

AP-97L

Q.B.J. #37

OF A.D. 1994

Volume II  
(October 29 & 30, 1997)

IN THE QUEEN'S BENCH  
JUDICIAL CENTRE OF BATTLEFORD

BETWEEN:

HER MAJESTY THE QUEEN

- and -

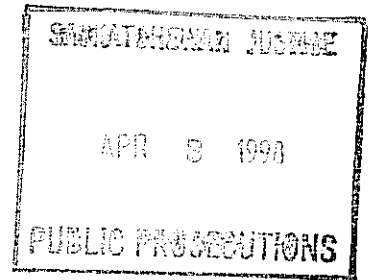
ROBERT W. LATIMER

*P.P. 201-452*

TRANSCRIPT OF PROCEEDINGS  
Held: October 27, 28, 29, 30  
November 3, 4, 5, 13;  
and December 1, 1997

(A TRANSCRIPT OF A TAPE RECORDING)

Prepared by:  
M. R. Linton



(1)

I N D E X

	<u>PAGE:</u>
Jury panel polled	I- 2
Arraignment	I- 2
Jury selection	I- 3
Voir Dire, Agreement by Counsel	I- 14
Judge's Comments to Jury	I- 21
Crown Counsel's Opening Remarks to Jury	I- 30
<b><u>WITNESSES CALLED BY CROWN:</u></b>	<b><u>VOL/PAGE:</u></b>
1. CPL. NICK DONALD HARTLE	
Examination-in-chief	I- 61
Cross-examination	I- 93
2. DR. KISLEN BHAIRO	
Examination-in-chief	I-100
Defence consents to opinion evidence	I-101
Cross-examination	I-112
Questioned by Judge	I-115
3. DR. RANJIT WAGHRAY	
Examination-in-chief	I-117
Defence consents to opinion evidence	I-118
Cross-examination	I-129
Re-examination	I-135
4. MURRAY JAMES MALCOLM	
Examination-in-chief	I-137
Defence consents to opinion evidence	I-138
Cross-examination	I-156
Re-examination	I-158
5. SGT. RICHARD VINCENT LYNCH	
Examination-in-chief	I-159
6. CPL. GARY JAMES OLIVER	
Examination-in-chief	I-170
7. CPL. ALLAN GARY LAVALLEE	
Examination-in-chief	I-183
Cross-examination	I-198

(ii)

I N D E X

	<u>PAGE:</u>
8. <b>KENNETH EDWARD JONES</b>	
Examination-in-chief	II-201
Defence consents to opinion evidence	II-202
Cross-examination	II-209
9. <b>GARY JOHN VERRETT</b>	
Examination-in-chief	II-211
Defence consents to opinion evidence	II-213
10. <b>SGT. KENNETH CHARLES LYONS</b>	
Examination-in-chief	II-220
Cross-examination	II-255
11. <b>SGT. ROBERT CONLON</b>	
Examination-in-chief	II-259
Cross-examination	II-288
12. <b>AMY JO IRENE EHMAN</b>	
Examination-in-chief	II-296
13. <b>DR. ANNE DZUS</b>	
<b>Previous Testimony Read In</b>	
Examination-in-chief (read-in)	II-306
Cross-examination (read-in)	II-325
14. <b>DR. DAVID ROBERT KEMP</b>	
Examination-in-chief	II-340
Defence consents to opinion evidence	II-341
Cross-examination	II-357
Re-examination	II-381
15. <b>THERESA HUYGHEBAERT</b>	
Examination-in-chief	II-385
Cross-examination	II-402
16. <b>KATHLEEN EDNA JOHNSON</b>	
Examination-in-chief	II-409
Cross-examination	II-426
17. <b>IRENE MARY FRAESS</b>	
Examination-in-chief	II-427
Cross-examination	II-444

(iii)

I N D E X

	<u>VOL/PAGE:</u>
Defence Counsel's Opening Remarks to Jury	III-453
<u>WITNESSES CALLED BY DEFENCE:</u>	<u>VOL/PAGE:</u>
1. LAURA ANN LATIMER	
Examination-in-chief	III-469
Cross-examination	III-516
Re-examination	III-595
2. MARJORIE LOIS MOSIENKO	
Examination-in-chief	III-599
Cross-examination	III-603
3. DOROTHY MARGARET HARDER	
Examination-in-chief	III-604
Cross-examination	III-612
4. DR. ROBIN PAUL DICKSON MENZIES	
Examination-in-chief	III-613
Crown consents to qualifications	III-613
Cross-examination	III-645
Discussion re: Defence of Necessity	III-655
Defence Counsel's final submissions	IV-672
Crown Counsel's final submissions	IV-707
Charge to the Jury	IV-728
VERDICT	IV-796
Discussion re: sentencing recommendation by Jury	IV-799 IV-806 IV-807
Discussion re: recognizance	IV-805
Defence Submissions re:	
Constitutional Exemption & Sentencing	IV-811
	IV-877
Crown Submissions re:	
Constitutional Exemption & Sentencing	IV-846

(iv)

I N D E X

		<u>VOL/PAGE:</u>
<b>EXHIBITS FILED BY THE CROWN:</b>	<b>Identification</b>	<b>Full</b>
P-1A ON VOIR DIRE Memorandum to Trial Judge Dated October 27, 1997		I- 16
P-1B ON VOIR DIRE Transcript of Voir Dire Proceedings at First Trial		I- 16
P-1 ON VOIR DIRE Video Tape		I- 16
P-2 ON VOIR DIRE Transcript of a Video		I- 17
P-3 ON VOIR DIRE Twelve (12) Page Handwritten Statement		I- 17
P-4 ON VOIR DIRE Sketch Diagram of Hose		I- 17
P-5 ON VOIR DIRE Exhibit Tape from Preliminary		I- 17
P-1.1 Tape of Call to R.C.M.P. (Cassette)		I- 64
P-1.2 Transcript of Call Tape (Black Folder)		I- 64
P-1 Blue Booklet of 56 Photographs and Diagrams	I-149	
P-1 Blue Booklet of 56 Photographs and Diagrams		I-173
P-2 Video of Walk Through		I-162
P-3 Transcript of Walk Through (Yellow)		I-162
P-4 Large Diagram of Yard		I-164
P-5 Large Diagram of Home		I-165

(v)

I N D E X

	<u>VOL/PAGE:</u>
P-6 Pipe in Bag	I-189
P-7 Jacket, Shirt in Bag	I-189
P-8 Blue Ski Jacket	I-190
P-9 Tail Pipe Piece in Bag	I-191
P-10 Two (2) Garbage Bags of Rags	I-192
P-11 18" Pipe in Bag (From Quonset)	I-192
P-12 Contents of Burning Barrel	I-193
P-13 Blue Sleeping Bag	I-194
P-14 Green Sprayer Hose in Bag	I-195
P-15 Hose in Bag (From Wagon)	I-196
P-16 Hose Apparatus in Bag with Clamps	I-196
P-17 Tan Book of Photos (8)	I- 72
P-18 Two (2) Beta VCR Tapes	II-300
P-19 Two (2) Cassette Tapes	II-301
P-20 VHS Tape of P-18 (Dub) (appears twice)	I- 92 II-302
P-21 Transcript of VHS Tape (P-20)	I- 92 II-451
P-22 Transcript of Cassette Audio Tape (P-19)	II-451
P-23 Two (2) Vials of Blood in Plastic Bag	I-146
P-24 Sketch of Pipe Apparatus	II-255
P-25 Statement of Robert Latimer	II-236
P-26 Transcript of Dr. Anne Dzus' Evidence	II-305
P-27 Application for Group Home	III-598

I N D E X

		<u>PAGE:</u>
<b>EXHIBITS FILED BY THE DEFENCE:</b>	<b>Identification</b>	<b>Full</b>
D-1	Slide of Tracey's Back	II-361
D-2	Metal Rods from Back	II-361
D-3	Two (2) X-rays of Tracey	II-380
D-4	Two (2) Photos of Rods	III-489
 <b>EXHIBITS FILED ON DEFENCE APPLICATION:</b>		
D-1	ON APPLICATION: Laura Latimer's Affidavit, Attached Exhibits (14 Volumes)	IV-815
D-2	ON APPLICATION: Video of CBC Interview "Huber"	IV-816
D-3	ON APPLICATION: Recent Article	IV-816

(COURT RECONVENED ON OCTOBER 29, 1997)

THE COURT: Well, Mr. Neufeld, I guess -- oh, better  
have a jury first.

MR. NEUFELD: I think we need the jury.

THE COURT: We need the Court.

MR. NEUFELD: Yes, we do, My Lord. My witness is  
ready to take the stand.

(JURY RETURNS TO COURTROOM)

THE COURT: Mr. Neufeld.

MR. NEUFELD: Yes. The next Crown witness is Mr. Ken  
Jones, I'd ask him to step forward, and be sworn.

**KENNETH EDWARD JONES, SWORN  
TESTIFIES AS FOLLOWS:**

**MR. NEUFELD:**

**EXAMINATION-IN-CHIEF:**

Q Mr. Jones, in what city and province do you live?

A Regina, Saskatchewan.

Q And it's my understanding, sir, that you're  
presently retired, is that correct?

A I just retired, yes, sir.

Q And -- I guess you're lucky. What did you do, sir,  
before you retired?

A I was gas technical superintendent for Sask Power  
Inspections Division.

Q And how long did you hold that position?

A Approximately eight years.

