

Action No.: 140694985P1
E-File No.: CCP15GNAMD
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

DARREN JOHN GNAM

Accused

P R E L I M I N A R Y I N Q U I R Y

Calgary, Alberta
October 16, 2015

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary, Alberta

2 _____
3 October 16, 2015 Morning Session

4
5 The Honourable Judge Mason The Provincial Court of Alberta

6
7 L. Cammack For the Crown

8 A. Hepner, Q.C. For the Accused

9 M. Hammoud Court Clerk

10 _____

11

12 THE COURT CLERK: Darren Gnam.

13

14 MR. CAMMACK: Good morning, Your Honour. For the record,
15 it's Levi Cammack for the Provincial Crown. Mr. Hepner is here for the accused,
16 Mr. Gnam, who is now approaching the prisoner's box. And Mr. Hammond (phonetic) is
17 here on behalf of one of the witnesses. I'll -- I'll speak about his presence in terms of
18 some housekeeping things.

19

20 **Discussion**

21

22 MR. CAMMACK: But before we begin, just to set the stage for
23 what the Court will hear today, this is a preliminary inquiry. And the charges largely
24 speak for themselves. It is a historical sexual assault. The Crown will allege that the
25 accused, over a number of days, on multiple occasions, assaulted his daughter, Jacey
26 Gnam, for years and that she was under the age of 14 years during part of the time that
27 that sexual assault was going on. And that's basically the Crown's case.

28

29 The evidence that the Court will hear won't just come from Jacey Gnam. There is also a
30 wiretap recording obtained after the police sought out authorization to obtain it. And
31 those two sources of evidence are the bulk of what the Court will hear. So largely a
32 wiretap, a conversation between Jacey and her father, the accused, and Jacey's own
33 testimony will form the bulk of the Crown's case.

34

35 I do understand that committal is not in issue and expect that today's proceedings are
36 largely being conducted for the purposes of discoveries so that the accused can discover
37 the case against him.

38

39 The Court will hear from -- well, the Court will hear from two witnesses today. The
40 Court will hear from Detective Belliveau and Jacey Gnam. There was to be a third
41 witness, Alan Cares, but he has completely fallen out of touch with the police. And we

1 were unable to secure his attendance for today. So it will just be those two witnesses and
2 then the audio recording of the wiretap today.

3

4 There are some housekeeping matters to address at the outset. I'd ask to --

5

6 THE COURT: Before --

7

8 MR. CAMMACK: Sorry.

9

10 THE COURT: -- we go any further, I think I spy Detective

11 Belliveau in the back.

12

13 MR. CAMMACK: Ah, yes. He will need to be excluded.

14

15 THE COURT: Well, and that's fine; but that raises an issue.

16 Detective Belliveau and I went to high school together. We know each other. I'm not
17 sure whether that causes any problems for anybody.

18

19 He and I don't maintain what I would consider a continuous friendship, but I know him
20 and he knows me from prior to the evidence. And so I wanted to put that on the record
21 so that everybody was comfortable.

22

23 MR. HEPNER: I have no problems, Your Honour, in having
24 you hear from Detective Belliveau.

25

26 THE COURT: Very good. All right. Well --

27

28 MR. CAMMACK: Thank you.

29

30 THE COURT: -- having cleared that hurdle, that was the one I
31 wanted to get out of the way. But we will move on to the next step.

32

33 MR. CAMMACK: Thank you.

34

35 Your Honour, the -- the Crown understands that the statement taken by Detective
36 Belliveau is voluntary and isn't contested for the purposes of this preliminary inquiry.
37 And, um, that's one of the other incidents that the Crown will be tendering as part of its
38 case. I would ask to exclude all of the witnesses from the courtroom. There are a
39 number of people who have come in support of the accused. There is also a witness here,
40 Rene Fournier, that the Crown would have been calling, but he won't be staying for the
41 proceedings. But for the moment, I would ask for him to be permitted to leave the

1 courtroom. His counsel will remain in the courtroom, I expect --

2

3 THE COURT: Right.

4

5 MR. CAMMACK: -- Mr. Hammond. And we will deal with him
6 in the next few moments.

7

8 THE COURT: All right. Very good.

9

10 MR. CAMMACK: I don't understand that there would be any
11 other witnesses. Detective Belliveau, though, I think, will have to leave --

12

13 THE COURT: Depart --

14

15 MR. CAMMACK: -- because he is a --

16

17 THE COURT: -- for a minute. All right.

18

19 MR. CAMMACK: -- a witness. He will be the Crown's first
20 witness.

21

22 THE COURT: Right. Well, we will call him back in when we
23 need him.

24

25 MR. CAMMACK: Thank you.

26

27 (WITNESSES EXCLUDED)

28

29 MR. CAMMACK: This -- this set of charges, because of its nature,
30 I think, should be the subject of a publication ban. We would also ask for the section 539
31 publication ban that goes along with the preliminary inquiry. So pursuant to section 46.4
32 of the *Criminal Code* and 539 of the *Criminal Code*, the Crown is applying for a
33 publication ban.

34

35 THE COURT: And my understanding is that the -- there is a
36 publication ban already in place as it relates to the identity of the complainant.

37

38 MR. CAMMACK: I expect so.

39

40 THE COURT: But clearly, a further order that we'd restrict
41 publication of any of the events.

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MR. HEPNER:

I agree with that.

I would have made that application as well. So

THE COURT:

All right.

MR. CAMMACK:

Thank you.

THE COURT:

So the additional traditional publication ban that occurs on any preliminary inquiry is also granted.

Ban on Publication

MR. CAMMACK:

Thank you.

Your Honour, Jacey Gnam has asked to have a woman by the name of Carrie Ionson (phonetic), a CCASA worker, a social services worker, appear next to her and to stand with her as she testifies at this preliminary inquiry.

The Crown is asking the Court to consider ruling pursuant to section 46.1 of the *Criminal Code* that Ms. Ionson be permitted to assist Ms. Gnam in giving a candid and full account of the events. The subject matter of these allegations is delicate. Testifying against one's father can't be an easy thing to do. And, in the Crown's view, it will assist the Court in hearing a true and candid account. So I would ask the Court to consider making that application.

THE COURT:

Mr. Hepner?

MR. HEPNER:

I don't have a problem. I just need to know a little bit. Is it -- is this a friend or a social worker?

THE COURT:

My understanding from Mr. Cammack is that it's a social worker.

MR. CAMMACK:

That's right.

MR. HEPNER:

Oh, so -- okay. That's fine.

MR. CAMMACK:

And she is not a witness in any of the proceedings.

1 MR. HEPNER: Okay.

2

3 **Submissions by Mr. Cammack (Other)**

4

5 MR. CAMMACK: The Crown has an application under section
6 189 of the *Criminal Code* to tender the wiretap records. And I have collected them all in
7 a binder. There are a number of records that are being offered to the Court pursuant to
8 section 546(7) and 189(5) of the *Criminal Code*. Mr. Hepner had received notice, I think,
9 in March of this year of the Crown's intention to tender these various records.

10

11 I will point, though, first to the records beginning at tabs 2 through to tabs, uh --

12

13 THE COURT: Okay. Before we get there --

14

15 MR. CAMMACK: Yes, Sir?

16

17 THE COURT: -- I just want to make it clear for the record, (a)
18 I am granting the application to testify from outside the courtroom; and (b) I'm making
19 and granting the application as it relates to the support worker.

20

21 And -- sorry -- you said under section 189?

22

23 MR. CAMMACK: Uh, yes, Sir. Section 189 relates to the wiretap,
24 the intercepted communications. It was a one-party intercept where Jacey Gnam gave
25 consent to the police to intercept the private conversation she had with her father.

