. Hence the walkout?

A. Hence the walkout. It's above ground at the other side of the house.

15 Q. Okay.

A. And so I thought that if walked - if I ran through this way and down the hill that the truck wouldn't be able to navigate that, and luckily there was a rock, because otherwise I'd be dead.

20 Q. So what happened to the dump truck when it got to the rocks?

A. So then he's stuck on the rocks, he starts - it's four wheel drive, so he tries to manipulate the truck off. He thinks he can drive through anything, and, frankly, I have seen him drive through things that you wouldn't think another person could do, but he was able to. So I guess he figured he could try and get it off, and all he did was get the truck buried deeper in the - the mud and snow. It was - it not coming off. It was stuck.

30 Q. I'll just pause and show Ms. Hyslop this.

THE COURT: Mr. Faveri, would this be a good time

He's got it  
in 4 wheel  
drive.  
But I think  
she said  
the wheels  
were up  
in the  
air

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for a 15 minute break?

MR. FAVERI: Sure. Perhaps I'll just make this an exhibit or I'll forget when we come back.

THE COURT: Okay. Since it's the same drawing, let's make it Exhibit 1-B.

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

THE COURT: All right. We'll take 15 minutes and continue then.

R E C E S S

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

MR. FAVERI: Q. I'm going to just go back to - sorry, Mr. Atkinson driving the Ranchero at Raymond, I forgot to ask you a couple of things about that. Could I - could I ask you how you felt when that was happening?

A. Very nervous.

Q. About what?

A. About whether John would hurt my son.

Q. Okay. Going back to the - I'll call it what happened on his birthday. What were the road conditions like on County Road 50 when he took the pickup truck, you said, southbound and then northbound, and he spun and ended up off the road? What - what were the road and weather conditions like?

A. Well, it was winter so it was cold, but it wasn't snowing at the time. There might have been a small amount of ice on the road.

Q. Okay. And what about the driveway? What about your driveway, the one that you were running on?

A. It was dry and I don't think there was any ice on it either. It was dry and clear.

*she just drove home herself 1 1/2 hours ago!*

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Q. Do you recall hearing the truck, the sound of the truck - I'm talking about the dump truck, as you were running up the driveway?

A. Yes.

Q. What - what do you remember about that?

A. It was accelerating.

Q. All right. So the dump truck ends up on the granite rocks. I think you said that Mr. Atkinson tried to drive it out of there, but he couldn't. If you could pick it up from there?

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 what 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 [sic] truck out and bring it back up to the house.

Q. Did - did John go for that plan?

A. Yes, he was agreeable. At that point he had calmed down and so he wasn't yelling anymore, and so I went in the house and went and I called the CAA and I asked them to come and pull my pickup truck out of the ditch, and then I said I would go and wait with the truck, because frankly I needed a space.

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 fire

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wood, and I - and in 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 the CAA, and I was pretty much finished doing that by the time that the tow truck arrived. And the tow truck driver asked me to take the car out of park, but we didn't have the key because John had misplaced the key to the pickup 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 out where he had put it.

Q. Okay.

A. And so, you know, when he's very angry like that it's - you can't follow him easily, so it's not that easy for anybody else to figure out where the key might have gone. We looked in 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 was still mad at me. It didn't turn out that he was. So I went across the street to the pickup truck and I 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 he had to pull the tow truck - the pickup truck on the back of his flatbed 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

extra in  
the Key  
Box.  
?

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in another pickup - in another tow 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 and 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.

Q. Did the police officer ever - I mean did he just deal with you?

A. Yes.

Q. What was Mr. Atkinson - where was he when you were dealing with the police officer and the tow truck people?

A. Mr. Atkinson was up at the house.

Q. All right.

A. And waiting for - waiting for me to come back with the pickup truck.

Q. All right. So did the pickup truck get delivered back to your house?

A. Yes, it did.

Q. And after Mr. Atkinson got the pickup [sic] truck stuck on the rocks and was unable to dislodge it....

A. The dump truck.

Q. Sorry, the dump truck, ...

A. Yes.

Q. ...did he make a move towards any other vehicle?

A. While I was waiting for the CAA down at the road he did drive my Mercury down and - and see what was - to talk to me. He was quite calm about it, and I said, "John, go back up to the house. You shouldn't be driving on the road when the CAA is going to be coming. Just go back to the house and

*I can only think  
the Crown would  
have able say  
that because  
she & they have  
lost this case*

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wait there until this is over." That's what I told him.