Q And, generally speaking, what are your

- qualifications in that area, sir? 1
- A I am a first class gas fitter, and journeyman 2  
plumber. 3
- Q Okay. And how long have you been a journeyman, and 4  
gas fitter, sir? 5
- A Thirty some odd years. 6
- Q Okay. And in your experience and training as such, 7  
would that involve inspecting gas fired appliances 8  
for function? 9
- A Yes, it does. 10
- MR. NEUFELD: Okay. My Lord, before I proceed further 11  
with this witness, again this witness is going to - 12  
- I propose to have him offer some opinions on some 13  
gas fired appliances, and it's my understanding 14  
that there's no issue taken with his qualifications 15  
to offer those opinions. I just want to be sure 16  
that that's so. 17
- MR. BRAYFORD: That's correct, My Lord, we're prepared 18  
that he's qualified -- we're prepared to accept 19  
he's qualified. 20
- THE COURT: Thank you, Mr. Brayford. Fine. 21
- MR. BRAYFORD: Thank you, My Lord. 22
- MR. NEUFELD (continuing):** 23
- Q Sir, it's my understanding that you had occasion on 24  
the 4th of November of 1993 to attend a place in 25  
this Province of Saskatchewan with some R.C.M.P. 26

officers, is that correct? 1

A That is correct. 2

Q Where did you attend, sir? 3

A To the Robert Latimer farm out at Wilkie, 4  
Saskatchewan. 5

Q And can you tell us what your purpose in attending 6  
there was? 7

A To inspect the gas fired equipment for any 8  
malfunction or defect. 9

Q Okay. And did you do so? 10

A I did so. 11

Q Could you just tell us what you did, and what you 12  
found, if anything? 13

A I inspected the equipment for proper operation. 14

Q Let's just take one step back for a moment. What 15  
physical equipment did you see at that residence, 16  
and what physical equipment did you examine, sir? 17

A The physical equipment was a high efficient pane 18  
(ph) gas fired furnace, and a jet glass water 19  
heater, natural gas. 20

Q All right. And could you tell us what you did with 21  
respect to each of those items individually? 22

A I checked them for correct operation, to ensure 23  
that they matched Code requirements and/or 24  
standards requirements. 25

Q Okay. And do these particular units have safety 26

- features of any kind? 1
- A Oh yes, they've got a number of safety features. 2
- Q Can you tell me about them please? 3
- A They have your -- the furnace, I'll start with the 4  
furnace because -- 5
- Q Please do that, sir. 6
- A -- it's the main appliance. It's a high condensing 7  
-- high efficient condensing furnace. It has a 8  
number of safety controls on it, such as proof (ph) 9  
for main burner operation, proof for fan operation, 10  
proof for induced draft fan operation, high limit 11  
control, fan control, door safety switch, 12  
thermostat and air proving switches. 13
- Q And what are all these things designed to do? 14
- A To ensure safe operation of the equipment. 15
- THE COURT: Sounds like it won't run with all those. 16
- MR. NEUFELD (continuing):** 17
- Q What are they designed to prevent, sir? 18
- A Any escape of combustion products, or malfunction 19  
of the equipment, to ensure that it's a safe 20  
operation, in case one of them fails they'll shut 21  
the unit down. 22
- Q Okay. And if they fail, for instance in the 23  
furnace, if something fails, what will happen to 24  
the gas supply to the furnace? 25
- A It'll just terminate at the gas valve. 26

Q All right. And what will happen once that happens? 1

A Everything's safe. 2

Q And it's shut down? 3

A It's shut down. 4

Q All right. The booklet of photographs in front of 5  
you marked as Exhibit P-1, and I'll ask you to look 6  
at the -- I had it open there to photograph, is it 7  
40? 8

A Thirty-nine, forty, forty-one and forty-two. 9

Q Is there anything in any of those photographs that 10  
you recognize, and if there is would you identify 11  
the photograph by number? 12

A Well, starting at number 40 there is a photograph 13  
of the furnace and water heater, and number 41 is a 14  
photograph of the internal workings of the furnace, 15  
and 42 depicts a picture of the venting of the 16  
furnace and water heater. 17

Q And the water heater as well? 18

A Yes. 19

Q And did you examine these particular items 20  
carefully, sir? 21

A Yes, I did. Yes, I did. 22

Q What about the venting, did you check that as well? 23

A Yes, I did. 24

Q Why would you check the venting? 25

A Well, the venting is probably the most important 26

- part of a piece of gas fired equipment, because it conveys the products of combustion to the atmosphere, the outside atmosphere. So if there's any openings or separation in the venting which could cause products of combustion to be -- escape into the home. In this case it didn't happen, because the -- it's sealed, and it's a low temperature plastic vent in absolutely perfect condition.
- Q All right. And you talk about products of combustion, what do you mean by that, like what's the concern, what do you mean?
- A Well, basically products of combustion, if it's a normal operating furnace, just carbon dioxide and water vapour.
- Q Okay, all right. And those need to be vented outside, is that correct?
- A Yes, they do.
- Q Okay. And in -- and did you -- what did you find with respect to the condition of both the gas fired water heater, and the gas fired furnace?
- A Absolutely perfect condition.
- Q Okay. Is there a way of testing those appliances to determine whether the products of combustion -- whether they're burning properly?
- A Yes, there is.

- Q Okay. And are there any particular problems that you worry about, or are concerned about, with respect to products of combustion?
- A Well, the main concern I have -- we would have is any production of carbon monoxide through incomplete combustion.
- Q Okay. You say through what, I'm sorry?
- A Incomplete combustion.
- Q Okay, and so that can happen?
- A Oh certainly it can happen.
- Q And what would these appliances have to do in order for that to happen?
- A If the products of combustion weren't being vented to the outdoor atmosphere, and were recirculated through the burner, then that could occur.
- Q Okay, all right. And did you check these appliances to determine whether or not, at the time you examined them on the 4th of November of 1993, they were producing carbon monoxide?
- A Yes, I did.
- Q How did you do that?
- A If I may demonstrate, I have the equipment with me. It's a Draeger hand pump with a glass tube, which indicates any levels of monoxide, you draw samples through the tube.
- Q And did you do that with respect to each of these

appliances? 1

A Yes, I did. 2

Q While they were burning? 3

A Yes. 4

Q And what was the result of your -- 5

A Zero, zero percent monoxide. 6

Q None at all? 7

A None at all. 8

THE COURT: Is that done in the -- where the fire 9  
is? 10

THE WITNESS: Usually it's done in the vent, Your 11  
Honour. 12

THE COURT: Why in the vent itself? 13

THE WITNESS: Yes, that's after all -- after the 14  
combustion has taken place. 15

THE COURT: Oh yeah. Oh, I see, of course. 16

THE WITNESS: Yeah. 17

THE COURT: So you put the instrument into the vent, 18  
take a sample, and -- 19

THE WITNESS: Yes. 20

THE COURT: -- and it tells you what, whether there 21  
is any carbon monoxide? 22

THE WITNESS: It tells you whether or not you're 23  
producing any monoxide, that's right. You can 24  
generally, if you have experience, which I have, I 25  
can look at a flame and tell whether or not it's 26

producing monoxide. If it's typically blue it's 1  
not producing monoxide, but if it's a 2  
yellow/orange flame, then there's evidence of 3  
incomplete combustion. 4

THE COURT: Good thing for the rest of us to know. 5

MR. NEUFELD (continuing): 6

Q So if I can just summarize, there are two things 7  
that you found there was then no incomplete 8  
combustion, was there? 9

A No, it was typically nice blue flame, which would 10  
indicate to me that it's burning correctly. 11

Q And the venting was intact? 12

A Absolutely. 13

Q Nothing going into the house? 14

A No. 15

Q And that applies with respect to both appliances? 16

A That's right. 17

MR. NEUFELD: Those are my questions of you, Mr. 18  
Jones. Please answer any questions my learned 19  
friend may have. 20

MR. BRAYFORD: CROSS-EXAMINATION: 21

Q Mr. Jones, just a few questions. One of the 22  
reasons that you have to use a piece of equipment 23  
to check for carbon monoxide is that it's not 24  
something that you can smell or notice, is that 25  
correct? 26

A That is correct. 1

Q So it's not like a natural gas leak, where you'd be 2  
aware of it? 3

A That is correct. 4

Q And in fact this is a situation where, with carbon 5  
monoxide, there's quite a number of sources for 6  
carbon monoxide, isn't there? 7

A I suppose there is. 8

Q Like just for instance in that house there's in 9  
pictures 31 and 39 there's two wood burning 10  
appliances depicted in those pictures that would 11  
give off carbon monoxide, is that correct? 12

A I'd rather not comment, because it's out of my 13  
realm, but the possibility is there. 14

Q The -- put it this way, any time that you have wood 15  
that's being consumed it's giving off carbon 16  
monoxide even if it's burning properly, is it, 17  
because it doesn't burn with just a blue flame? 18

A I would tend to agree with you. 19

Q And likewise there's certain types of space heaters 20  
that are not designed to be used indoors, because 21  
they give off carbon monoxide even if they are 22  
working properly? 23

A That's a possibility. 24

Q And that's why they tell you not to have barbecues 25  
inside? 26

A That's right. 1

Q And that's why they tell you it's so important to 2  
check your fireplace chimney and -- for being 3  
plugged, because it doesn't have all the safety 4  
features that that furnace has, is that -- 5

A That's correct. 6

Q And as far as checking the chimneys and so on in 7  
that house for obstructions, snow, leaves, 8  
whatever, your inspection was restricted to the 9  
vents that went through the wall? 10

A That's correct. 11

Q They didn't go -- the vents didn't go into the 12  
chimneys? 13

A No, they didn't. 14

MR. BRAYFORD: I don't have any other questions that I 15  
wish to ask you, Mr. Jones, thanks very much. 16

MR. NEUFELD: No re-examination, My Lord. 17

THE COURT: Thank you for coming, Mr. Jones, and 18  
enjoy your retirement. 19

THE WITNESS: Thank you very much. 20

THE COURT: Thank you, My Lord. The next Crown 21  
witness is Gary Verrett, just have him called to 22  
the courtroom. 23

GARY JOHN VERRETT, SWORN  
TESTIFIES AS FOLLOWS:

MR. NEUFELD:

EXAMINATION-IN-CHIEF:

- |   |  |  |
|---|--|--|
|   |  | 1                                      |
|   |  | 2                                      |
|   |  | 3                                      |
| Q | Mr. Verrett, in what city and province do you live?  | 4                                      |
| A | I live in Regina, Saskatchewan.  | 5                                      |
| Q | What do you do for a living?   | 6                                      |
| A | I'm a chemist employed in the R.C.M.P. forensic<br>laboratory.   | 7<br>8                                 |
| Q | And what are your qualifications, just give us a<br>few of them in terms of your background in<br>chemistry?   | 9<br>10<br>11                          |
| A | I received my Bachelor of Science degree and<br>Honours Chemistry from Carlton University. I<br>joined the chemistry section at the Regina forensic<br>lab in November of 1976. I underwent a one year<br>training program in the examination and analysis of<br>exhibit material submitted in police<br>investigations. Included in that -- | 12<br>13<br>14<br>15<br>16<br>17<br>18 |
| Q | I'm sorry, can I just stop you there for a second.<br>In terms of your work in the chemistry section,<br>what generally are your duties there?   | 19<br>20<br>21                         |
| A | My duties are to analyze exhibit materials,<br>including, but not limited to polymers such as<br>paints and plastics, fire debris, glass, and other<br>petroleum products.   | 22<br>23<br>24<br>25                   |
| Q | And then what -- to do what with those results of  | 26                                     |

those analyses? 1

A To analyze them and to compare them to known 2  
samples. 3

MR. NEUFELD: My Lord, again this witness, I expect 4  
him to offer us some opinions that fit within his 5  
expertise, and again I have reason to believe my 6  
friend doesn't challenge his qualifications, but I 7  
just want to confirm that for the record. 8

MR. BRAYFORD: No, we have no objection to him giving 9  
opinion evidence, My Lord. 10

THE COURT: Thank you, Mr. Brayford. 11

MR. NEUFELD (continuing): 12

Q Mr. Verrett, it's my understanding that you had 13  
occasion to participate with others in a portion of 14  
an investigation of the matter which is before the 15  
court today, is that correct? 16

A Yes, I did. 17

Q And am I correct as well that you attended on the 18  
4th of November of 1993 to a particular place in 19  
the Province of Saskatchewan, is that correct? 20

A That is correct. 21

Q Could you tell us where you went, and, generally 22  
speaking, what you did there? 23

A I attended a farm yard in the Wilkie District, and 24  
my attendance was to assist in identifying 25  
potential exhibit material. 26

- Q And did you know whose farm premises that was? 1
- A It was identified as the Latimer farm. 2
- Q Okay. And did you actually participate in 3  
identifying and seizing exhibits, sir? 4
- A I assisted in identifying and I took possession of 5  
some exhibits on that day. 6
- Q Okay. Going to try and address some exhibits to 7  
you, and ask you to attempt to identify them for 8  
us. I show you a portion of what's been marked in 9  
this proceeding as P-12, and just before I go 10  
forward, I just want to be sure that my friend -- 11  
that we don't need to go through initial 12  
(inaudible) as long as this witness is satisfied 13  
that he can identify these things. 14
- A Yes, I can identify Exhibit P-12 as one of the 15  
exhibits that I took possession of, I recognize it 16  
from my markings. 17
- THE COURT: Is that good enough, Mr. Brayford? 18
- MR. BRAYFORD: If he says he can that's fine with 19  
myself, My Lord. 20
- MR. NEUFELD (continuing): 21
- Q Can you tell me, sir, where the -- first of all 22  
what you have in your hand there, and where it came 23  
from? 24
- A Exhibit P-12 consists of a garbage bag with an 25  
identification label, as well as three other bags 26

- containing lumps of -- two of them containing lumps 1  
of plastic, and one containing two hose clamps. 2
- Q Okay. And can you tell me where those came from, 3  
to your recollection, sir? 4
- A To my recollection, these came from a burning 5  
barrel in the farm yard. I took possession of the 6  
debris from this burning barrel, and sifted through 7  
it, and identified the material that's in Exhibit 8  
P-12. 9
- Q Okay. And if I could just ask you just briefly, 10  
there's a photograph booklet in front of you which 11  
has been marked in this proceeding as P-1. I'd 12  
like to have you take a look at photographs number 13  
24 and 25, and tell me if there's anything about 14  
the photographs that you recognize? 15
- A Photographs 24 and 25 are photographs of a burning 16  
barrel, they appear to be the burning barrel that I 17  
examined on the -- at the farm. 18
- Q Is it from that burning barrel that the contents of 19  
P-12 came, sir? 20
- A That is correct. 21
- Q All right. Now, these particular items that you 22  
found in -- that you sifted through and found in 23  
this material that are already part of P-12, you 24  
indicated were what, again? 25
- A I found one piece or clump of melted polyethylene 26

- plastic. I also found one clump or piece of melted polypropylene plastic, and I also found two hose clamps, approximately one inch diameter. 1
- Q And just dealing with the hose clamps, they're part of P-12, are they? 2
- A Yes, they are. 3
- Q And what was your condition when you found them, sir? 4
- A They were rusted, and had a soot covering, probably from being in the burning barrel. 5
- Q All right. And you indicated that the lumps were, I think you said poly -- I'm sorry, polyethylene and polypropylene? 6
- A That is correct. 7
- Q Okay. Can you tell me what those two terms mean? 8
- A The two terms are two common types of plastic, one is chemically polyethylene, and the other is chemically a polypropylene plastic. 9
- Q Okay. And you analyzed these lumps and determined their chemical properties, and that's how you came to your opinion about what they were? 10
- A Yes, I did. 11
- Q All right. And did you perform any comparisons between those items that you sifted from the burning barrel and any other exhibits that you received that day? 12

- A Yes, I did, I compared them to three other exhibits that I received on that day. 1  
2
- Q Okay. Going to show you, one at a time, start perhaps with Exhibit P-14, take this other exhibit out for the moment. Tell me if you recognize that, sir? 3  
4  
5  
6
- A Yes, I recognize Exhibit P-14, from my markings on this exhibit. This was one of the three other exhibits that I took possession of on that date. 7  
8  
9
- Q And did you perform any comparisons between P-14 and the material you found in P-12? 10  
11
- A Yes, I did. 12
- Q What did you find out? 13
- A Exhibit P-14 consisted of a semi-flexible hose connected to two nylon pipe connectors. The hose was a polyester composition, and was chemically different from either of the plastic lumps that I found in Exhibit P-12. 14  
15  
16  
17  
18
- Q Okay. And what about Exhibit -- I'm going to show you what's been marked, there are actually two exhibits, one large bag and one very small bag, one is P-15 and the other is P-16. Do you recognize that as the -- 19  
20  
21  
22  
23
- A I recognize both Exhibit P-15 and Exhibit P-16, as two exhibits that I received on that day. I -- my markings are on both exhibits. 24  
25  
26

- Q And did you deal with either of those in your comparison? 1  
2
- A Yes, I did. I analyzed the contents of both exhibits P-15 and P-16, and compared them to the plastic lumps that I found in Exhibit P-12. 3  
4  
5
- Q And what, if anything, was the result of your comparison? 6  
7
- A Exhibit P-15 consisted of a flexible blue/green hose that was a polyester -- chemically a polyester, and so was different from the polyethylene and polypropylene clumps that I found in Exhibit P-12. 8  
9  
10  
11  
12
- Q Okay. What about the material in P-16? 13
- A Exhibit P-16 consisted of five hose clamps, it also consisted of a foot valve, a water well foot valve, and it also consisted of a rigid plastic pipe assembly, the plastic pipe is normal plumbing pipe, and the assembly consisted of four pieces of black polyethylene rigid pipe, joined together by two white nylon pipe connectors and one grey polypropylene connector. 14  
15  
16  
17  
18  
19  
20  
21
- Q Okay. Did you make any comparison between any of that material and the material which you found in the burning barrel? 22  
23  
24
- A Yes, I did, and I found the black polyethylene clump from the burning barrel was chemically the 25  
26

- same as the black rigid polyethylene pipe in 1  
Exhibit P-16. I also found that the black 2  
polypropylene clump from Exhibit P-12 was 3  
chemically the same as the grey polypropylene pipe 4  
connector in Exhibit P-16. I then subjected the 5  
grey pipe connector to some burning tests, and, as 6  
a result of this, it darkened to a black colour. 7
- Q And what did that -- how did it then compare with 8  
any of those lumps that you found in the burning 9  
barrel? 10
- A It was at that point microscopically colour and 11  
chemically the same as the black polypropylene lump 12  
from Exhibit P-12. 13
- Q Okay. If you could just hold up the grey -- just 14  
show us which is the grey connector there? Little 15  
hard to see. 16
- A Okay, the grey pipe connector is here, the two 17  
white nylon pipe connectors and the four pieces of 18  
black polyethylene rigid plumbing pipe. 19
- Q And it's the grey one down under your hand there, 20  
in the left hand corner, that you found to be the 21  
same as one of the lumps that you found in the 22  
burning barrel, is that correct? 23
- A That is correct. 24
- Q And the long black pieces were also ones that 25  
compared to the other lump? 26

- A Yes, they did. 1
- Q Thank you very much. If you would just take a look 2  
at those photographs, the photograph book again, 3  
and go on to -- just hang on for a second, I may 4  
have a photograph or two I want to show you. 5  
Particularly photograph number 49, if you'd just 6  
take a look at that, and actually 49, 50, and 51, 7  
and 52, is there anything in those photographs that 8  
you recognize, sir? 9
- A Yes, I recognize photograph 49, 50, 51 and 52 as 10  
being the contents of Exhibit P-16, consisting of 11  
the rigid black pipe assembly, the foot valve, and 12  
the hose clamps. 13
- MR. NEUFELD: Okay, thank you. Those are the 14  
questions I have of you, Mr. Verrett. Please 15  
answer any questions my learned friend may have. 16
- MR. BRAYFORD: I don't have any questions, thank you. 17
- THE COURT: Thank you very much for coming. 18
- MR. NEUFELD: Thank you, Mr. Verrett. My Lord, the 19  
next witness is Sergeant Ken Lyons. 20
- SGT. KENNETH CHARLES LYONS,** 21  
**SWORN, TESTIFIES AS FOLLOWS:** 22
- MR. NEUFELD:** **EXAMINATION-IN-CHIEF:** 23
- Q Sergeant, it's my understanding that you are a 24  
member -- a peace officer, and a member of the 25  
Royal Canadian Mounted Police, is that correct, 26