26

27 And the application for the wiretap was granted by your sister judge, the Honorable Judge
28 Shriar. And subsequently on the 22nd of March, 2014, the conversation was intercepted
29 and recorded. And the Crown has here a set of exhibits that we will be tendering,
30 everything from the consent to the application, the affidavit sworn by Detective Belliveau,
31 and the authorization granted by Judge Shriar in January of 2014, and then an audio
32 recording which the Crown will play as part of Jacey Gnam's testimony, as well as the
33 corresponding transcript. The Crown will be offering all of that pursuant to section 189 of
34 the *Criminal Code*.

35

36 We have given Mr. Hepner notice of our intention in that regard as well. It's copies of
37 the unsealed intercept wiretap of records.

38

39 THE COURT: Mr. Hepner, any comments you wish to make?

40

41 **Submissions by Mr. Hepner (Other)**

1
2 MR. HEPNER: No. I agree with that. No.

3
4 THE COURT: Very good.

5
6 MR. CAMMACK: Thank you.

7
8 THE COURT: That application, then, will be granted.

9
10 MR. CAMMACK: Thank you, Your Honour.

11
12 **Discussion**

13
14 MR. CAMMACK: The voluntariness of the voir dire appears not to
15 be necessary today to deal with the accused's statement given to the police. We are only
16 tendering it for the purposes of securing committal today. The, um, June 5th, 2014,
17 statement of the accused to the police, I don't understand Mr. Hepner's client to be
18 contesting it's voluntariness. And the Crown will be tendering it for -- as proof of the
19 truth of its contents, um, as part of its case in this preliminary inquiry.

20
21 I have here a corresponding audio recording and video recording should the Court wish to
22 see it. But I think if it's not a contested thing and if committal isn't at issue, I would
23 simply just tender the transcript, along with the recording. But I don't think we need to
24 play it today.

25
26 MR. HEPNER: I agree with that, Your Honour.

27
28 THE COURT: You're content for me to listen to it off the
29 record?

30
31 MR. HEPNER: I am.

32
33 THE COURT: All right.

34
35 MR. CAMMACK: The -- the remaining records that are here, Your
36 Honour, are offered not as exhibits or as something that would have been admissible at
37 trial but rather records that are credible and trustworthy and tendered pursuant to section
38 540 of the *Criminal Code*.

39
40 There is a statement given by Ms. Jacey Gnam to Detective Belliveau in June of 2012.
41 There's an audio recording, a video recording of it. And she will be testifying today. But

1 as part of the Crown's case, in this preliminary inquiry, we would be tendering this
2 transcript and the audio-recorded/video-recorded statement.

3

4 There are some other statements collected by the police over the course of their
5 investigation. There are five in total. And these -- many of these witnesses would have
6 been rebuttal witnesses probably at trial. They wouldn't -- they wouldn't be called as part
7 of the Crown's direct case, but, uh, there are also some notes of officers who dealt with
8 Jacey Gnam when she first came into the police station and told the police what she
9 believed to have occurred.

10

11 Constable Buckley and Constable Graham (phonetic), their notes are included here for the
12 sake of showing the Court that there is some evidence upon which a reasonable jury,
13 properly instructed, could -- could convict the accused after a trial and to show that there
14 is -- there is certainly some evidence that should support, in the Crown's view, a ruling
15 at the end of this preliminary inquiry that there is -- there is a fit evidentiary basis for this
16 all to proceed to trial.

17

18 Again, I'm not offering this to show -- there are some statements in there that I expect
19 would need to be redacted. Certainly, it wouldn't be put before a jury. There are some
20 statements of opinion and things of that nature that the Crown would never be able to
21 state in -- in any sort of direct examination of its witnesses. But I do offer these
22 statements for the limited purpose of just showing that there is some evidence here and
23 that there's a pretty sound evidentiary foundation to proceed to trial.

24

25 MR. HEPNER: I agree.

26

27 THE COURT: Okay.

28

29 MR. CAMMACK: Thank you.

30

31 With all of that said, Your Honour, I would offer this binder -- it has a title in it and a
32 corresponding table of contents describing all of the things that I have just pointed to. I
33 will offer it, as well as the transcript of the accused's June 5th, 2014, statement and the
34 recording, I would offer them all as the two exhibits, I believe, in the Crown's case.

35

36 THE COURT: And you -- even with the explanations of some
37 of the contents of that second item, the binder, everybody is content for me to make it a
38 formal exhibit in the preliminary inquiry?

39

40 MR. HEPNER: For the purposes of the preliminary inquiry,
41 yes.

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THE COURT:

All right.

MR. CAMMACK:

Thank you.

THE COURT:

So Exhibit number 1 is the accused's statement.

EXHIBIT P-1 - Audio/Video Recording and Transcript of the Accused's June 5th, 2014, Statement

THE COURT:

Exhibit number 2 is the binder as described by the Crown. We will just call it an exhibit binder --

MR. CAMMACK:

Thank you.

THE COURT:

-- for lack of a better phrase to collectively identify it.

EXHIBIT P-2 - Exhibit Binder

MR. CAMMACK:

Your Honour, I pointed to Rene Fournier as among the witnesses the Crown had subpoenaed. The Crown has subpoenaed him for the purposes of discovering what evidence he might offer. His significance, I think, will become clearer as the Court has a chance to -- to consider and hear some of the evidence that will be given by others.

Essentially, they -- through the evidence of others, I think the Court will learn that the --

THE COURT:

Well, you'd better tell me -- I guess you had better tell me who or what Mr. Fournier is and -- and his relationship to the process.

MR. CAMMACK:

Okay. And -- and I'll do that and spare the details as I can without offending any of my friends. And I'm sure they will leap in if I do.

In essence, he is a -- he's an elder in a religious community, the Jehovah's Witness congregation. And some statements were made in the course of some proceedings that the Court will hear about through others.

The Crown was interested to hear what those statements were. We subpoenaed him. And

1 he has brought an application seeking to be excused from these proceedings. And, in the
2 Crown's view, rather than entangling this preliminary inquiry and delaying the eventual
3 trial, the Crown is content, without conceding or -- or, um, agreeing with the privilege
4 arguments made by Mr. Fournier, the Crown is content to proceed without him being
5 called today. So I don't expect the Court will have to hear a contested argument about
6 privilege today.

7

8 And I think that, with that done, Mr. Hammond and his client, should the Court see fit, I
9 don't think they will be needed today.

10

11 THE COURT: Mr. Hammond, sir, given that the Crown is not
12 calling you, I can't imagine -- or your client, I can't imagine you have anything you wish
13 to add. But if you do, now is your chance.

14

15 MR. HAMMOND: I have nothing to add, Sir.

16

17 THE COURT: Very good.

18

19 Then, Mr. Fournier is excused from further attendance here today. And my thanks to him
20 and to you for attending in anticipation of something. But not -- it's not necessary today.
21 Thank you.

22

23 MR. HAMMOND: Very good, then. I will excuse myself, Sir.

24

25 THE COURT: Very good.

26

27 MR. HAMMOND: Thank you.

28

29 THE COURT: Thank you.

30

31 MR. CAMMACK: Your Honour, the Crown's first witness is
32 Detective Belliveau.

33

34 THE COURT: Right.

35

36 DETECTIVE BELLIVEAU: I will swear.

37

38 THE COURT CLERK: Can you please state and spell your first and
39 last name?

40

41 DETECTIVE BELLIVEAU: Michael John Belliveau. The first name is

1 M-I-C-H-A-E-L. The last name is spelled B-E-L-L-I-V-E-A-U.

2

3 THE COURT CLERK: Thank you. Do you swear that the evidence
4 you shall give touching the matters in this case shall be the truth, the whole truth, and
5 nothing but the truth, so help you God?

6

7 DETECTIVE BELLIVEAU: I do.

8

9 THE COURT CLERK: Thank you.

10

11 **DETECTIVE MICHAEL BELLIVEAU, Sworn, Examined by Mr. Cammack**

12

13 Q Detective Belliveau, you're a police officer working with the Calgary Police Service.
14 Is that correct?

15 A Yes, I am.

16

17 Q And how long have you worked with them?

18 A Twenty-seven years.

19

20 Q And over the course of your 27 years, what units have you been with? Just briefly.
21 And what training have you received?