Q. So the - the Mercury?

A. Mercury, yeah.

Q. What kind of car was that?

A. It's a Mercury Grand Marquis. It was a 1995  
at the time.

Q. Was that the car you used for your daily....

A. That's the car I normally drove.

Q. Okay. Just bear with me. Maybe I'm just  
going to play this first. Just going back to the - you coming  
home on Mr. Atkinson's birth date, and finding him and Mr. - I'm  
sorry, I keep getting it wrong. Is it Lockhart?

A. Lockhart - Lockhurst - Lockhart, I'm not sure.

Q. Okay. Did you record any of - like videotape  
any of what - what was going on there?

A. Sure. They were having fun. They - we took a  
lot of pictures and having birthday pictures was not unusual.  
So I was taking videos. 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 videos 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 MVI\_01.MPG, and it was - looks 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?

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A. That's Carl Lockhurst [sic].

Q. And is this a video you...

A. That's....

Q. ...you took?

5 A. I - I took this video and this is my living room.

Q. All right. And is that an accurate representation of what you saw and heard at that time?

A. Yes.

10 Q. Okay. And now I'm going to go to file number 02 MVI\_02.MPG.

...VIDEO PLAYED

...VIDEO STOPPED

Q. Sorry, that was about 10 seconds in length.

15 Same thing? You videoing Mr. Lockhart and Mr. Atkinson?

A. Birthday party.

Q. All right.

A. Mmm-hmm.

20 Q. And I'll now go to the next one, which 03 MVI\_03.MPG.

...VIDEO PLAYED

...VIDEO STOPPED

25 Q. Right, and that one was about two minutes and 17 seconds according to the player. Did that one also accurately represent what you saw and heard...

A. Yes.

Q. ...at that time?

30 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 three videos were recorded when in relation to Mr. Atkinson going outside and...

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A. Just before....

Q. ...driving - driving away in the pickup truck?

A. So it was....

Q. Okay. Just before?

A. It was just before. 

Q. All right.

A. And he was in a perfectly good mood and just turns in - into some kind of very angry person.

MR. FAVERI: I'm not going to make this an exhibit yet, Your Honour, because there's some other things on it that we're going to get to.

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 I didn't see one. I read out the file numbers, that's all I - I've got.

Q. You described Mr. Atkinson wanting to still go out for dinner and you're - you're saying things like, "No, that's not such a good idea."

A. Mmm-hmm.

Q. What was Mr. Lockhart - or Lockhurst, during - doing during that period of time?

A. He was sitting on the chesterfield. He was quiet. He was just - he was just sitting there and - and enjoying whatever what he was doing - music - listening to music.

Q. And what about outside? For example, when - well, I think you described you and Mr. Lockhart or Lockhurst walking down the driveway when John went southbound in the pickup truck.

A. Yes.

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Q. Where was he when - for example, when John was driving at you when you're running along the - the driveway?

A. He and I were standing in the driveway. Carl Lockhurst [sic] and me, we were standing in the driveway before John went to the dump truck, and then as I went to the dump truck with John to try and convince him not to do it, Carl was still there in that general vicinity on the driveway. He didn't go away. I think that when John started to drive towards me John [sic] backed to the north farther, stayed on the driveway, but John wasn't really interested in Carl at all.

Q. Sorry, who backed to the north? ?

A. Carl did. ↗

Q. All right. Did - did Carl ever get between you and - and - like physically get - place himself between you and John?

A. Yes. So after John came back in the pickup - from the pickup truck on the road and he was screaming at the end of the driveway, Carl was there making sure that John wasn't going to hurt me. So he did stand in to try and protect me.

Q. And what's going through - what was going through your head when you were running up that driveway away from the dump truck?

A. I thought I better run fast. I didn't know what he was going to - I couldn't believe - in my head I'm thinking it - whether this person is crazy because who would do a thing like this to somebody they say every single day that they love? Who would do that?