- sir? 1
- A       Yes, it is. 2
- Q       And how long have you been a member of that force? 3
- A       Just over 23 years. 4
- Q       And it's my understanding, sir, that in 1993 you 5  
          were stationed -- perhaps just tell me where you 6  
          were stationed, sir? 7
- A       I was stationed in North Battleford, I was a member 8  
          of the General Investigation Section. 9
- Q       Is that North Battleford, Saskatchewan? 10
- A       Yes, it is. 11
- Q       Okay. And it's my understanding, sir, as well, 12  
          that you had occasion to participate in the 13  
          investigation of the matter which is before the 14  
          Court, is that correct? 15
- A       Yes, it is. 16
- Q       I wonder if you would relate to us, sir, your part 17  
          in that investigation, which I understand commenced 18  
          sometime in the early part of November, is that 19  
          correct, of 1993? 20
- A       Yes. On the 3rd of November, 1993 our office was 21  
          contacted by members of the Wilkie detachment, 22  
          Corporal McLeod and Constable Hartle. About eleven 23  
          o'clock in the morning on the 3rd of November they 24  
          attended to our office, briefed us on an 25  
          investigation into this matter that they were 26

conducting, and asked for assistance in it. We met 1  
over the course of the day, 3rd of November, and -- 2

THE COURT: Excuse me, Mr. Latimer -- Mr. Neufeld, 3  
Sergeant Lyons has a bit of a soft voice. 4

MR. NEUFELD: Yeah, I was just about to ask him if he 5  
could just speak up just a little. 6

THE COURT: He and I have spent a lot of time 7  
together this year, so I was aware of that. We'll 8  
have to get the mic. a little closer to him. I 9  
want to be sure the gentleman sitting in the far 10  
end of the jury box there can hear you. Have you 11  
been able to hear so far? 12

MR. NEUFELD (continuing): 13

Q Okay, Sergeant, I think you indicated that you were 14  
briefed with respect to an investigation, and asked 15  
for assistance, is that correct? 16

A Yes. 17

Q All right. Would you then relate what you did next 18  
please? 19

A Our course of action was determined, various 20  
responsibilities for the members in my office, as 21  
well as the Wilkie detachment members, were arrived 22  
at. A game plan was put into effect where we would 23  
attend at the Latimer farm the following morning. 24  
A search was to be conducted at the residence. 25

Q Whose farm was it? 26

- A At the Latimer farm. Mr. Latimer would be taken 1  
into custody by Sergeant Conlon and I, he would be 2  
interviewed by us. Other members would interview 3  
Mrs. Latimer, his wife. 4
- Q Okay. And did you actually attend to the Latimer, 5  
Robert Latimer farm on November 4, 1993? 6
- A Yes, we did, Sergeant Conlon and I together. 7
- Q Sergeant who is that? 8
- A Conlon, Bob Conlon. 9
- Q Bob Conlon, okay. 10
- A Yes. 11
- Q What time did you arrive there, and what did you 12  
do? 13
- A At 8:28 that morning we arrived at the farm. 14  
Sergeant Conlon and I were dressed in plain 15  
clothes, we had an unmarked police vehicle. We 16  
went to the door, rapped on the door, and Robert 17  
Latimer came to the door. It appeared that he had 18  
just woken up, his -- he was in a housecoat, his 19  
hair was messed a little bit. Sergeant Conlon 20  
identified us, said that we were investigating 21  
Wilkie detachment -- 22
- Q Identified you how? 23
- A As peace officers, members of the R.C.M.P., and we 24  
introduced ourselves. Sergeant Conlon advised him 25  
that we were assisting members of the Wilkie 26

detachment, in the investigation of his daughter's 1  
death, and told them that we'd like to speak with 2  
them. He went and -- into the bedroom and got 3  
dressed, came out just a couple of minutes later, 4  
and Sergeant Conlon asked him -- or told him that 5  
we'd like to speak with him outside. He put on a 6  
pair of boots and a jacket, and we went out to the 7  
police vehicle. 8

Q Was there anyone else in the -- did you see anyone 9  
else in the home at that initial contact? 10

A No, I didn't. 11

Q Okay. Go on please, you went out to the police 12  
vehicle? 13

A Out to the police vehicle. Mr. Latimer got into 14  
the back seat. Sergeant Conlon was in the 15  
passenger side, I was in the seat occupied by the 16  
driver, Mr. Latimer was right behind me. I turned 17  
to him, and I had conversation with him. If I 18  
could refer to my notes? 19

MR. NEUFELD: Any objection? 20

THE COURT: They were made shortly after the -- 21

THE WITNESS: Yes. 22

THE COURT: Fine. 23

THE WITNESS: At 8:32 I turned to him, and I said; As 24  
Bob -- referring to Sergeant Conlon -- explained, 25  
we are assisting Wilkie detachment in investigation 26

of your daughter's death. I said; I realize that 1  
this is a very trying time for him and his family. 2  
I said that what I was about to say had very 3  
serious consequences, and he should listen very 4  
closely. He nodded his head when I said that. I 5  
started; You are being detained for investigation 6  
into the death of your daughter, Tracey; and then I 7  
read standard right to counsel from my card; You 8  
have the right to retain and instruct counsel 9  
without delay. You may call any lawyer you wish. 10  
Legal Aid duty counsel is available to provide 11  
legal advice to you, without any charge, and can 12  
explain the Legal Aid plan to you. Do you 13  
understand? 14

**MR. NEUFELD (continuing):** 15

Q Did he respond to that? 16

A He said; Yes. I asked; Do you wish to call a 17  
lawyer now? He replied; Not really, no. 18

Q What was that, not really what? 19

A Not really, no. 20

Q Okay, thank you. 21

A I then warned him, again reading from my card; You 22  
need not say anything. You have nothing to hope 23  
from any promise of favour, and nothing to fear 24  
from any threat, whether or not you say anything. 25  
Anything you do say may be used as evidence. I 26

- asked; Do you understand? He replied; Yes. At 1  
that point Sergeant Conlon told him that we'd like 2  
to go to North Battleford for the purpose of 3  
speaking with him. He asked if he could go in and 4  
change his clothes. 5
- Q Did he object to going to North Battleford? 6
- A No. 7
- Q Go on. 8
- A I said that he could. I told him though that 9  
technically he was in custody, that we didn't know 10  
him, he didn't know us, while no reflection on his 11  
character, we would have to be accompanying him 12  
into the house while he did that, and we all went 13  
into the home. 14
- Q And roughly what time was that, if you recorded it, 15  
sir? 16
- A That was at 8:38. He went into a back bedroom, was 17  
there very briefly, and came out. At this point 18  
his wife came out into the kitchen area where we 19  
were -- or actually into the porch area. We had 20  
very brief discussion with her, and we left the 21  
farm. 22
- Q Just stop you there. When you first had Mr. 23  
Latimer in the car, can you just describe where you 24  
were positioned, I'm not sure it was clear to me? 25
- A I was in the driver's seat, Sergeant Conlon beside 26

me in the passenger seat, Mr. Latimer directly 1  
behind me. The car has bucket seats. I turned to 2  
face him. 3

Q So when you spoke to him you turned around? 4

A Was looking directly at him, yes. 5

Q All right, okay. And the police car itself, was 6  
there any markings, or anything significant in it 7  
to indicate it was a police car? 8

A No, the radio mic. might have been visible, nothing 9  
other than that. 10

Q Okay. And you indicated that, once he had changed 11  
his clothes, you went out to the car, is that 12  
correct? 13

A Yes. 14

Q All right. Did you have any conversation with him 15  
in the house, before you went out to the car to go 16  
to North Battleford? 17

A No, we spoke briefly with Mrs. Latimer, but there 18  
was no conversation with him. 19

Q Not that you recollect? 20

A No. 21

Q Okay, all right. So you went back out to the car, 22  
is that correct? 23

A Yes. 24

Q And could you just describe then where everybody 25  
was in the car, and where you went, if anywhere? 26

- A We remained in the same positions, I drove, 1  
Sergeant Conlon passenger, Mr. Latimer seated 2  
behind me. We left the farm, headed for North 3  
Battleford. 4
- Q Do you know roughly what time that was? 5
- A Roughly 8 -- before 8:45, perhaps a couple of 6  
minutes before that. 7
- Q All right. Can you tell us what, if anything, went 8  
on during the trip to North Battleford? 9
- A There was a recent snow, the roads were very icy, I 10  
was driving 70 to 80 kilometres the entire way. 11  
There was virtually no conversation at all for the 12  
first approximately 15 minutes. After that 13  
Sergeant Conlon and Mr. Latimer struck up a 14  
conversation, just about crops in general, the 15  
weather, making small talk basically, nothing to do 16  
with the investigation. 17
- Q When you spoke with Mr. Latimer in the car the 18  
first time, and then again into the house, and then 19  
into the car, and on the way to North Battleford, 20  
can you describe his demeanour, his emotional 21  
state, and any changes you noted, if any? 22
- A He didn't appear to be particularly emotional, 23  
seemed quite straightforward and matter of fact. 24
- Q All right. Did that change in any way from the 25  
point you first saw him until you were driving to 26

North Battleford? 1

A No. 2

Q All right. Tell us, if you can, when you arrived 3  
at North Battleford, and what happened there? 4

A We got into North Battleford at 9:15 that morning, 5  
the 4th of November. We went to what I refer to as 6  
the subdivision building, not our regular office 7  
building, in North Battleford. 8

Q Why would you do that? 9

A The facilities at our usual office aren't very 10  
good. The room that we would have used for 11  
interviewing is near a door where all of the 12  
members come in, it's noisy, and we wanted to 13  
ensure privacy. 14

Q Okay. Do you have a record of when you arrived at 15  
the subdivision in North Battleford? 16