22 A General -- since promotion, the general investigations section, three times; the sex
23 crimes unit, six years there; professional standards; um, ASIRT; um, the behavioural
24 sciences unit. Um . . . That's all since 1999.

25

26 Q Which unit were you with back in 2012?

27 A I was with District 3, the general investigations section.

28

29 Q And are you with that same unit now?

30 A No. I'm with the behavioral sciences unit now.

31

32 Q Okay. Back in 2012, you became involved in an investigation that led you to being
33 called as a witness today. Can you tell us about that investigation, please?

34 A (UNREPORTABLE SOUND) Excuse me. Yes. In June of 2012, um, Jacey Gnam,
35 the victim in this case, attended at 3 District Office, um, to report that she had been
36 sexually assaulted by her father. Because of my history -- or my training and
37 experience in the sex crimes unit prior to this date, I was asked to interview her and
38 speak to her about it.

39

40 Q When was that interview conducted?

41 A It was on June -- I'd have to -- June 12th, I believe.

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Q Okay. So sometime in June --

A Yes.

Q -- in 2012?

A It was in June. Yes.

Q Okay. And how was it conducted?

A It was audio/video taped.

Q And that audio/video tape was collected by you eventually?

A Correct. Yes.

Q Disclosed to the Crown?

A Yes.

Q And based on what you had learned through speaking with Jacey Gnam, did you take any other steps?

A (UNREPORTABLE SOUND) Excuse me. Following that, Jacey had provided me with names of different individuals she had spoken to after this -- after the alleged offences took place. And I contacted those individuals and obtained statements from them.

Q Could you tell us please the names of the people you spoke with or the names of the people that you collected statements from?

A First, it was her mother, Dale Sokolik. Next was a friend at the time when the offences were taking place, Stephanie Braconnier. Following that, there was a gentleman by the name of Alan Cares, I think you pronounce it. C-A-R-E-S. He provided -- I have to go back.

The mother of Jacey provided a written statement. Stephanie, because she lived in Germany, provided an e-mailed statement. And Mr. Cares provided an audio/videotape statement.

Q Did you meet with anyone else?

A Uh, no.

Q Okay. Did you get statements or information from anybody else?

A Uh, based on what Jacey had told me, she advised me that there was some of the elders of the church, the Jehovah's Witness church, who had been privy to information that Mr. Gnam had provided them. And I attempted to locate those individuals to

1 obtain statements from them. Um. . . And they were out of the country, in Central
2 America, living at this point.

3
4 Q Did you come into contact with any of the church elders whose names she gave you?

5 A I spoke to a Rene -- actually, I served a subpoena on Rene Fournier. Um, other than
6 that, Mr. Heggs, Chad Heggs was another one. I contacted him but received a call
7 saying that he was not going to be providing a statement to me.

8
9 Q Was there anyone else?

10 A No.

11
12 Q Do I understand correctly that you eventually spoke with the accused?

13 A I did. Yes.

14
15 Q And do you remember the dates that you spoke with him?

16 A It was in 2013. It was, um -- I would have to confirm with my notes, but I believe it
17 was July of 2013.

18
19 Q These notes, are they needed to refresh your memory?

20 A Correct.

21
22 Q And are they notes you took yourself?

23 A Yes.

24
25 Q Did you take them at the time --

26 A Yes.

27
28 Q -- you took these various steps?

29 A Yes.

30
31 Q Have you added to them or deleted from them --

32 A No.

33
34 Q -- since? Are they in your handwriting?

35 A Yes.

36
37 MR. CAMMACK:

Your Honour, I'd ask that the witness be

38 prepared -- be permitted --

39
40 MR. HEPNER:

No (INDISCERNIBLE).

41

1 MR. CAMMACK: -- to refresh his memory with notes.

2

3 THE COURT: Mr. Hepner has indicated that he does not
4 object to that.

5

6 Detective, you are entitled to or given lead to review your notes for the purposes of
7 refreshing your memory. That permission is granted throughout the remainder of your
8 testimony. Just let me know when you are doing it.

9

10 THE WITNESS: Okay.

11

12 THE COURT: Thank you.

13

14 A Do you want me -- do you want me to check now?

15

16 Q MR. CAMMACK: What was the date you first met Mr. Gnam?

17 A It would have been --

18

19 Q You can refer to your notes --

20 A Sorry.

21

22 Q -- if you need to -- to find the day.

23 A July 22nd, 2013, at 1515 hours.

24

25 Q And --

26 A So 3:15 in the afternoon.

27

28 Q Good. And this meeting with him, was it audio and video recorded?

29 A Correct.

30

31 Q After you met with the accused, did you take any other steps?

32 A (UNREPORTABLE SOUND) Excuse me. The interview with Mr. Gnam, he did not
33 provide a statement to me regarding the offences. Following that, um, I applied for a
34 one-party consent telephone intercept, um, to, uh, record a call between Mr. Gnam and
35 Jacey his daughter.

36

37 Q Do you remember the date that you applied for the intercept?

38 A It was January 31st of 2014.

39

40 Q Okay.

41

1 MR. CAMMACK: And, Your Honour, I would ask that the witness
2 be permitted to see the binder of records. I will be asking him some questions about
3 the --

4
5 MR. HEPNER: That's fine.

6
7 THE COURT: All right.

8
9 MR. CAMMACK: -- wiretap.

10
11 THE COURT: Exhibit 2, then.

12
13 A Thanks.

14
15 Q MR. CAMMACK: Sir, if you could leave that closed for a
16 moment. I will take you one by one through the exhibits. But the -- I will just refer
17 to the intercept as a wiretap, if that's okay with you. The wiretap, did you talk to
18 anybody other than a judge before you sought judicial authorization?

19 A Uh, we actually -- through our electronics surveillance unit, we provide an affidavit to
20 them and it's reviewed as there is a particular process that is utilized, um, to ensure
21 that all of the information is there.

22
23 Q Okay. You said that it was a one-party consent?

24 A Correct.

25
26 Q Who -- whose consent did you seek?

27 A Jacey Gnam's consent -- sorry -- consent.

28
29 Q Could you turn to tab 2 of this record? Of the exhibit, rather. Do you recognize that
30 document?

31 A I do.

32
33 Q Where do you recognize it from?

34 A That's the consent to intercept private communications. And my signature is on the
35 right-hand side, in the lower right corner.

36
37 Q All right. Did you collect that document?

38 A I did.

39
40 Q Okay. The -- the next step you took involved what exactly? Once you received that
41 consent, what did you do next?

1 A Once I received that consent, I contacted the victim, Jacey, and set up a time and date
2 in order to carry out the intercept.

3

4 Q Did you seek judicial leave?

5 A January -- January 31st, I went in front of Judge Shriar who, in turn, um, signed an
6 authorization allowing me to carry out the one-party consent, the intercept.

7

8 Q Okay. And which year was that?

9 A 2014.

10

11 Q Before appearing before the Honourable Judge Shriar, did you submit or tender
12 anything to the Court?

13 A No.

14

15 Q Was there any evidence for the application you made?

16 A The affidavit, yes.

17

18 Q Okay. Who swore the affidavit?

19 A Myself.

20

21 Q And did you offer anything else to -- to the Honourable Judge Shriar other than the
22 affidavit?

23 A No.

24

25 Q Okay. Could you turn to tab 3? Do you recognize this? It's a 2-page long --

26 A Yes.

27

28 Q -- document. Do you recognize it?

29 A I do.

30

31 Q And what do you recognize it from?

32 A From my signature on the back page. The signature and the date, the 31st of January,
33 2014.

34

35 Q Okay. This is the document with "Application" at the top?

36 A Yes.

37

38 Q Is this the application you submitted to Judge Shriar?

39 A Yes.

40

41 Q Could you turn to tab 4? Do you recognize this document from anywhere?

1 A Yes.

2

3 Q Where do you recognize it from?

4 A That's the affidavit with all the information that I placed in front of Judge Shriar.

5

6 Q Okay. And if you could, please, just flip through the 17 pages of this document just
7 as you did with the last one. Does anything appear to be added to it or taken away
8 from it?