Q. Did - did John ever act like that when he had not been drinking?

A. He still has a pretty bad temper when - when he isn't drinking, but he - he wouldn't act - he - let me think? I can think of a couple of times when he did act that way when

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5 he was not drinking. I mean one time we were driving down the 400 and we were in traffic and he was driving, and I don't know what happened. I still don't understand what I said, but he suddenly started screaming at me and he - he put full brake on in the truck and pulled across two lanes of traffic and stopped at the side of the 400, and he's screaming at me to get out of the truck, I don't want to see you anymore, you leave me - and he wasn't drinking that day. So it didn't matter whether he was drinking. It was worse when he was drinking, but it didn't matter.

10 Q. All right. I'm just going to maybe refine my question and say I'm getting more at the - the violent end of things like driving a vehicle at you. Did something like that ever happen when he was - had not been drinking?

15 A. When he'd been not drinking. No, I'd say, "no". He hadn't really ever hurt me or - but other than scream at me and verbally abusive. He's very verbally abusive. It doesn't matter if he's drunk or not, he's verbally abusive.

20 Q. Okay. When he drove his Ranchero at Raymond had he been drinking - do you know if he had been drinking that day or not?

A. I don't believe he had been drinking that day.

25 Q. All right. I'm going to ask you now about something that Mr. Atkinson said to you about Daniel in July of 2010. That's - that's what I - I just want you to focus on that. So I'll - I'll start by asking you about a Toyota.

A. Yes.

30 Q. Where did the - did you have a Toyota at some point in the - in the - in the household?

A. Yes, I have a 1998 Toyota. I still have it.

Q. Where did it come from?

A. When John was out in Alberta he bought that

*the line of questioning from Crown ?*

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Toyota for cash from a guy, and when he drove back from Alberta to Ontario he brought the Toyota with him, but he only made it as far as - I can't remember the name of the town, it was near - <sup>White River</sup> not Thunder - it was near Wawa. And he got the car that far but he got arrested there and he was put into the Algoma Treatment Centre there, and stayed there on charges of driving while disqualified, but the charges were never - he was released from the Algoma Treatment Centre in November. So the Toyota came from there, and then so what happened was....

Q. I'm - I'm just going to interrupt. I'm sorry...

A. Sorry.

Q. ...but you said, "when John went out west." When - when was that?

A. It was February 2008. No, yes. Yes, it was in - it was in 2008. So just after his birthday party, a couple of weeks after, he went out west.

Q. Okay. And when did he try to return?

A. He - he was coming back on Canada Day, July 1<sup>st</sup>.

Q. In 2008?

A. In 2008.

Q. Okay. And so he gets arrested somewhere near Wawa, he's held in a treatment centre - Algoma Treatment Centre, I think you said.

A. Yes.

Q. Do you get called at some point to get this car?

A. So John calls me all the time from jail collect, and I talk to him, and - and he said where - that they had the car, and I thought no point in let it just sit there, so I attempted to get it back. So what I did was I called the

*at no time does  
Deb say they  
got this car  
for just \$500?*

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5 police up there where the car had been impounded and asked them  
if I could come and get it, and they said that I would have to  
be able to prove ownership. So what I did was I contacted  
Alberta and the motor vehicle people there gave me a paper after  
I had provided them with some documentation we managed to get -  
no, excuse me, maybe I'm getting it mixed up a little bit of -  
what the - the order was, but the police checked to make sure  
that the car wasn't stolen and so they gave me permission to  
come and take it, and I went and I got it. I paid the tow truck  
10 because there was a tow truck bill, and I drove the car back to  
southern Ontario, and then I got the ownership changed over,  
because there was a bill of sale in the glove box.

Q. Okay. And so - and that - well, obviously it  
remained in the family because you still...

15 A. Still have....

Q. ...have the car.

A. That's a good car.

Q. All right. So did John return home at some  
point after getting out of Algoma - those charges dropped or not  
20 proceeded with, or whatever, when does he get home?

A. It would have been January 2010.

Q. Okay.

A. I think that's right.

Q. And does he talk to you about the Toyota?

25 A. Yeah, he wanted me to drive that Toyota  
because he gave it to me as a present...

Q. All right.

A. ...even though I paid for it and I had to  
figure out how to get it back, but nevertheless.

30 Q. And had you been using it instead of the  
Mercury as your primary car?

A. Sometimes I would drive it. Sometimes I would

*show my Bill of  
sale my answer*

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let Daniel drive it. Sometimes - because, you know, I have a lot of choice in vehicles at my house.