A Yes, 9:15. Mr. Latimer and I waited in the lobby 17  
area while Sergeant Conlon went and ensured the 18  
availability of an office. 19

Q Go on please. 20

A We simply waited there. Mr. Latimer had a cup of 21  
coffee. At 9:22 we went into the office, where 22  
Sergeant Conlon and I sat at a desk, Mr. Latimer 23  
was given a chair there as well. 24

Q Can you describe that office for us, the size, the 25  
layout, anything of that nature? 26

- A It's the regular office of the assistant officer 1  
commanding of the subdivision. It has filing 2  
cabinets in it, a large desk, pictures on the wall, 3  
file drawers, there was a potted plant in there, 4  
approximately 14 by 18 feet, approximation. 5
- Q And was there -- can you just describe the seating, 6  
desks, whatever, the positioning of the material in 7  
the office, if you would? 8
- A There was a desk that is a regular writing desk, 9  
I'll call it, approximately five feet long by 30 10  
inches wide. There's a chair behind it. Sergeant 11  
Conlon assumed the normal writing position behind 12  
the desk. Mr. Latimer was given a chair in front 13  
of the desk, and I sat, again, at the front, 14  
directly across -- or beside Mr. Latimer, well we 15  
faced each other. I was seated four to five feet 16  
away from him. 17
- Q Okay. Just go on, tell us in sequence what 18  
happened next? 19
- A Again from my notes, I told him that I wanted him 20  
to listen very carefully, as this is a serious 21  
matter. I told him what I told him the car, about 22  
being able to contact a lawyer, and that he wasn't 23  
obliged to say anything at all, what he did say 24  
could be used in court still applied. He nodded. 25  
Do you have any questions at all about that; I 26

asked. He replied; No. I asked; Do you want to 1  
call a lawyer? He shook his head, and said; No. 2

Q Was there any facility available for him to make a 3  
telephone call, if he chose to? 4

A Yes, there was a telephone sitting on the desk, 5  
right in front of him. 6

Q Right in front of him? 7

A Yes, within arm's reach. 8

Q And again, the time of day that this is happening 9  
is? 10

A 9:22. 11

Q All right, go on please? 12

A I started by saying that we were not here to judge 13  
him. I said; We deal with situations like this 14  
frequently, where people find themselves in 15  
difficulty, and things that wouldn't ordinarily 16  
happen do. I said; I understand the situation you 17  
are in, and we empathize with you. We have no 18  
choice but to do the job we have to, but at the 19  
same time will assist him in getting through this, 20  
as -- this situation, as best as we can. I told 21  
him that, as he knew, we were assisting Wilkie. I 22  
said; We have reviewed all of their investigative 23  
material, we have spoken to several people. 24  
Everyone said the same thing, that you are a very 25  
caring person, a good person. At the same time, we 26

know that this was not a natural death. Your 1  
daughter was in a great deal of pain. Bob, after 2  
considering all that is known, I have no doubt that 3  
you caused your daughter's death. There was no 4  
response from him, and I noticed that his eyes were 5  
heavy, glassy with tears. I went on; This is not 6  
something that you wanted, or planned to do, you 7  
loved your daughter very much. He nodded at that 8  
point. I said; This is something -- 9

Q When you say nodded, what do you mean? 10

A He nodded his head, indicating yes, in agreement. 11

Q All right, go on. 12

A This is something that you felt you had to do out 13  
of love for your daughter, isn't it, Bob? There 14  
was no reply. I said; I can imagine this is very 15  
difficult for you, and I feel bad. I repeated that 16  
he was a loving, caring father. I said; You only 17  
did what you felt was best for her out of love for 18  
your daughter. Again there was no reply, and I 19  
repeated it. I asked; Isn't that right, Bob. 20  
There was no response. I saw that he was close to 21  
crying, and I repeated that again; That's what 22  
happened, isn't it, Bob, isn't that right? And he 23  
replied; My priority was to put her out of her 24  
pain. I replied; That's what you thought was 25  
right, wasn't it? And he nodded, and I saw there 26

were tears coming down his face at that point. He 1  
talked about her always being in pain and 2  
suffering. I said at that time that I had spoke to 3  
a friend of mine that knew him, he felt that he was 4  
a good person, that was because he appeared to be 5  
feeling bad about himself. I asked him if he 6  
wanted to tell me how he did it. He said he drove 7  
the truck into the shed, with her in it, hooked up 8  
a hose to the exhaust, and ran it into the cab, 9  
took her and laid her in bed. I asked about the 10  
hoses, he said; A two inch hose. I asked; Where is 11  
it? He replied; I burned it yesterday. I asked; 12  
Where? He said; The burning barrel in the garden. 13  
I asked; What truck? And he replied; I believe 14  
it's an '82 half ton. I asked how long she was in 15  
there for, he said for a period of time, and I 16  
don't recall the time that he said, and I don't 17  
have it recorded. I asked; And she just fell 18  
asleep? He replied; Yes, just went to sleep. I 19  
asked; Did Laura know? He replied; We had talked 20  
about it. At this point Sergeant Conlon said to 21  
stop. He asked Robert Latimer if he would be 22  
willing to have this taped, and he said he would. 23  
Sergeant Conlon asked; How about a video? Mr. 24  
Latimer replied that he'd prefer not a video. At 25  
that point I went out to get a recorder, that was 26

- at 9:30 in the morning. 1
- Q Okay. Now, the -- how long did this take, this 2  
conversation that you just described to us? 3
- A From 9:22 until 9:38 minutes. 4
- Q Okay. And was it a free flowing conversation, or 5  
were there any breaks in it? 6
- A Very short breaks while I was waiting for a 7  
response. 8
- Q Okay. And in terms of his emotional state, what, 9  
if anything, did you see? 10
- A He was close to breaking down into tears. 11
- Q Did he cry? 12
- A Tears ran down his face, he didn't sob, but he was 13  
clearly crying, there was tears running down his 14  
face. 15
- Q Okay. So you stepped out to see if you could find 16  
some recording equipment, is that correct? 17
- A Yes. 18
- Q Did you find any? 19
- A I discovered there was none available, and I went 20  
back into the office. I told him that we couldn't 21  
tape the interview. I said I would write one out, 22  
if he had no objection. There was none voiced, and 23  
at 9:35 I commenced to take a written statement. 24
- Q And can you just describe sort of the -- what did 25  
you do, physically? 26

A I moved into -- behind the desk, into Sergeant 1  
Conlon's position, into the normal writing 2  
position. Sergeant Conlon took my chair, and sat 3  
where I had been. 4

Q Okay. And in terms of what you -- you did the 5  
writing here, is that correct? 6

A Yes, I did. 7

Q And what actually did you record, sir? 8

A All of our conversation. 9

Q Was this in a narrative form, or question and 10  
answer form? 11

A It started out in a narrative form, and then it 12  
went into question and answer. Sergeant asked some 13  
questions in clarification, toward the end of it, 14  
as well. 15

Q And did you accurately record the conversation that 16  
took place there, in writing, as best you could? 17

A Yes, I did. 18

Q I'm going to show you a document which I'd like you 19  
to look at, and identify, if you would. Take a 20  
look at that, it's a number of sheets of 21  
handwritten notes or paper, tell me if you 22  
recognize what you see there, sir? 23

A Yes, this is the written statement that I recorded 24  
from Mr. Latimer. My initials and signature is on 25  
it. 26

Q All right. And does it accurately record, as best  
you can recollect, what was said during that  
conversation?

A Yes.

Q I wonder, sir --

MR. NEUFELD: First of all, My Lord, I want to mark  
that as P-25 in this proceeding.

THE COURT: P-25.

MR. NEUFELD: I'll just hand it to the clerk.

EXHIBIT P-25: Statement of Robert Latimer

MR. NEUFELD (continuing):

Q What was -- just before we deal with that statement  
-- as you began taking this written statement, can  
you tell us what you observed with respect to his  
demeanour, his physical and emotional state?

A He composed himself very quickly, and throughout  
the taking of the statement, with two or three  
exceptions, was very composed.

Q Okay. Roughly how long did it take for you to take  
this statement?

A It commenced at 9:35 and completed at 10:55 that  
morning, one hour and 20 minutes start to finish.

Q All right. I wonder, sir, if you could take us  
through the statement, what you wrote down, and  
what was said in the course of the process please?  
Perhaps it would be just as easy if you would read

it into the record, sir. Just take your time, so 1  
we hear all the words. 2

A I recorded at the top of the statement; Statement 3  
of Robert Latimer, his date of birth, and the time 4  
9:35 on the 11th of -- or the 4th of November, 5  
1993, rather. I said: 6

"Bob, I will simply repeat that you are being 7  
investigated in the death of your daughter on '93 8  
10 24, and that criminal charges will be laid as a 9  
result. The earlier conversations that we had 10  
about your right to legal counsel still applies. 11  
So too does what I told you about not being 12  
compelled to say anything, but what you do say 13  
being admissible in court. Any questions about any 14  
of that? 15  
16

He shook his head no, and I recorded the time, 17  
9:40. 18  
19

I said; Bob, you have told us briefly what 20  
happened. I would like you to start at the very 21  
beginning, and go through exactly what took place. 22  
Go slow, I'll put it to paper. 23  
24

He started; She's been in pain for years, ever 25  
since she was born she's had trouble. 26  
27

He paused, I said; Go on. She had an operation a 28  
year ago in August to straighten her back, put rods 29  
in. Prior to that her hip was dislocated 30  
intermittent. So they operated on her back. They 31  
knew there would be one on her hip, but the hip was 32  
secondary, didn't sound that serious. Then, since 33  
May or June, almost full time dislocated. Each 34  
time you moved her there was pain. So the 35  
operation for the hip was planned for this time of 36  
year, the scheduling date was for the 12th of 37  
October, with an orthopaedic surgeon in Saskatoon, 38  
and they scheduled it for today. It was more 39  
complicated than what we had expected, so we just 40  
couldn't see another operation. She'd be confined 41  
to a cast for I don't know what the time was, so I 42  
felt the best thing for her was that she be put out 43  
of pain. 44  
45

Sergeant Conlon interjected: Bob, I want you to be fully sure of this before going further, you could be charged for murder. He asked; Do you understand that? Mr. Latimer replied yes.