9 A At the -- on page 17 of 17, my signature is on the right-hand side, midway down.
10 Under my name, it's typed in under "Calgary Police Service."

11

12 Q All right.

13 A And the date that it was sworn to, the 31st day of January.

14

15 Q Can you tell us about the procedure you followed in -- in seeking authorization from
16 Judge Shriar?

17 A Could you repeat the question? Sorry.

18

19 Q What was the procedure? How -- how did the application go? What did you do?

20 A I filled out -- I filled out the affidavit and -- with all of the information I had obtained
21 during the investigation. I attended Judge's Chambers and placed the information in
22 front of Judge Shriar who, in turn, reviewed the information and then gave me
23 authorization to do so, the intercept.

24

25 Q Was anyone else there that day?

26 A No.

27

28 Q And did you receive a copy of the authorization from Judge Shriar?

29 A I did. Yes, I did.

30

31 Q Do you see it anywhere? If you turn to tab 5 --

32 A That is the copy.

33

34 Q Do you recognize the document --

35 A I do.

36

37 Q -- at tab 5?

38 A I do.

39

40 Q Where do you recognize it from?

41 A That is the -- the authorization to carry out the one-party consent intercept.

1
2 Q And that's the one that you obtained from Judge Shriar?

3 A Yes.

4
5 Q Did you receive any documents at the end of the successful application for a wiretap
6 from Judge Shriar?

7 A I obtained a copy of this -- or, a copy of this, uh, authorization.

8
9 Q Okay. What about the other documents? Do you know what happened to them?

10 A They were sealed --

11
12 Q All right.

13 A -- by the -- by the Court. And a *Privacy Act* number was given once they were
14 sealed.

15
16 Q Okay. After you obtained this authorization, did you take any other steps in the
17 investigation?

18 A (UNREPORTABLE SOUND) Excuse me. As I said, I contacted, um, Jacey Gnam.
19 Prior to going through the -- the process of -- of obtaining judicial authorization to do
20 a one-party, I explained the situation to her and -- and what it would require her to do
21 and ensure that she was, um, okay to do that based on the emotional toll that it could
22 take on her.

23
24 Following the authorization, I set a time. I spoke to Jacey that, in fact, we had been
25 authorized to carry out this one-party consent and that I wanted to ensure that she was
26 fully, um, prepared to do so.

27
28 Q And did you eventually intercept a private communication had by Jacey and someone
29 else?

30 A I did. Yes.

31
32 Q When was that?

33 A I would have to confirm exactly the date in my notes. March 22nd, 2014.

34
35 Q Do you remember what time it was?

36 A It was at 1258 hours.

37
38 Q And where were you when this intercepted communication was collected?

39 A Both Jacey and I were situated in a room at Westwinds, which is our main police
40 facility. Just her and I were inside the room. And it was a secure room. The door
41 was closed. And there was myself and her. And I think that was all.

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Q And when you refer to "Westwinds," that's a police building here in Calgary, Alberta?

A Yes. Yes, it is.

Q Okay. Who was the target of the intercepted communication?

A It was Darren Gnam.

Q You just pointed to somebody. Who was that?

A That's Mr. Gnam right there, sitting there.

Q And you are pointing to somebody here in this courtroom?

A Yes.

MR. CAMMACK: And can the record reflect he is pointing to the accused?

THE COURT: Yes.

MR. CAMMACK: Thank you.

Q MR. CAMMACK: This is the same man that you dealt with earlier on the, um, 22nd of July, 2013, when you interviewed him?

A Yes.

Q Okay. You said he was the target of the intercepted communication. Can you tell us about the equipment that you used in intercepting the telephone communication?

A The equipment that I -- that I used personally was Jacey's cell phone. Um, what happens is we have what is, um, classified as a line room where any intercepts are -- are recorded. And those recordings are monitored by either civilian personnel with the Police Service, or -- or uniformed -- or sworn members of the Police Service can also do that. They are the electronics specialists that do the actual wiretapping.

Q Do you know the name of the person who did that on this occasion?

A I do not. No.

Q Do you know how the equipment works in this line room?

A I can't say, no. I -- I can't say. No.

Q What do you understand about the equipment that is in the room and how it works? Can you tell us that?

A It's very limited on what I understand about this. I know that they, in fact -- we did

1 one test call to ensure that, in fact, um, the, uh, um, intercepted, uh, telephone, which
2 was Jacey's cell phone, was able to be picked up, that the conversation would be able
3 to be monitored.

4
5 Once that was done, a second call was made to Mr. Gnam. And that's when it was
6 intercepted. I -- I don't know the inner workings of -- of what took place, of what the
7 machinery is and that sort of thing.

8
9 Q Okay. How did you confirm that the intercepting was working with Jacey's phone?

10 A I was given a number to call into the line room and speak to the individual that was
11 doing the -- the monitoring of -- of that area.

12
13 Q And was there a way that you, as a layperson not acquainted with the equipment, were
14 able to determine whether the line room equipment was working?

15 A The person I spoke to on the telephone advised me that, in fact, the conversation -- the
16 telephone -- between my cell phone and her cell phone, which is how we determined
17 that was working, was working properly and -- and that it was ready to go.

18
19 Q Okay. Is there a recording apparatus that is in this line room?

20 A I'm assuming. I've -- I've never been into the room myself. I'm assuming there is.
21 That's how it was recorded.

22
23 Q Did you take any other steps to confirm that the equipment was working properly?

24 A No.

25
26 Q The -- do you know if there were any logbooks that related to the recording of this
27 wiretap intercept?

28 A I do not know if there is logbooks or not. No.

29
30 Q Okay.

31 A There was transcripts made of the telephone call that I received. I received the
32 transcripts.

33
34 Q Okay.

35 A I do not know if there is a logbook in the room there or not.

36
37 Q And do you know the medium that the recording was placed on?

38 A Medium?

39
40 Q The -- were the tapes DVDs? Electronic hard drive?

41 A Again, I don't know the inner workings of the room. I don't know that.

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Q The -- the intercept call that you and Jacey Gnam conducted, can you tell us about that? How -- how did that play out?

A Um, we made the telephone call. Jacey made the telephone call and made contact with her father. I recall her father was at some type of gathering, and he had to step out from the gathering to speak to her. And then the conversation continued from there.

Q Where were you when Jacey was speaking with her father?

A I was in the same room, right beside Jacey.

Q And could you hear the voice on the other end of the line?

A I could, yes.

Q Did you recognize the voice?

A I did.

Q Who did you recognize the voice to be?

A It was Mr. Gnam.

Q Did you stay for the entire conversation?

A Yes.

Q Do you remember how long the conversation was?

A Uh, I don't off -- no.

Q Were you there when the conversation ended?

A Yes.

Q And after the conversation ended, did you take any steps to collect the recording of the conversation?

A I made a call back to the line room to ensure that it was recorded, that the information was recorded. I was notified that it had been in fact recorded and captured. And they then were going to forward me copies of it, transcripts, to me, to review the transcripts of the recording itself.

Q And did that happen?

A It did.

Q So you got a copy of the audio-recorded statement -- the audio-recorded telephone call?

1 A I did.

2

3 Q And did you listen to it?

4 A I did.

5

6 Q And the copy that you listened to, did it sound different or -- sorry -- how did it
7 compare with your memory of the actual -- the actual sounds that you heard when you
8 sat with Jacey during the telephone call she had?

9 A It was identical. It was one and the same.

10

11 Q Okay. And the transcript, did you get a chance to read it?

12 A I reviewed the transcript, and it was one and the same. It was identical to the
13 conversation.

14

15 Q Okay. What did you do with the copies of the recording of the transcript once you
16 had obtained them?

17 A You would have to clarify. What do you mean by what did I do with them?

18

19 Q Once -- once you received copies from the -- the line room lounge of the audio
20 recording and the transcripts, once they came into your possession, what did you do
21 with the audio recording and the transcripts?