Q. All right. And did John ever talk to you about Daniel driving the Toyota?

5 A. Yes, John did not want Daniel driving the Toyota. He was quite clear that it was - he was not - he was forbidding me to let Daniel use the Toyota, that it belonged to me and it was only supposed to be driven by me.

10 Q. Did you let Daniel drive it nevertheless knowing John's position on it?

A. Yes, because John was in jail so what was he going to do?

15 Q. All right. And so in July of 2010 was there some discussion or did John say anything about Daniel continuing to drive the Toyota?

20 A. Yes, John - one of our conversations on the phone John said that he had seen Daniel driving the Toyota, and that he had been having people drive by my house and he could tell that the Toyota wasn't in the driveway, and therefore he knew that Daniel was driving it, and if he ever saw Daniel he would broadside him, and the way that he spoke, speaking as if he had actually seen Daniel driving the car, frightened me a lot and up to the point where I actually called the police and asked them what I was going to do.

25 Q. Did - all right. So let me just back up a bit. When - when John told you - you if he saw Daniel driving the car he would broadside it.

A. Mmm-hmm.

30 Q. What do you think Mr. Atkinson meant? How did you...

A. I....

Q. ...interpret that?

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A. Well, he...

Q. His words?

A. ...had the pickup - he - John had the pickup truck with him at that point. He was supposed to be using it with a driver, and I did see a driver with him occasionally, but if John says that he is going to broadside, he could perfectly well take that pickup truck and do it. I have seen other examples of car accidents that he had caused in photographs that he's shown me, and he's told me stories - several different stories he's probably quite proud of too, to demonstrate that he is capable of any kind of driving you might want to imagine.

Q. All right. And so you mentioned you were frightened enough about what he said to call the police.

A. Yes.

Q. Did you call the police?

A. Yes, I did.

Q. Did - what happened with the police? Did you - was it just an over the phone thing or did you go in to an officer, did an officer see you, or do you remember?

A. I don't remember. I do remember talking to them on the phone and they told me that I should contact Daniel, and they took Daniel's information and were going to contact Daniel. Daniel was down at - attending college in Etobicoke at the time.

Q. With - with the Toyota?

A. Yes.

Q. Okay. So you've described today in 2006 that Mr. Atkinson drove the Ranchero at Raymond, that in 2008 he drove the dump truck at you, and in 2010 he threatened to broadside Daniel. So the question I'm about to ask you is going to apply to those three events, and the question is, after any one of those events why didn't you say to Mr. Atkinson, "That's

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it. It's over, you know, I'm not going to be in a relationship with someone who would drive their car at my son, or drive their car at me, or threaten to drive the car at my son."?

5 A. Because there's probably two parts to the reason.

Q. Okay.

10 A. The first part was that I felt that John could be a good person if he only had an opportunity, and that got me through until he started to drink, and then - by then I had already accumulated a fair amount of debt on his behalf.

15 Unfortunately, the incident where he first went to jail in August of 2006 I felt he was wrongly accused, and I supported him through that because I felt he was wrongly accused. And then he owed me so much money by then I kept thinking well, if he'd only just come out and be a normal person and work, we could figure it out. It just - just - it was a stupid thing that I did, and I was manipulated a lot of the time. I was intimidated a lot of the time. He can be quite charming when you are all on his side and doing things for him. I think he used me. I think he used me.

20 Q. Used you for what?

A. Money, a place to live, somebody to do his stuff for him while he was in jail to make him feel like a big man.

25 Q. All right. So you mentioned at times you felt intimidated. Can I ask you to elaborate on - first of all, I'll ask you this, so are you saying that one of the reasons you didn't end the relationship after - immediately after any of those three events was - now, you've told us that you felt that  
30 he was redeemable, that's my word, ...

A. Mmm-hmm.

Q. ...not yours, but - but is part of the reason

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also because you felt intimidated?

A. Partly.

Q. So what did you think would happen if you ended the relationship?

5 A. I think that he would send a young offender out to burn down my house, or he would get back at me eventually, or once he gets out of jail he'll do things - he'll come over and he'll do things to me, or he'll - he'll - he'll hurt my family. He's told me those things. He has told me those things.

10 Q. I was going to - that was going to be my question. What informs your opinion that he - he might do any of those things?