I asked; Do you want to continue? He replied; Pretty straightforward. I said; How then did you go about it? He replied; Laura went to church before eleven. So then I went outside, and the hose was in the old tin shed by the barn. I threw it in the back of the truck, and went to the shop.

He paused, I said; Okay.

Went on; Then I hooked it up to the truck with some pipes, and I threw a bunch of rags in the back of the truck, two big boxes, and hack saw, threw the hose and pipes in the back, drove out to a shed, and I threw that stuff out. Then I went and got her, she was in the wheelchair, and took her to the shed. I propped her up with rags by the steering wheel. I covered her over, except for the face. I had to cut the hose with the hack saw, hook it to the exhaust, put it in the back window, had her propped up, and put the hose in the back window, let it run.

I asked; How long did it run? He replied; About half an hour, it was about 11:30 when it started.

I asked; Did you stay there? Yeah; he nods; uh-huh.

I asked; Then what? Reply; After about 25 to twelve or so she made three or four coughing noises, she never started to cry, it was about seven or eight minutes when that happened, and that's about it.

I asked; You did what with her then? Replied; I let it run 'til noon, I was timing all this stuff. There was a tractor tire in the back, I was sitting there watching through the back window.

I asked; What time did you move her? Replied; At twelve o'clock I shut it off, put her back in bed.

I asked; That's how Constable Hartle found her? Replied; Yeah, Laura went to feed her, and she was gone.

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I asked; Bob, what truck was it? Reply; The 1982 GMC half ton, blue. 1  
2  
3

Q The shed you referred to is where? 4  
5

A Out behind the trees. 6  
7

Q What's there now? 8

A Combine, swather, baler. 9  
10

Q That's where you had parked the truck when this was happening? 11  
12  
13

Replied; Yeah. 14  
15

Q Where did you get the hose? 16  
17

A In the shed by the barn, the suction hose for the water tank. 18  
19  
20

Q Black plastic? 21  
22

A About eight feet of green flexible hose on the end. 23  
24  
25

I asked; Where is that hose now? Reply; I cut it up yesterday and burned it. I had left it all there for over a week. 26  
27  
28  
29

I asked; Where did you burn it? Replied; In the barrel in front of the shop. 30  
31  
32

I asked; How did you secure the hose to the exhaust? Reply; There was a piece of pipe about eight inches long, I put another piece, some coupler, and another piece of pipe. 33  
34  
35  
36  
37

I asked; Are those couplings still around? Reply; Yeah. 38  
39  
40

Q Where? Reply; In the shop. 41  
42

I asked; What about the rags? Replied; Still in the shed. 43  
44  
45

Q Which shed? Reply; The one out behind, same one. 46  
47  
48

Sergeant Conlon asked; Bob, before you fitted the plastic hose onto the exhaust, did you first attach a metal pipe to the exhaust? Reply; No, the pipe 49  
50  
51

had a fitting on it, I just put on another piece,  
it all fell together right away. 1  
2  
3  
Sergeant Conlon; Where is the metal fitting? 4  
Reply; It's all there under the snow. 5  
6  
Sergeant Conlon; Would you be willing later to show 7  
us where that is? He replied; Yeah. 8  
9  
I asked; For how long, Bob, had you thought about 10  
doing this? Reply; Well, pretty much decided after 11  
that doctor appointment. 12  
13  
I asked; That was? Reply; October 12,  
approximately. 14  
15  
16  
Q When did you discuss this with Laura? Reply; 17  
We talked about it that night. 18  
19  
I asked; The 12th? He replied; Yeah. 20  
21  
Q What were her feelings about it? Reply; She -- 22  
no different than mine, she just said she 23  
wished she could call a Jack Kevorkian. She 24  
never participated in any planning, just 25  
thoughts in general. 26  
27  
I asked; When she went to church on October 24 did 28  
she know what you were going to do? He replied; 29  
No. 30  
31  
Q Did you tell her what happened? Replied; No. 32  
33  
I asked; Are you sure, Bob? He replied; Yes. 34  
35  
Q When, Bob, did you decide that you were going 36  
to do this specifically on the 24th while your 37  
family was in church? He replied; Oh, that's 38  
the only occasion, I just knew that was one of 39  
the rare occasions. 40  
41  
I asked; When did you know that that's what you 42  
were going to do? He replied; I don't know what 43  
day it was, I was combining, thought I'd give her 44  
some Valium. I had thought about shooting her in 45  
the head." 46  
At that point he sobbed, and he responded with 47  
something that I didn't record, I didn't -- I 48

wasn't certain that I had heard what he said. 1

"I went on; When, Bob, did you decide to put her in 2  
the truck on that Sunday? Replied; I just knew it 3  
was coming. 4  
5

Q Would it be a few days before? Replied; Yeah, 6  
probably five days before, I'm not sure of the 7  
date. 8  
9

I asked; Is there anything else, Bob, that you wish 10  
to say? He replied; I don't know that there is 11  
much more to say. 12  
13

I said; Sergeant Conlon may have some questions. 14  
15

Sergeant Conlon asked; You're okay? Mr. Latimer 16  
nodded. 17  
18

Sergeant Conlon asked; This was on the 24th of 19  
October, is that correct? Mr. Latimer replied, uh- 20  
huh. 21  
22

Sergeant Conlon; Did you give her any pills or 23  
medication? Reply; No. 24  
25

Q You mentioned earlier that you put a hose in 26  
the truck? Replied; Uh-huh. 27  
28

Again this is Sergeant Conlon; Tell me again which 29  
window you put it through? Reply; The rear sliding 30  
window. 31  
32

Sergeant Conlon; Where was the end of the hose? 33  
Sticking a foot or two inside, towards the driver's 34  
side, up to the roof. 35  
36

Sergeant Conlon; Bob, could you see any fumes or 37  
gases coming out of the end of the hose, describe 38  
that to us? He replied; It fogged up the windows. 39  
40

I asked; Bob, did she vomit or salivate, anything 41  
like that? He replied; No; and shook his head. 42  
43

I asked; She just went to sleep? He replied; She 44  
jerked three or four times, she's had worse 45  
seizures. I thought if she cried I'd pull her out, 46  
she didn't. 47  
48

I asked; You didn't want to see her suffer? He 49  
shook his head. 50

And I asked; And what happened was exactly as you hoped it would? He nodded, and said; Uh-huh. 1  
2  
3  
Sergeant Conlon; I have a question; Bob, I can try to imagine how hard this is, I'd like to continue asking you some questions, is this okay? He replied; Yeah, fine. 4  
5  
6  
7  
8  
Sergeant Conlon went on; You mentioned earlier the fumes fogged the window of the truck, did you clean the windows? He replied; No, when I took her to the house I drove up, I had rags on her, sleeping bag, and two old coats from the shop. She was limp, I was sure she was gone. Put her back in bed, you have to put pillows and things between her legs to place her hip, she was just limp. 9  
10  
11  
12  
13  
14  
15  
16  
17  
Sergeant Conlon; What did you do with the sleeping bag and coats? Reply; Coats are in the shop, sleeping bag put on the wheelchair. 18  
19  
20  
21  
Sergeant Conlon; If I have this correct, you put her in the truck, and covered her with a sleeping bag and coats? Reply; I propped her with lots of rags between her, and covered her with a sleeping bag and coats. When I drove out there you could hold her, put her in position. 22  
23  
24  
25  
26  
27  
28  
Sergeant Conlon; Tracey Lynn had cerebral palsy? Replied; Yes. 29  
30  
31  
Sergeant Conlon; I understand she had this from birth? Reply; Yeah, when she was younger it wasn't that big of a deal. Her muscles would tense up and put her hip out of joint. She had seizures from the day she was born. 32  
33  
34  
35  
36  
37  
Sergeant Conlon; Was Tracey ever to tell you or Laura how she felt? Reply; She never could talk, she was severely affected by brain damage. When she was very young she could bring her hands to her mouth, but that was until four or five months. She progressively got worse. 38  
39  
40  
41  
42  
43  
44  
Sergeant Conlon; This next question will be difficult. Can you tell me now -- can you tell us how you now feel that Tracey is dead? Reply; It's better, soon as Laura saw her she was happy for her, she was loose. She was always stiff and in pain, she was always awake and in pain. She had only been home a short while, she spent the summer 45  
46  
47  
48  
49  
50  
51

in a group home here in Battleford. 1

Sergeant Conlon; Bob, I'd like to know if you ever 2  
considered institutionalizing your daughter? 3  
Reply; It was almost inevitable that it would 4  
happen. She had lost weight, under 40 pounds." 5 6

THE COURT: Something missing? 7

THE WITNESS: The pages have been changed. 8

MR. NEUFELD: The number? 9

THE COURT: They were numbered, were they? 10

THE WITNESS: Only in the order. 11

THE COURT: I see. 12

THE WITNESS: We were talking about: 13

"It was almost inevitable that it would happen. 14  
She had lost weight, under 40 pounds. I couldn't 15  
see that, I'm much happier for her now. 16 17

Tears were welling up, Sergeant Conlon said; Cry if 18  
you want to, it's okay. He just continued on; We 19  
didn't even think she would help from an operation, 20  
she was getting sores, some would heal up. 21 22

I asked; How did you feel about her being 23  
institutionalized? Reply; It would be okay for a 24  
short time, but not for a long time -- I'm sorry, a 25  
short term, but not a long time. About two years 26  
ago she was on a combination of medicine that made 27  
her sick all the time, she'd get rundown, we'd have 28  
to take her to Wilkie and get put on IV. One of 29  
her options was a feeding tube in her stomach, they 30  
wanted to go that way, that wasn't an option for 31  
us. After that they found out it was the drug 32  
making her sick, they found out, and then she came 33  
around pretty good. 34 35