22 A The transcript is reviewed by myself for accuracy, based on the recording of the -- the
23 copy of the recording, um, in terms of spelling -- or, sorry -- I shouldn't say that.
24 Um, just to ensure that, um, the people -- the individuals were speaking, Jacey and
25 Mr. Gnam, that it's all in the order that -- that I recall and off the -- off the copy of
26 the, um, uh, recording itself.

27

28 Q You were the primary investigator on this file?

29 A I was.

30

31 Q And as the primary investigator, does your job include liaising with the Crown and
32 disclosing records to the Crown?

33 A Correct.

34

35 Q Did you disclose these records to the Crown?

36 A I did.

37

38 Q The item at tab 6, could you turn to it, please? Do you recognize that record?

39 A I do.

40

41 Q Where did you recognize it from?

1 A That is a transcript of the telephone call between Jacey and her father.

2

3 Q How does that compare with your memory of the transcript you handled back at the
4 police station?

5 A It's identical. It's -- it's -- I reviewed it.

6

7 Q Okay.

8 A It's identical.

9

10 Q After you collected the wiretap communication and the transcript that you have just
11 identified, did you take any other steps in this investigation?

12 A Uh, Mr. Cammack, I did. Following receiving this information and based on the other
13 statements that I had received and information that I had received, I called Mr. Gnam.
14 And he attended at Westwinds, um, um, for a second interview. Um . . .

15

16 Q Do you remember --

17 A And --

18

19 Q I beg your pardon.

20 A And at that time, Mr. Gnam attended, um, and a second interview was carried out.
21 Again, there was no statement obtained. And, uh, he was then charged with the
22 offence and released.

23

24 Q And you spoke with Mr. Gnam for a period of time. Is that right?

25 A Yes.

26

27 Q And that conversation, was it audio and video-recorded as well?

28 A Yes.

29

30 Q And do you remember the date when that occurred?

31 A It would have been, I believe, July. Um . . . June 5th of 2014.

32

33 Q And that statement, where was it collected?

34 A Uh, at the West -- Westwinds office as well. At the Westwinds building. It's a police
35 facility as you mentioned.

36

37 Q Okay. Officer, did you -- do you remember any other aspects of this investigation that
38 you haven't already described?

39 A No.

40

41 Q Okay. Thank you.

1

2 MR. CAMMACK: Please answer my friend's questions.

3

4 MR. HEPNER: Um . . .

5

6 THE COURT: Mr. Hepner.

7

8 MR. HEPNER: I just have a couple of questions.

9

10 **Mr. Hepner Cross-examines the Witness**

11

12 Q When you were given the --

13 A (UNREPORTABLE SOUND) Excuse me.

14

15 Q -- what we now know to be tab 6 --

16 A Sorry. I didn't catch the first part. Sorry.

17

18 Q Tab 6 is the one-party consent transcript?

19 A Yes.

20

21 Q And you have reviewed that?

22 A Yes.

23

24 Q Were you sitting with Jacey, beside her, when that was going on?

25 A Actually, across the table. She was across from me.

26

27 Q And it was just the two of you in the room?

28 A Yes.

29

30 Q And did you dial the number yourself if you had Mr. Gnam's number?

31 A No. It was her. It was her cell phone. She did that.

32

33 Q All right. So you couldn't hear? Or could you hear what was being said by
34 Mr. Gnam?

35 A I could.

36

37 Q And it was her cell phone. Was it on a speakerphone?

38 A Yes.

39

40 Q All right. And I take it that you reviewed this transcript entirely?

41 A Yes.

1
2 Q All right.
3
4 MR. HEPNER: That's all I have. Thank you.
5
6 THE COURT: Thank you.
7
8 Please step down.
9
10 (WITNESS STANDS DOWN)
11
12 THE COURT: I was assuming, Mr. Cammack, that nothing --
13
14 MR. CAMMACK: Yes, Sir.
15
16 THE COURT: -- arose from that.
17
18 MR. CAMMACK: No. Nothing arose. Thank you.
19
20 THE COURT: All right.
21
22 MR. CAMMACK: The Crown's next witness is Jacey Gnam.
23
24 THE COURT: Do you need a few minutes to get things set
25 up?
26
27 MR. CAMMACK: It may take a moment. If we could have five
28 minutes or so --
29
30 THE COURT: Sure.
31
32 MR. CAMMACK: -- that would be great.
33
34 THE COURT: I know how -- I know how these technologies
35 can sometimes go awry. So I am going to go back up to my office. You call me when
36 you're ready.
37
38 MR. CAMMACK: Thank you.
39
40 THE COURT: All right. Thanks.
41

1 THE COURT CLERK: Order in court. All rise. This court stands
2 adjourned briefly.
3
4 (ADJOURNMENT)
5
6 THE COURT CLERK: Order in court. All rise.
7
8 THE COURT: Thanks, everybody. Please be seated.
9
10 THE COURT CLERK: Recalling Darren Gnam.
11
12 MR. CAMMACK: The Crown's next witness is Jacey Gnam.
13
14 THE COURT: All right.
15
16 THE COURT CLERK: Can you please state and spell your first and
17 last names?
18
19 MS. GNAM: Jacey, J-A-C-E-Y; Gnam, G-N-A-M.
20
21 THE COURT CLERK: Thank you. And would you like to swear on
22 the Bible or affirm?
23
24 MS. GNAM: Uh, affirm.
25
26 THE COURT CLERK: Affirm? Do you affirm the evidence to be
27 given by you shall be the truth, the whole truth, and nothing but the truth?
28
29 MS. GNAM: Yes.
30
31 THE COURT CLERK: Thank you.
32
33 **JACEY GNAM, Affirmed, Examined by Mr. Cammack**
34
35 Q Ms. Gnam, you are very soft spoken. And I will be asking you some questions. I will
36 ask you to the extent possible to fill the room with your voice and speak as loudly as
37 possible. Okay?
38
39 THE COURT: I'm going to order that --
40
41 Q MR. CAMMACK: And you're nodding. And one more thing is

1 when you nod, if you could also just say the word "yes" or say the word "no."

2 A Okay. Yes.

3

4 THE COURT: Okay.

5

6 Q MR. CAMMACK: That will also be of a great help.

7

8 THE COURT: And I am pretty good at hearing, but let's
9 pretend that you're talking to somebody in that back corner. Okay?

10

11 A Okay.

12

13 THE COURT: Thank you.

14

15 Q MR. CAMMACK: Ms. Gnam, how old are you?

16 A Twenty-six.

17

18 Q And when is your birthday?

19 A December 23rd, 1988.

20

21 Q And could you tell us the names of your parents, please?

22 A Dale Sokolik and Darren Gnam.

23

24 Q And are either of those two people here in the courtroom today?

25 A Yes.

26

27 Q Who?

28 A Uh, Darren Gnam.

29

30 Q And where is he seated?

31 A In the box over there.

32

33 MR. CAMMACK: And just for the record, she is identifying the
34 accused.

35

36 Q Ms. Gnam, you understand that you're here to describe some events that took place
37 when you were younger?

38 A Yes.

39

40 Q And I'm going to ask you to start with events that took place at your grandparents'
41 house. And I will ask you to go from there, telling us each of the incidents that you

1 can recall happening in the time.

2

3 Could you start, though, first, by telling us where is your grandparents' house?

4 A In Braeside.

5

6 Q And do you remember the exact address?

7 A Um, 1703-107 Avenue, I think it is.

8

9 Q Which quarter of the city is it in?

10 A The southwest.

11

12 Q And do I understand correctly that that's here in Calgary?

13 A Yes.

14

15 Q Here in the province of Alberta?

16 A Yes.

17

18 Q Okay. And could you tell us please, did -- did you ever live at that house?

19 A Yes.

20

21 Q How long did you live there?

22 A Um, basically whenever my parents separated, I would live there part-time. So
23 probably from the age of 11 until about 14 or 15.