15 A. He has said those things, and he has shown me pictures of a burned cottage and he said people can send a young offender to do this sort of thing, and he would show me pictures of a car accident that he caused, and he said, "I did this because the guy left turned when he shouldn't have." And the way that he talks - when I would go some place with him, he would never take me in to meet the people he was talking to.

20 He would say, "Stay in the car. These guys are nervous." or whatever, but I think only his friends are - are all ex-criminals. I just didn't recognize that. When we would go to the Legion up in - where we had the cottage property, he would go up to people, but he said, "That guy's a bad guy. I've got to go and talk to him." And he would go and he would yammer - he would yell at this person while I stayed back because I wasn't allowed to leave the vehicle while he was doing this sort of thing. And he would go in and have a conversation with that

25 30 person so they would know where he stood and what his attitude was and how they would have to behave around him.

Q. Could....

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5 A. And he would come back and he would tell me how the guy was going to behave because he'd had a word with him. You know, the kind of intimidating behaviour you would think I don't think I could take this guy on. And I'm really very nervous about the fact that I'm here and I'm doing this now. I'm not sure that I did the right thing. I may live to regret it. I don't know.

10 Q. All right. Did you ever hear John threaten, other than your son, did you hear him threaten other people?

15 A. Well, mostly, as I say, he would keep me back, so I don't know what he was saying to those people when he was - I heard him - we went to a roof - when he was doing a roof when we first knew each other, up near our cottage, and the customer was sort of a high maintenance customer - he was telling John how to do the roof. Obviously, the man was a customer not a 20 roofer, and John took offence that somebody would criticize his work and he started yelling at the customer. So he certainly - that was a problem.

25 Q. All right. Did he ever talk about Millicent?

30 A. Millicent, yeah. She was - he would always say that he would - that she - she - when I first met him he was supposed to have owned half that house, and he said he would be able to get the money out of her, and he tried to get the money out of her, and she - she told him that the house was in her name and she - he wasn't going to get any of it. And then he would yell at her on the phone about how it was half his and he was going to get it, and if he - if she [sic] didn't get it then she'd be sorry.

35 Q. All right. And while you were in a relationship with Mr. Atkinson did you have any pets?

A. Yes, we had three different dogs. All...

Q. Did - did anything having to do with those

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pets inform your opinion about Mr. Atkinson?

A. Yes. The dogs didn't seem to have a very long life expectancy when they were with John. He had told me that he had a dog that he - before I knew him, that he had accidentally killed, but then my first dog, which was a Cavalier Spaniel, only seven years old, he took the dog up with him to the - up north, up to the property that we had. I wasn't there and that dog, he told me, just died on the bed. Don't know how. Wasn't there. Then we had a German Sheppard puppy who, John said, jumped out of the cab of the dump truck and died on the road. I don't know. I wasn't there. And then the last one was my Papillon, which is a little seven pound dog, and on Valentine's Day in 2010 I came home from work and he said, "There's a problem. The dog bit me." And he showed me a wound in his hand where the dog had - looked like a dog bite, a tiny dog, little mouth, don't think it would hurt a 180 pound man, but nevertheless when I went in the house he had hit the dog so hard the skin was laid back across her face and her eye, and she was on her last breath. He had hit her because she bit him. I don't know why she bit him because she never bit anybody else in her - she wasn't that kind of a dog. He was just not good with animals, and I thought I cannot live with a person that does this, and that's what got the straw that broke the camel's back for me. I told him that I couldn't live with him anymore and he begged me to stay, and I was not happy about it. I just didn't know how to get him to leave.

Q. All right. So my other question, and it may or may not involve the same answer, is, after those same three events, him driving the Ranchero at Raymond, driving the pickup - sorry, the dump truck at you, and threatening to ram - or broadside Daniel, why not go to the police after any of those things?

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5 A. I didn't find the police that helpful. In my experience with the police I was - my opinion was changed because of the incident that happened in 2006. I saw what happened that night. I thought he was wrongly accused. I saw the police intimidate my son to try and find John Atkinson. I had the police chasing - following me up the road to see where I was going. I had the police stop me on my way to work to see if the - John Atkinson was in the back of the truck even though I told him that he wasn't. I told him that he wasn't. And so I didn't feel that - my confidence in the police was shattered by those experiences, and I really took a long time to get to the point where I might ask them again for help.