I asked; Would it be fair for me to say that you 36  
couldn't see her institutionalized? He nodded; 37  
Yes, she was getting more awkward to care for. I 38  
could never feed her after the operation, she had 39  
to be fed in the chair. 40 41

Sergeant Conlon; Bob, to look at your daughter, and 42  
meet all her requirements, was this expensive for 43

you? Replied; Not in the least, no, her drugs were 1  
all paid for, even after reclassification, hospital 2  
and that in Wilkie is \$7 a day." 3

THE WITNESS: I'll just clarify the \$7 a day. In 4  
reviewing the statement after, Mr. Latimer said 5  
that he didn't actually have to pay any \$7, so that 6  
wasn't a consideration. 7  
8  
"And he went on; I had no trouble with those 9  
commitments. 10  
11  
I asked; You're getting tired, are you, Bob? He 12  
replied; No, it doesn't matter, I'm okay. 13  
14  
Sergeant Conlon asked; Is there anything you find 15  
about Ken Lyons or myself that you find 16  
threatening? He replied; No. 17  
18  
Sergeant Conlon; Now that you have told us what 19  
happened, how do you feel? Replied; Oh, it uh 20  
doesn't really matter, this is not the hard part. 21  
22  
At 10:35 I said; Bob, I have recorded our 23  
conversation, the questions and answers. I will 24  
let you read all of this over, should you wish. If 25  
you don't want to do that, I will read all of this 26  
back to you, to ensure that there are no points 27  
that you want to clarify or change, whatever you 28  
wish. He replied; I don't really care, you can 29  
read it to me. 30  
31  
I said; All right, listen carefully, stop me if you 32  
wish." 33

THE WITNESS: And I read the statement back to him. 34  
35  
At 10:50 I completed reading it. 36  
37  
"I asked; Bob, is there anything that you would 38  
like to change, clarify, or add? I said; You 39  
remarked during the reading that the cost of 40  
keeping Tracey at the hospital in Wilkie was free. 41  
I asked; Anything else? He said; No. 42  
43  
I said; If you would like, I would like you to sign 44  
the bottom of this page, and put your initials on  
the bottom of each of the other pages.

THE WITNESS: At 10:54 he signed and initialled the . 1  
pages. Sergeant Conlon said; I have a couple of 2  
points. Sergeant Conlon asked; Has this statement 3  
been given totally voluntarily on your part? Mr. 4  
Latimer replied; Yes. Sergeant Conlon asked; Have 5  
either myself or Ken done anything to make you tell 6  
the truth, forced or anything? He replied; No. 7  
And I signed the bottom of the statement at 10:55 8  
on the 4th of November, 1993, as did Mr. Latimer. 9

MR. NEUFELD (continuing): 10

Q Did he place his marks on any other part of the 11  
statement? 12

A He initialled each of the other pages in the bottom 13  
right hand corner. 14

MR. NEUFELD: Before you leave today, Sergeant, I 15  
wonder if the Court would permit him to put the 16  
pages in the proper order, as he took them, so that 17  
if they need to -- 18

THE COURT: Yes. Well, that will go to the jury, 19  
you know, and so I think we better have them in the 20  
proper order when they get there. 21

MR. NEUFELD: I'd just as soon he did it, because he's 22  
the one that recorded it, so, as long as he has 23  
your permission to do that. 24

THE COURT: Oh, that's fine. Perhaps he could do it 25  
-- this might be a good time to break, if -- 26

MR. NEUFELD: I think it would be, My Lord. I won't 1  
be too much longer, but I do have a few more 2  
questions. Perhaps he could -- 3

THE COURT: This might be a good time to sort it 4  
out. 5

(COURT ADJOURNED) (COURT RECONVENED) 6

MR. NEUFELD: I'm sorry, My Lord, we were just 7  
discussing some -- 8

THE COURT: I wouldn't want to interrupt, you might 9  
have been talking about something important. 10

MR. NEUFELD: I guess we like to think we were, My 11  
Lord. 12

THE COURT: Just before we start, the clerk brought 13  
a request from the -- to me from the press about 14  
photographs, and they're, of course, in the same 15  
category as any other evidence, once the jury sees 16  
them, my understanding of the law is they're 17  
entitled to see them. However, there is a problem 18  
over copies, and I -- so I referred them back to 19  
you. I understand that you've now referred them, 20  
again, back to me, so -- 21

MR. NEUFELD: My Lord, it's -- I spoke with my friend, 22  
I spoke with the R.C.M.P., of course who created 23  
the photographs. Nobody raises any objection to me 24  
lending my copy out to people who may wish to make 25  
duplicates. 26

THE COURT: All right, okay. 1

MR. NEUFELD: And I propose to do the same thing with 2  
respect to the video, subject, again, once the 3  
Court has ordered, I don't want to do anything the 4  
Court doesn't -- 5

THE COURT: No, I appreciate that, and I understand 6  
why you would look for -- so -- 7

MR. NEUFELD: I thought of handing them all to the 8  
clerk and -- 9

THE COURT: The law being what it is, if you 10  
cooperate, I certainly will authorize it. 11

MR. NEUFELD: Thank you very much. 12

THE COURT: So there's no problem. 13

MR. NEUFELD: I thought I'd just dump it in the hands 14  
of the clerk, and let him worry about it. He said 15  
he was too busy, so I'll -- 16

THE COURT: Well, he brings all his problems to me. 17

MR. NEUFELD: Thank you, My Lord. 18

THE COURT: I don't blame him for that. 19

**MR. NEUFELD:** **EXAMINATION-IN-CHIEF (Con't):** 20

Q Sergeant Lyons, just to get back to where we were. 21  
You indicated that -- you actually read in the 22  
written statement that you took from Mr. Latimer a 23  
few minutes ago, before the break, is that correct? 24

A Yes, it is. 25

Q Now, I'd like you just to go on from there, please, 26

- what happened next, and what, if anything, else you  
did with Mr. Latimer relative to this  
investigation?
- A All right. The statement ended at 10:55.  
Following that, Sergeant Conlon advised him that we  
had little choice but to lodge him for murder. We  
drove down to our regular office, the city  
detachment in North Battleford, and he was lodged  
in cells. Prior to going there we -- Sergeant  
Conlon asked him if he wanted to meet with a friend  
or clergy, have anyone meet him there.
- Q I'm having a little trouble hearing you, I'm sorry.  
Maybe the mic. is not placed right, but just speak  
up, just repeat that.
- A Sergeant Conlon asked if there was any clergyman or  
family friend that he wanted to meet with, anything  
like that. He declined that opportunity. We went  
to the cell block in our office, and he was lodged  
in cells at 11:10 that morning.
- Q Go on please.
- A The next contact that I had with him was at 1:40 in  
the afternoon. Sergeant Conlon and he had had some  
discussion, and, as a result of that discussion, I  
met them in the parking lot outside of our office,  
and we drove back out to the farm, to the Latimer  
farm in the Wilkie District.



- Q Can you generally describe that for us please? 1
- A At 2:36 we went into a quonset north of the 2  
buildings. Robert Latimer pointed out a box of 3  
rags, pointed out where the truck had been parked, 4  
where he had put Tracey in. We moved -- 5
- Q Where did you start? 6
- A In the quonset. We went from the quonset to the 7  
shop. He pointed out a burning barrel, the truck 8  
that he used, the Chev half ton, and then over to 9  
the house. Lasted about 14 or 15 minutes. 10
- Q And I think you indicated it was going to be video 11  
taped, is that correct? 12
- A Yes. 13
- Q And was it video taped? 14
- A Yes, it was. 15
- Q By whom? 16
- A Sergeant Lynch of the North Battleford forensic 17  
identification section. 18
- Q Who else participated in this walk through besides 19  
Mr. Latimer and Sergeant Conlon and yourself? 20
- A Constable Lavallee from Wilkie detachment was also 21  
present. His purpose was to seize any exhibits 22  
that were pointed out. 23
- Q All right. Have you seen the video of that walk 24  
through since? 25
- A Yes, I have. 26

- Q And I'm going to show you what has been marked in 1  
this proceeding as Exhibit P-2, is this the video 2  
tape of the walk through, to the best of your 3  
recollection? 4
- THE COURT: P-2? 5
- MR. NEUFELD: Yes, My Lord. 6
- A I believe it is, I have seen this one at 7  
preliminary and trial. 8
- Q All right, thank you. And what happened after 9  
the -- do you have a recollection, or recording in 10  
your notes, of when the walk through was finished? 11
- A At 2:50 Mr. Latimer and I went back to the police 12  
vehicle, we waited for Sergeant Conlon. At 2:56 13  
Sergeant Conlon came, and we departed back for 14  
North Battleford. 15
- Q Okay. And when did you arrive back in North 16  
Battleford? 17
- A At approximately 3:30. 18
- Q In the afternoon? 19
- A Yes. 20
- Q Just before we go further, Sergeant, the -- what 21  
was the physical and emotional state or demeanour 22  
of Mr. Latimer in the course of this video taped 23  
walk through, as you recall it? 24
- A He was very obliging and matter of fact, very 25  
composed. 26

- Q How would you compare that state to the period of 1  
time within which you recorded this -- or which you 2  
wrote down the written statement? 3
- A The same, with the exception of the three or four 4  
times that there were tears flowing, that I 5  
mentioned earlier. 6
- Q Otherwise it's the same? 7
- A Yes. 8
- Q All right, you're back at North Battleford, what 9  
happened next? 10
- A Okay, on the ride back into North Battleford I had 11  
asked Mr. Latimer if he had given any more thought 12  
to calling counsel. I told him that it was up to 13  
him, but it may be in his best interests to have 14  
someone speak on his behalf. He mentioned the name 15  
of a local lawyer that he had dealt with for land 16  
deals, he said he would give that some thought. 17  
When we arrived back at North Battleford I again 18  
asked him about calling counsel. 19
- Q You mean a lawyer? 20
- A Yes. 21
- Q Okay, go on. 22
- A And he said that he was going to be speaking with 23  
his wife later, and that he would after. I asked 24  
him if he would like me to call that lawyer for 25  
him, and at 3:35 that afternoon I left a message at 26

the office of the lawyer that he had mentioned to me. 1

Q Okay. Were you able to reach the lawyer? 2

A Not at that time, I left a message for him to call. 3

Q Okay. What happened next, sir? 4

A He was lodged in detachment cells. At five after 5  
four I went back into the cell block area, he was 6  
in cells by himself, and I asked to clarify 7  
something for the members out at the farm. I 8  
asked; The hose you used, is there another piece of 9  
that out there? He asked; You mean the flexible 10  
hose? I replied; Yes. He said; Sticking out of 11  
the water tank in the shed. The steel shed; I 12  
asked. He said; Yeah. I asked; Did you cut it off 13  
of there? He replied; No. And I asked; But it's 14  
the same? He replied; Yes, it is. And that was 15  
the end of that conversation. 16