24

25 Q And the grandparents that you had, whose parents were they?

26 A Darren's parents.

27

28 Q So your father's parents?

29 A Yes.

30

31 Q And are they alive or are they dead?

32 A They are not alive anymore.

33

34 Q And in the times when you lived at this home in -- I will just call it the Braeside
35 home -- your grandparents' home, you will understand what I am referring to?

36 A Yes.

37

38 Q When you had lived at the Braeside home with your grandparents, which of your
39 parents would live with you?

40 A Darren.

41

1 Q Okay. And just for clarity, when you are using the name "Darren" today, are you
2 referring to anybody other than Darren Gnam, your father?

3 A No.

4
5 Q You described some things happening at that home in Braeside to Detective Belliveau.
6 Do you remember that?

7 A Yes.

8
9 Q Could you tell us please where you were, who you were with, and what happened,
10 telling us as much detail as you can, of the first incident that you remember happening
11 and that you described to Detective Belliveau?

12 A Okay. I was about 11 or 12 years old. I remember I was in grade 6 or 7. And, um, I
13 was in my bedroom. And Darren would come in to do the Bible reading at night. And
14 we had, like, a schedule to read the Bible in a year; so we would do our Bible reading.
15 And, um, then I remember he would tuck me into bed.

16
17 And, uh, the first time he, uh, um, asked me to just lie on my stomach. And he, um,
18 would massage and rub my back and, um, down over my bum. And then he asked me
19 to turn over. And then he, um, massaged my breasts and would feel down.

20
21 And the first time, I remember his hand just grazing the area below, um, but that -- for
22 the first time anyway. And then, um --

23
24 Q Okay. I will just stop you right there. You referred to him -- you -- you referred to
25 Mr. Gnam "grazing the area." What area?

26 A Raising the area? I'm sorry?

27
28 Q I -- you said --

29
30 THE COURT: Grazing.

31
32 Q MR. CAMMACK: You said something like "grazing."

33 A Oh, yes. With his hand. Like, he was rubbing and then would go all the way down to
34 my private parts --

35
36 Q Okay.

37 A -- below.

38
39 Q And I will just describe what I saw you doing and you can tell me whether it's
40 accurate or not. And I just saw you move your hand back and forth from one
41 pectoral -- from one armpit to the other with your hand. And then you moved your

1 hand in a zigzag manner down below your waist. Is that accurate?

2 A Yes.

3

4 Q And is that what Mr. Gnam did to you?

5 A Yes.

6

7 Q When you refer to your "private area," what body part, being as explicit as possible --

8 A My vagina.

9

10 Q Okay. And were you touched on your vagina?

11 A Yes.

12

13 Q By whom?

14 A Darren.

15

16 Q With what part of his body?

17 A His hands. His right hand.

18

19 Q How long did that last?

20 A Um . . . If you include the back and the buttocks and the other side, probably 10 to
21 15 minutes.

22

23 Q You refer to a schedule and Bible reading. Could you tell us exactly what you mean
24 by the schedule?

25 A Um, there was just a schedule that we had for, um, reading the Bible in one year.
26 And so there was, like, a chart with the days and then which passages we were
27 supposed to read that day.

28

29 Q So is this kind of like a calendar?

30 A Kind of. Yeah.

31

32 Q So a piece of paper or something?

33 A Yeah. It was just a piece of paper.

34

35 Q And where was that piece of paper?

36 A Um, usually it was on my -- my dresser. So if he came into the room, there was, like,
37 a dresser all along the left wall with a mirror. And then there was, like, an old school
38 sewing desk. And then my twin bed was right in the corner of the wall with the
39 window and then the other wall. And then there was another dresser over here with
40 drawers and a chair and the closet. So it was on the dresser on the left.

41

1 Q When this particular incident happened, do you remember whether it was daytime or
2 nighttime?

3 A It was nighttime.
4

5 Q Do you remember who else, if anyone, was in the house?

6 A My grandparents were in their room across the hall.
7

8 Q And how do you know that?

9 A Um, because I had said good-night to them.
10

11 Q The bedroom that you were in, your bedroom, was the door to it open or closed?

12 A Closed.
13

14 Q Who closed it?

15 A Darren.
16

17 Q While this 10 to 15 minutes of touching occurred, was Darren saying anything?

18 A Um, yes. He was saying that he wanted to make sure that everything worked
19 properly. And, um, he made different comments that, like, I had a nice firm butt or,
20 um . . . Yeah. Those were his -- that's what I remember anyway.
21

22 Q Do you remember him saying anything else?

23 A No.
24

25 Q And you were just shaking your head. Was that a no?

26 A That's a no. Yes.
27

28 Q Do -- do you remember what you were wearing when this occurred?

29 A Yes. I had a, um, Disney Princess, um, bed shirt on. And I believe it was pink or
30 peach possibly. I think it was a Sleeping Beauty night shirt that we had gotten in
31 Disneyland.
32

33 Q So that was what you were wearing on your top?

34 A Yes. And I didn't have anything on underneath.
35

36 Q And what about on your -- on the bottom part of your body? Did you have pants or
37 shorts or underwear?

38 A No. Just the -- just the T-shirt or the bed shirt.
39

40 Q When Darren touched you in the manner that you just described, did his hands stay on
41 top of your clothes or did it go anywhere else?

1 A It was underneath my clothes.

2

3 Q How long was it underneath your clothes?

4 A For the 10 to 15 minutes.

5

6 Q Could you describe please the way in which Darren touched your breasts?

7 A Like, show you? Or just try and describe it?

8

9 Q Describing it is fine.

10 A Um, I guess he just would, like, have his hand out and would touch it and, like, grab it
11 and massage it. Like, my breasts. And then just rub the rest of my body.

12

13 Q You just moved your hands as you were doing that. Would it be accurate to say that
14 there was a squeezing motion?

15 A Yes.

16

17 Q Okay. So he squeezed your breasts?

18 A Yes.

19

20 Q And he rubbed them with a flat hand. Is that accurate?

21 A Yes.

22

23 Q Okay. When he moved his hand down below your waist and touched your vagina,
24 could you tell us please how exactly he touched you there?

25 A Um, the first time, he just -- his hand just went over the area. And he, um, kind of
26 rubbed my inner thigh as well.

27

28 Q Okay. Can you tell us about that first time when you say he went "over the area."
29 Just describe what part of his body touched yours, if any.

30 A His --

31

32 Q Tell us about the motion.

33 A His --

34

35 Q Describe it in as much detail as you can.

36 A His right hand, um, rubbed over my vagina and then down over to my inner thigh.

37

38 Q How long did that last?

39 A Um, that -- just that specifically? Probably just a few minutes.

40

41 Q So he was touching that part of your body for a few minutes?

1 A Yes.

2

3 Q Can you describe, was his hand moving or was it stationary during that time?

4 A Um, moving.

5

6 Q Okay. How quickly was it moving?

7 A Not very fast. Just like this kind of.

8

9 Q And just for the record, it looks to me like you're moving your outstretched right hand
10 back and forth in a slow --

11 A Yeah.

12

13 Q -- motion back and forth. Is that accurate?

14 A Yes.

15

16 Q Did Darren do that to your inner thigh or to your vagina?

17 A Both.

18

19 Q Did he ever touch you during those few minutes in any other way in that part of your
20 body?

21 A No. Not the first time.

22

23 Q How did this first incident end?

24 A Um, he had gone and rubbed my inner thigh; and then he was -- he just tucked me in.
25 Like, he pulled the covers over me and said good-night and left.

26

27 Q Did anything like that ever happen again?

28 A Yes.

29

30 Q Okay. Can you tell us when you remember it happening again?

31 A I remember that it's -- it became a routine, like, a bedtime routine, where we would
32 read the Bible and then he would massage or rub my back and my butt and then ask
33 me to flip over and would rub my breasts and down my body and down my vagina.