Q. All right.

15 MR. FAVERI: Your Honour, I see it's ten after one. I'm probably going to be another, I don't know, 15 or 20 minutes. I'm in - I'm in your hands.

THE COURT: Have we decided what we're going to do after that?

20 MR. FAVERI: I think so. I'm hoping that the balance of the day can be spent productively by Ms. Hyslop spending it with Mr. Atkinson to - it's an opportunity where they could get together to prepare the defence.

25 MS. HYSLOP: Very, very briefly, because we have a witness on the stand. My expectation, Your Honour, is that when we close today, if Your Honour is okay with it, I'll meet with Mr. Atkinson, review the evidence for the next day of proceedings. I'm going to write to Legal Aid and get some permission, if I can, to come down for at least one day between now and October 24<sup>th</sup>, and in

30

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speaking with Mr. Atkinson I think we might be able to proceed with the other witnesses on the 24<sup>th</sup>, and then we'll get him back to Bath in the interim and I'll be able to prep cross-examination for Ms. Campbell on that basis.

THE COURT: All right. That sounds entirely reasonable to me and I - if there's something that I can do to assist with the Legal Aid, let me know, and I'll see what I can do, although I don't know that I can do much, but that seems to me to be a prudent way to proceed. Madam Clerk and Madam Reporter - well, somebody sitting in front of me wonders whether your estimate of 15 minutes is the usual lawyer's estimate of actually an hour?

MR. FAVERI: No, I think it's going to be pretty close.

THE COURT: All right. Are you okay to carry on then, ma'am?

A. Mmm-hmm.

THE COURT: All right. Then let's carry on.

MR. FAVERI: Q. Since you've brought it up, I'll just ask you, so you've talked about the - I can't remember the month, but the 2006...

A. August.

Q. ...August 2006 incident that you think Mr. Atkinson was wrongly accused.

A. Yes.

Q. I have some familiarity with that, and as I understand it, you were in the car when he was pulled over by the police?

A. I was.

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Q. I think the officer that - it was one officer?

A. Yes.

Q. And who was driving - according to you who was driving the car when it was pulled over by the police?

A. I was driving.

Q. According to the police officer who was driving that car when it was pulled over?

A. The - the police officer said that it - that John was.

Q. Okay. And is that the basis of why you think he was wrongly or unjustly accused, is that...

A. Yes, and....

Q. ...he wasn't the guy driving at the time he was pulled over?

A. Correct. And, you know, at that time I didn't know he had been in jail so many times in so many years, so I didn't understand why the police officer would have that kind of attitude. The truck was registered in John's name and so when the - it was - the police officer put it through his computer I'm sure it came up and told them who this person was that he had stopped.

Q. All right. Okay, I'm not going to get into more - anymore into that incident other than that though, because it probably would be prejudicial. All right. So what eventually did make you decide to report what you've told us about today to the police?

A. I had great reservations after my dog - that last dog was killed on February the 14<sup>th</sup> of 2010, and then when I got hit by a tree I thought, you know what, this is somebody giving me a signal I better get out of this or I'm going to be a dead person. So that's - and I really was in a - no state of to - to take visitors or deal with any kinds of issues that John

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Atkinson had. I just couldn't deal with him anymore in - when I was in that condition. I was very injured.

Q. Now, did you approach the police or did the police approach you?

5 A. The police actually approached me. I had been talking to Detective Conway on - you know, he was - came to tell me about the licence plates on the truck and the incident that John had got into in 2010 with driving the - the truck, and they wanted to apprehend him, and so Detective Conway was trying to  
10 see whether I could give him any other information that would have an influence on whether John would stay in jail or get out of jail or - and he - and he just asked me a question. He said, "Did John ever do anything that would have been - put your life in danger? Did he ever attempt to hurt you?" And I said,  
15 "Well, unless you count the time he tried to kill me with the dump truck." And you got to be careful what you say to a police officer because they pick that up right quick. And then once I'd said it, it - the floodgates kind of opened, because I really was holding back so much because John told me I'd better  
20 not talk to anybody about anything ever. And I didn't. I didn't talk to my friends. I didn't talk to my family. No one knew how bad it was.

Q. All right. And so after you revealed that piece of information to Detective Constable Conway were  
25 arrangements made for you to go in and give a statement to him...