Q Okay. Did you recall seeing such a thing while you 17  
were out there? 18

A I didn't, no. 19

Q Go on please. 20

A Again at 4:15 that same afternoon I went back into 21  
cells, and I asked him if he would come with me. 22  
Sergeant Conlon and I were ask -- wondering if he 23  
would draw a diagram of the hook up, with the 24  
hoses, pipe, and the truck for us. He came into 25  
26

- our office at 4:15, poured him a coffee, he sat  
down, and started explaining a drawing as he went,  
how he had put the apparatus together.
- Q Okay. There's an exhibit that I have placed before  
you, and I believe it's an exhibit that I intend to  
seek to be marked as Exhibit P-24, can you tell me  
if you recognize what that is?
- A This is the handwritten notes that Mr. Latimer  
made, there's two pages of it. It has my initials  
on it, as well as what I recognize as Sergeant  
Conlon's.
- Q Okay. Now, so the bulk of the writing is whose?
- A Yes, it is.
- Q Who is that, sorry?
- A It is all Latimer's, with the exception of Sergeant  
Conlon's and my initials.
- Q And was this all done at one sitting, this drawing?
- A Yes, it was.
- Q Was it interrupted in any way, to your  
recollection?
- A The last two or three minutes of it may have been  
interrupted by a call from counsel, I'm not  
absolutely certain on that.
- Q Do you have any record of that in your notes?
- A I have a record of the call from counsel, but I'm  
not certain if he had completed the diagram before

he spoke to counsel or not. 1

MR. NEUFELD: P-24, My Lord. 2

THE COURT: P-24. 3

EXHIBIT P-24: Sketch of Pipe Apparatus 4

MR. NEUFELD (continuing): 5

Q Is this accurate -- this is the actual document 6  
that he created, is that correct? 7

A Yes. 8

Q And did you have any further dealings that 9  
afternoon? 10

A That afternoon, the lawyer that I had called for 11  
him, Murray Greenwood of North Battleford, called 12  
at 4:20. He -- I spoke briefly with him, and then 13  
he asked to speak with Mr. Latimer. He did that, 14  
Sergeant Conlon and I left the room while he did, 15  
he was in for approximately three minutes -- or 16  
sorry, five minutes, and we returned. He was 17  
lodged back in cells after completion of that last 18  
document. 19

Q Okay. Now, you say after completion of last 20  
document, are you telling us that he spoke with the 21  
lawyer in the course of the preparation of that 22  
document, P-24? 23

A He was nearly completed -- if he wasn't already 24  
complete when the lawyer called, he was nearly 25  
completed, and I can't remember if he finished it 26

off after he spoke with counsel or not. 1

MR. NEUFELD: All right. Those are my questions of 2  
you, Sergeant Lyons. Please answer any questions 3  
my learned friend may have. 4

MR. BRAYFORD:

CROSS-EXAMINATION: 5

Q Sergeant Lyons, lest anyone draw the wrong 6  
conclusion, with respect to most charges under the 7  
Criminal Code, the officer in charge, or at least 8  
the justice of the peace, has the discretion to 9  
release someone, is that correct? 10

A Yes, with most. 11

Q And with a charge such as murder, however, even if 12  
you or a justice of the peace is of the mind that 13  
the person is no danger to be released, they don't 14  
have that jurisdiction, is that correct? 15

A No, they do not. 16

Q It has to come to this Court, to the Court of 17  
Queen's Bench? 18

A Yes. 19

Q For a bail hearing to be held. So at the end of 20  
your dealings with Bob Latimer there wasn't any 21  
question he was going to have to be held in custody 22  
until a judge reviewed it in Queen's Bench? 23

A That's correct. 24

Q Now, throughout the dealings with Bob Latimer, you 25  
were certainly prepared to let him have a lawyer 26

present, if he wanted? 1

A Yes. 2

Q And he certainly could have had a lawyer there to 3  
do whatever lawyers do, as far as refereeing the 4  
way the statement was taken, and he chose not to? 5

A That's correct. 6

Q And throughout his dealings, with the exception of 7  
the first couple of preliminary questions, every 8  
time you asked a question he responded? 9

A Yes. 10

Q And in that sense he cooperated fully in filling 11  
out your investigation? 12

A Yes, he did. 13

Q And you've had a chance to complete your 14  
investigation now, and nothing that you have 15  
investigated seems to contradict anything that he 16  
told you? 17

A I guess in fairness, my part in the investigation 18  
ended that day, I wasn't involved in any of the 19  
follow up investigation. 20

Q Certainly your feeling at the time was he was being 21  
candid and forthright with you? 22

A Yes. 23

Q His -- the emotion that you were seeing, and 24  
concern over his daughter had seemed genuine to 25  
you? 26

A Yes, he showed emotion when he was dealing with her death, yes. 1  
2

Q The -- and so I take it that day, that pretty much ended your involvement in the investigation? 3  
4

A Yes, I had no formal dealings with him following that day. 5  
6

MR. BRAYFORD: Thank you, Sergeant Lyons, those are all the questions that I have. 7  
8

MR. NEUFELD: No re-examination, My Lord. 9

THE COURT: Okay. 10

MR. NEUFELD: My Lord, again we're moving along very smoothly, and a little more quickly than I anticipated, which is just fine. I would -- I'll offer these options. I have one further witness, Sergeant Conlon, who is quite prepared to take the stand, and get started. I'm not sure he'll finish by -- certainly he won't finish by 12:30, but I certainly think that within an -- 11  
12  
13  
14  
15  
16  
17  
18

THE COURT: Let me let Sergeant Lyons go. 19

MR. NEUFELD: I'm sorry, Sergeant. 20

THE COURT: He's anxious to get out of my view here. 21

MR. NEUFELD: I'm certain that it will probably take less than two hours, even playing the video tape, and so -- 22  
23  
24

THE COURT: Well, why don't we start on him, and go for a half an hour, and then -- 25  
26

MR. NEUFELD: Sure, I'm quite happy to do that. I 1  
will then call Sergeant Conlon to the stand. 2

**SGT. ROBERT CONLON, SWORN 3**  
**TESTIFIES AS FOLLOWS: 4**

**MR. NEUFELD: 5** **EXAMINATION-IN-CHIEF: 5**

Q Sir, it's my understanding that you're a peace 6  
officer employed by the Royal Canadian Mounted 7  
Police, is that correct? 8

A That is correct. 9

Q And how long have you been a member of that force? 10

A Going on 29 years. 11

Q And were you a member of that force in November of 12  
1993, and on duty, would I be correct in suggesting 13  
that to you? 14

A You would be correct. 15

Q And out of what detachment or section were you 16  
working at that time? 17

A I was employed with the General Investigation 18  
Section, which is a plain clothes unit, here in 19  
North Battleford, the Province of Saskatchewan. 20

Q I understand, sir, that in the early part of 21  
November of 1993, particularly November 4, you had 22  
occasion to participate in the investigation of the 23  
matter which is before the Court today, is that 24  
correct? 25

A That is correct. 26

- Q I wonder if you would detail for us your part in the investigation? 1  
2
- A I first became involved in the investigation on the 31st of October of 1993, when I received a phone call from Constable Nick Hartle, at my residence, and we had brief conversation about this file. I forget the actual conversation, but I invited -- 3  
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- Q I don't want you to relate it in any event. 8
- A Fine, but I invited Constable Hartle to meet with me the following week, at my office in North Battleford, and we subsequently met. We met on the 3rd of November of 1993, in my office, and conversation then ensued between he and I and several members that were on my section at that time. 9  
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- Q And, as a result of that, did anything happen the next day? 16  
17
- A Yes, it did, it happened on the 4th of November of 1993. Sergeant Ken Lyons and myself attended at the residence approximately 12 miles north, one-quarter mile west of Wilkie, in the Province of Saskatchewan, at a farm house identified as Robert and Laura Latimer. 18  
19  
20  
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23
- Q What happened there, sir? 24
- A At 8:30 a.m. on that date I knocked on the back door of this particular farm house, and Mr. Latimer 25  
26

opened the door. 1

Q Is that Robert Latimer? 2

A Mr. Robert Latimer did. And I introduced myself by 3  
name, and as a police officer, introduced Sergeant 4  
Ken Lyons, and we had a brief conversation within 5  
his porch or mud room, just inside the residence. 6

Q Can you relate that conversation for us, please? 7

A Yes. I advised him that we were assisting the 8  
Wilkie detachment of the R.C.M.P. into the death of 9  
his daughter Tracey, and that we had several 10  
questions we would like to put to him, and would he 11  
mind coming out to the police car, which was in the 12  
driveway or the back yard of this house. 13

Q Go on, what happened next? 14

A Mr. Latimer, at the initial time we met him, was 15  
dressed in a housecoat. He quickly changed into a 16  
parka and some jeans, came out into the police car. 17

Q So when you asked him if he would come outside, 18  
what was his response? 19

A His response that he would. 20

Q Was there anyone else in or around the -- did you 21  
actually step into the house at that point? 22

A Into this porch area we did, yes. 23

Q Did you see anybody else at that point? 24

A I saw no one at that time. 25

Q All right, go on please. 26