34

35 Q And when you say "it became a routine," how often would this occur?

36 A At least a few times a week. I don't remember, like, specifically. But I just
37 remember multiple times per week.

38

39 Q How long after this first incident, did it happen again? Do you remember?

40 A Maybe a week later.

41

1 Q Do you remember where it happened the second time?

2 A It was always in my bedroom.

3

4 Q And when you say your bedroom, is this the bedroom at your grandparents' house
5 or --

6 A Yes.

7

8 Q -- somewhere else?

9 A At my grandparents' house.

10

11 Q The next time it occurred, do you remember specific details about what happened that
12 time?

13 A Um, I just remember it was always pretty much the same. Um, progressively, over
14 time, it would be longer; or he would, um, rub my vagina for a longer period of time
15 and try to, um, arouse -- arouse me.

16

17 Q Okay. What makes you say that?

18 A Um, well, he would say that he, like -- or ask me if I wanted to, like, experience an
19 orgasm. Or if, um, I would get wet, he would comment upon that.

20

21 Q And when you say "wet," do I understand correctly you are referring to vaginal
22 secretions?

23 A Yes.

24

25 Q What would he say when you would get wet?

26 A Um, like, oh, you're excited. Or, like, um . . . Yeah, that's mostly what I remember.

27

28 Q Was there anything different about the subsequent times?

29 A Um, as I said, I guess they would get longer in duration. And sometimes there would
30 be more comments. Like, I said, about him asking me if I wanted to experience an
31 orgasm. Um . . . Or he would say that he was acting like a doctor to examine my
32 body. And because he was a single dad, my mom wasn't around, so that was his job
33 to, um, check things out in that department.

34

35 Q Did he say why?

36 A No. Just -- the only reason he ever gave was he was a single dad and my mom wasn't
37 around or in the house.

38

39 Q Did any of these subsequent instances of being touched happen when somebody else
40 was in the room?

41 A No.

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Q Could you describe the routine as you remember it?

A Um, well, we would go into my room and we would sit on the bed and do the Bible reading. And then, um, he would ask me to lie down on my stomach and would lift my shirt up and rub my back and butt. And then he'd tell me to turn over. And then he would rub and squish -- or squeeze my breasts and rub my stomach and rub my vagina.

Q Was the sequence always the same?

A Yes.

Q The touching on your vagina, did his hands always remain outside of your vagina?

A No. Um, he did start to attempt to put fingers inside.

Q Do you remember the first time that happened?

A Um . . . Yeah. It's -- they're all pretty fuzzy, but I -- I remember it happening.

Q Can you tell us, as much as you remember, about that first time?

A Um, well, I remember we were in my room. And, um, he -- we had our regular routine. And then when I had flipped onto my back, um, there, uh -- there was vaginal wetness. And so he attempted to put fingers inside. And, um, he only did it briefly. And then it really -- it surprised me, so then he stopped the first time.

Q Do you remember how old you were?

A About 12 because I remember, like, what my room looked like. I had a lot of surf posters on the wall and things like that. So I remember that was about grade 7.

Q Do you remember anything else about the room or the time?

A Um, like, I remember what the room looked like, which I described, where the bed was and all of that. And, um, it was possible -- I think it was wintertime because I remember there being flannel sheets. I had, like, a flannel set with a duvet that matched. It was like purple and green and stuff. So I remember that being there.

Q This particular time that you're just describing now, do you remember if the door to your bedroom was open or shut?

A It was always closed with -- when he was there.

Q These other instances that you've described as being part of a routine, was the door ever open?

A No.

1 Q Was anybody else ever in the room?

2 A No.

3

4 Q Did Darren ever try to put his fingers into your vagina some other time than that?

5 A Yes. When we were on a trip to the Cayman Islands, when I was about 14, I think.

6

7 Q Okay. Tell us about the Cayman trip.

8 A So we went there. And, um, we were -- we had stayed in two different hotels. Um,
9 the first hotel had two beds and then, like, the bathroom. And I remember the
10 touching occurred on both beds. Um, also I remember he would look in on me as I
11 had a bath.

12

13 And then the other hotel room we went to had sort of a living room/kitchen area and
14 then a private bedroom. And for most of the nights we were in that hotel, he slept in
15 the same bed as me.

16

17 Q Whose idea was that?

18 A Um, his.

19

20 Q Did anything else happen when you were in the Cayman Islands?

21 A Yes. Um, he -- the same as usual. And I felt that it was one of the worst times, just
22 that he, um -- it happened quite a bit more often and not just at nighttime.

23

24 Um . . . And there was one occasion that I remember, um, him being -- I think he
25 only had underwear on. And he had me lying on top of him, on, like, my back on his
26 body and was touching me.

27

28 Q Did you have clothes on?

29 A No.

30

31 Q Where did he touch you?

32 A On my breasts and vagina.

33

34 Q How did he grab your breasts that time?

35 A Um, like, squeezing it and, like, massaging it, and then would go down to my vagina
36 and, like, rub it and try to put fingers inside.

37

38 Q Did he ever manage to put his fingers inside of your vagina?

39 A Yes.

40

41 Q When did that happen?

1 A Um, it happened, as I mentioned, that one occasion in the winter and then in the
2 Cayman Islands as well for sure.

3

4 Q The time that you are referring to as the time in the winter, is that the incident that
5 you've described earlier?

6 A That I just described. Yes.

7

8 Q That's the incident in your grandparents' home?

9 A Yes.

10

11 Q Here in Calgary, Alberta?

12 A Yes.

13

14 THE COURT: And I will just say you seem to be doing fine.

15 But if at any moment you don't feel like you -- or you feel like you need a break, you let
16 us know. Okay?

17

18 THE WITNESS: Thank you.

19

20 Q MR. CAMMACK: You described the touching that occurred in the
21 Cayman Islands as being one of the worst times. Do you remember saying that just a
22 moment ago? And you're nodding.

23 A Yes.

24

25 Q Is that a yes?

26 A Sorry.

27

28 Q What about it makes you describe it that way?

29 A Um, I would say the frequency with which the touching occurred. Um, if we were at
30 the hotel during the day, for example, um, he would touch me then as well.

31

32 And I just remember the feeling of feeling like I was sort of a surrogate wife and that,
33 um, I sort of was hoping that he would find a wife because I was feeling very
34 uncomfortable about everything.

35

36 Q Was there some -- what was it that made you feel like a surrogate wife?

37 A I guess just the way that he was treating me, um, and the fact that he was touching --
38 touching me sexually. Um, I felt that it was -- I was sort of being treated like a wife.

39

40 Q When you say "the way that he was treating" you, what was it about the way that he
41 was treating you?

- 1 A Um, he was just very touchy. And, um, like, he thought it was kind of funny that,
2 um, uh -- when he would be touching me, if I would get aroused, he would kind of
3 think that that was funny and, um, joke that he should try and give me an orgasm so
4 that I could experience that. And it just didn't feel right.
5
- 6 Q At this time, were you attending school?
- 7 A Um, I think by that point I was in home schooling. Grade 9 through 12 I did home
8 schooling.
9
- 10 Q Is there anything else about the Cayman Islands trip that you remember that you
11 haven't already described?
- 12 A Um, no. I think -- other -- oh, he would -- he would walk around naked sometimes
13 while we were there or just with boxers on. And I think I mentioned the bath already.
14
- 15 Q You described the frequency as being more than usual. Do you remember roughly how
16 frequent the touching would occur at the Cayman Islands?
- 17 A Um, at least a couple of times a day.
18
- 19 Q How long were you in the Cayman Islands?
- 20 A I believe it was about a week.
21
- 22 Q And when you left the Cayman Islands, where you did go?
- 23 A Back home to Calgary.
24
- 25 Q Did anything happen when you were back in Calgary?
- 26 A Yes. I believe it continued for a little while after. I remember it ending when I was
27 about 15 or 16. In Cayman, I was 14 or 15. I'm sort of fuzzy on the exact date -- or
28 exact age.
29
- 30 Q Could you describe how the touching continued after the Cayman trip?
- 31 A Yes. Um, I think by that time, we had moved into an apartment on 90th Avenue. Um
32 . . . And it was the same sort of routine as normal -- as usual where he would come
33 in and do the Bible reading. Or if we weren't doing Bible reading, it would just be,
34 like, to say good-night. But it would start off with a back massage, and then he would
35 ask me to turn over.
36
- 37 Q The home on 90th Avenue, do you remember the exact address?
- 38 A I believe it was -- there were two. It was 1603, I think, and then, like, 1803 after that.
39
- 40 Q Whose house was that?
- 41 A That was Darren's house or apartment.