A. Yes, he....

Q. ...on videotape?

A. Yes, he gave me an opportunity to think about  
30 whether I wanted to do it for a few days. I talked to some close family people that I could trust to give me an honest opinion. They thought I should as well. So I did.

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Q. All right. Now, you mentioned, because I asked you, your financial situation at the beginning of the relationship with Mr. Atkinson and then what it was like at the end of the relationship with Mr. Atkinson. So you spent I guess tens of thousands of dollars, I guess - I'm trying to choose my words carefully here, but I guess because of Mr. Atkinson.

A. Yes.

Q. So the prospect of getting repaid that money did going to the police enhance that or not?

A. No one has told me how I can possibly get it back. I'm sure Mr. Atkinson has no money of his own. So I certainly can't get it from him.

Q. And breaking up your - or ending your relationship with him did that enhance or detract from the chances of recovering any of that money?

A. I would say the chances now are zero, unless somebody has some brilliant idea.

Q. All right. I want to ask you about phone messages. Did you ever provide the police with phone messages that you recorded that were from Mr. Atkinson?

A. Yes, one of the things that John Atkinson is likely to do is to leave several messages while you - if you don't want to talk to him he'll leave messages on the machine, even in that short brief space that you can get when you're leaving your name from a collect call, and he could be - he could be quite abusive long before that, he would leave me messages, but after - in 2010 when I was at home and he was not in jail at that time he could leave longer messages, and I did provide a couple of messages that I can't believe a person would even say those things to somebody.

Q. So are these messages from when you were still together or after you....

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A. This - I think the messages are from in the 2010 after I was at home sick.

Q. So after the relationship was over?

A. I believe so.

5 Q. All right. And why did you save these messages?

A. Sometimes I need to remind myself of why I'm getting out of something and those messages were it. All you have to do is play them and you realize that there's no way you should go back - just don't let yourself.

10 Q. What - if I can put it this way, what - what did the messages signify to you?

A. They signified how bad of a person John could be and that I should not in any way go back. It was a....

15 Q. If you could characterize the messages were they...

A. They're abusive.

Q. ...neutral - oh, okay.

A. They're abusive and it's not out of the ordinary, absolutely normal type stuff he would say...

20 Q. During - so even though this is....

A. ...during our relationship.

Q. Okay. So I propose now to play those if I can make this work. So I'm going to start with one that's - the file number if 04\_11\_12\_201011\_57AM.4MA.

25 ...AUDIOTAPE PLAYED

...AUDIOTAPE STOPPED

Q. So that was just five seconds, but whose voice was that?

30 A. That was John Atkinson's.

Q. Next is 05\_11\_12\_201011\_57AM.M4A [sic].

...AUDIOTAPE PLAYED

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...AUDIOTAPE STOPPED

Q. That was, I think, three seconds. The next one - all that's different in these file numbers is the first two digits. So this one is 06.

...AUDIOTAPE PLAYED

...AUDIOTAPE STOPPED

Q. Another three seconder. And is that all there was? Are they just three second messages?

A. Yeah, he - he just says enough to make his point.

Q. The next one is 07.

...AUDIOTAPE PLAYED

...AUDIOTAPE STOPPED

Q. That's 28 seconds. The next one is 08.

...AUDIOTAPE PLAYED

...AUDIOTAPE STOPPED

Q. That was a minute and nine. What's he referring to or what do you think he's referring to when he says "accident"?

A. So that was played after I was at home in recovery after being hit by the tree.

Q. But you just found this message on your phone after you got home from the hospital?

A. No, I think that it was probably after I had been home for a little while. I'm not sure exactly how long, but....

Q. All right. The next one starts with the number 09.

...AUDIOTAPE PLAYED

...AUDIOTAPE STOPPED

Q. That's 28 seconds, and the last one 10.

...AUDIOTAPE PLAYED

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...AUDIOTAPE STOPPED

Q. So that is 04 seconds. So if I - so you've just listened to the - I think there was six files. Are they all - are they all Mr. Atkinson's voice?

A. Yes, they are.

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 number that I read out. Could that be the next exhibit, please?

THE COURT: So Exhibit Two 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 disc?

MR. FAVERI: I don't think so.

THE COURT: Okay.

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

MR. FAVERI: Q. Now, you said, before I played those messages that they were - not your word, but my word is "typical" of how he would speak to you during the currency of your relationship. Now that you've heard them do you still stand by that?

A. Yes.

Q. All right. During the currency of your relationship could he speak to you more nicely than....

A. Absolutely. He can be quite - quite nice.

Q. And during the currency of your relationship did he speak to you worse than what we've heard on those

messages?

A. Yes, absolutely he did.

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 a DVD. These are what were used at the preliminary inquiry.

A. Mmm-hmm.

MR. FAVERI: So what was marked as Exhibit Two 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" and "D".

THE COURT: Okay, so that....

MR. FAVERI: Maybe you can mark those now and then I'll refer to them by their....

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

EXHIBIT NUMBER 3: Four photographs - 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 a picture taken at your home?

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

page 57, 1-5 line

dump truck parked on the  
north side, but in the line  
she states this is where the  
truck parked.

see page

page 57

dump truck parked at  
Don's Road 5#30

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off the granite rocks.

Q. And when you say the 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 is looking to the west and shows the ~~the~~ *Bungo* picture of the site where the dump truck was positioned before we got it off the rocks.

Q. And when 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 the 14<sup>th</sup> date?

A. It was March the 29<sup>th</sup>, 2008.

Q. Exhibit 3-C?

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 show the bottle jacks and the pump jacks that we had to use in addition to some hardwood pieces in order to lift the truck up high enough to manipulate it off the rocks. ✓

Q. And this road I see....

A. That's 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

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dropped him in that driveway.

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 here.

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 than I said. I'll - I may be wrong. I may have missed something, but I'll - I'll ask for permission to continue the examination, if that's the case, when we return.

THE COURT: All right. And may I just ask a question while it's in my mind on this, and I may be a little - I'm just curious if on this photo or any of these photos that shows the area where you were running towards? I'll hand you all the exhibits back.

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.

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THE COURT: Okay.

A. And he drove the truck this direction and I would have run through here.

THE COURT: All right.

A. So I had run off the edge of the driveway between these rocks and this - you can see it does go downhill here. So....

THE COURT: All right. Let me just describe what you said, okay? I thought you said that you were running and essentially running in a line along the area in the photograph in the middle where - just adjacent to where there is no snow in between the two rocks at the foreground of the photograph. Thank you. All right. We will wrap up for the day then, and this matter will be adjourned until the - what date was the return date?

COURTROOM CLERK: The 24<sup>th</sup>.

THE COURT: The 24<sup>th</sup>.

MR. FAVERI: I think that's in Barrie.

COURTROOM CLERK: It is.

THE COURT: That's in Barrie, and counsel if there's anything I can do to be helpful between now and then just feel free to...

MS. HYSLOP: Thank you.

THE COURT: ...contact me through the secretary or through the Crown or together I guess it would be through the secretary.

MR. FAVERI: You're not to talk about your evidence with any other witnesses.

THE COURT: It's really important. There's been an order excluding witnesses, okay, so I expect that there will be other people that will be

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5 really interested in what happened in court today  
and really interested in talking about what sorts  
of questions you were asked and what sorts of  
answers you gave. It's very important for the  
process to be as reliable and as clean as  
possible, that you simply don't talk with anybody  
about your evidence so that when we come back here  
we can all be confident that what you're giving is  
your evidence and it hasn't gone farther, okay?

10 A. I understand, Your Honour.

THE COURT: Thank you very much.

MR. FAVERI: Thank you, Your Honour.

MS. HYSLOP: Thank you, Your Honour.

15 \*\*\*\*\*  
20  
25  
30


## FORM 2

## CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))

## Evidence Act

5 I, CATHY CRAIG, certify that this document is a true  
and accurate transcript of the recording of R. v. JOHN  
ATIKINSON, in the Ontario Court of Justice, held at 57 Holland  
Street, Bradford, ON L3Z 1H8, taken from Recording No. 3813-  
10 001-20131008, on October 8, 2013, which has been certified in  
Form 1.

15 Date: November 12, 2013

  
Cathy Craig

20 Photostatic copies of this transcript are not certified and have  
not been paid for unless they bear the original signature of  
Cathy Craig, and accordingly are in direct violation of Ontario  
Regulation 587/91, Courts of Justice Act, January 1, 1990.

Legend
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