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Q How long did you live there?

A Um, two or three years.

Q Was there anything about the touching that took place in that house that made it different from what you described occurring in your grandparents' house?

A No. It was the same as usual.

Q And this house on 90th Avenue, that's here in Calgary, Alberta?

A Yes.

Q Other than this nighttime routine that you've described, was there anything else that you remember happening that had to do with touching your private parts or anything else about your private parts?

A Um, I remember when I was about 11 or 12 and we were on our way to a swim meet in Edmonton, he had asked me about pubic hair, if I was starting to grow pubic hair, if I was going to get it waxed. He just sort of brought it up as a conversation -- in the conversation.

Q Did you ever discuss that topic again?

A Um , I think it came up again.

Q Do you remember --

A -- in the future.

Q -- how it came up?

A I think it was just -- he would just ask me about it. And . . . Yeah.

Q Did the discussion about waxing pubic hair ever go beyond just a discussion to actual steps?

A No. I mean, until he started touching me and then he could see what was occurring down there.

Q Okay. Did Darren ever say why he was bringing up the pubic hair?

A No.

Q Did you ever talk about the nighttime routine and the touching that was occurring or the Cayman routine -- or the Cayman touching?

A Um, I think a couple of times he had brought it up and, like, said, that he shouldn't be doing that and that he should stop. And then it would continue.

1 And I think at one point I asked him why he would keep doing it if he shouldn't, and
2 I don't remember him having a response really. Just that he was sorry.

3
4 Q You said that you began being home schooled at about age 14 or grade 9. Is that
5 right?

6 A Yes.

7
8 Q Who did the home schooling?

9 A Um, I did it myself basically. It was, like, a distance learning program. So I would
10 just go through the books and teach it to myself basically. And then there were
11 teachers you could call if you needed to.

12
13 Q Were there any other people in the home schooling program with you?

14 A No. No. Like, other -- there were, like, lots of kids signed up for home schooling.
15 But, it was just an individual program.

16
17 Q Did you have schoolmates or friends?

18 A Um, no, because I wasn't in school. I just, um, had had friends from the church.

19
20 Q Where did you do the home schooling?

21 A From my grandparents' house and then later from his apartment when we moved.

22
23 Q That's the apartment on 90th Ave.?

24 A Yes.

25
26 Q Other than friends at the church, did you have any contact with any other people?

27 A Not really, no.

28
29 Q Did you have a telephone?

30 A Not until I started working at Earl's. I was about 15 or 16 then, and then I got a cell
31 phone.

32
33 Q And were you able to use a cell phone?

34 A Yes.

35
36 Q What about e-mail?

37 A I had an e-mail account, but I wasn't allowed to have one unless he had access to it.
38 So he always had the password to it.

39
40 Q When you say "he" --

41 A Darren.

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Q What about other text-messaging software?

A Um, I used MSN Messenger a little bit, I suppose. But that's about it.

Q How often would you get out of the house?

A Um, mostly it was for church or for service and things like that. So things related to church. So a few times a week, I guess.

Q And the church that you went to was what?

A The Jehovah's Witness church on Fairmont Ave. or street.

Q When you were home schooling yourself, would you be at home alone or would people be with you?

A Um, it depends. Um, my grandparents were home sometimes. And then if they weren't home, then I would be on my own.

Q Were you able to leave the house alone?

A Leave the house alone? Um, yes. Sometimes I would, like, go for a walk or go to the gym.

Q Did you have contact with your mother?

A Yeah. I did. It was somewhat limited.

Q You eventually -- how long did the touching by Darren continue?

A I would say it was about 11 or 12 until 15 or 16.

Q And do you remember when it stopped?

A I remember it was around the time I -- it stopped before I started working at Earl's and had a boyfriend and things. So I think, yeah, probably right around, like, in-between 15 and 16.

Q Do you know why?

A Not really. It just -- it just stopped. Um, I mean, he had said a few times that he should stop. So I guess I just assumed he had finally decided to actually stop.

Q You eventually told somebody about the touching that had been occurring. Is that right?

A Yes.

Q How did that happen?

A Um, I believe my -- my, um, cousin Ashley and I -- she did home schooling as well.

1 So we would often go to the Fish Creek Library to do our schoolwork together. And I
2 remember mentioning it to her. Not in detail but just a little bit at that time. And
3 nothing ever came of it because neither of us felt comfortable talking about it or taking
4 it anywhere.

5
6 Um . . . And then when I was 16, I had gotten kicked out of the church. And I
7 decided to move in with a friend. And at that time, my mom had always suspected
8 something, so she asked me if I was moving out, if anything had ever happened. And
9 I said that it had. So that was when it first kind of came to light.

10
11 Q So you told your mother?

12 A Yes.

13
14 Q What happened after that?

15 A Um, she tried to contact the elders in the church to come over for support. The elders
16 she contacted refused to come because I was no longer a part of the church. Um . . .
17 So she called my uncle, which is Darren's youngest brother. And he is an elder in
18 another congregation or was at the time. And he came over and talked with us and,
19 um, told Darren that he would need to bring that forward to the church.

20
21 Q And your uncle's name, what was that?

22 A Danny Gnam.

23
24 Q Were you there for that conversation?

25 A Yes.

26
27 Q And do you know what happened after Danny Gnam talked to Darren?

28 A Um, well, I had to call Darren as well and tell him that he should speak with the
29 elders. And then after that, he, as far as I know, he would have spoken with the elders
30 of the church.

31
32 Q Do you know when that occurred?

33 A Um . . .

34
35 Q Or do you know how old you were then?

36 A I was 16, turning 17. Yeah. Probably around the fall.

37
38 Q And after you and your uncle spoke with Darren about speaking with the elders, do
39 you -- do you know what happened after that?

40 A Not really. I know that he had a meeting with three of the elders. They had decided
41 to disfellowship him or take him out of the church.

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Q How do you know that?

A Um, well, because I -- he told me, I think. Or someone told me. And then he appealed that decision. And then he would have met with six of them. And they made the same decision, so he was disfellowshipped.

Q All right. Were you still living with Darren?

THE COURT: I'm sorry. I didn't catch that last word.

A Oh. Disfellowshipped.

THE COURT: Okay.

A Kicked out.

THE COURT: Thank you.

Q MR. CAMMACK: What does "disfellowshipped" mean?

A Basically, it means that you're -- you're no longer a Jehovah's Witness and no one is supposed to talk to you or have anything to do with you or communicate with you in any way.

Q And at this point, were you living with Darren or somewhere else?

A Um, I had just moved out of his house. And I moved with my friend, Stephanie Braconnier.

Q And did you stay there?

A Yes. I stayed there for at least a good six months, I think.

Q And after that, where did you go?

A I moved quite a few times. I moved into a house in Brentwood. That was, like, a shared house with some university students. Then I moved in with my mom. And then they moved to Cochrane. And then I moved in with my grandpa. And then I just kept moving. It was a lot of moving.

Q Okay. Were you ever touched again by Darren?

A No.

Q Eventually you came and spoke with the police. Is that right?

A Yes.

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Q Why?

A Um, when I was in university, in my second year of university, I started to take LSAT prep for law school. Well, you know that. It's law school exams. And, um, the stress of it triggered a breakdown. And I had memories come back.

I -- I -- at that point, I had always knew -- known it happened, but I thought it only happened a few times. Um, but once I had this breakdown, I realized that there was a lot more there. And I realized that -- I felt it was my obligation to come forward to the proper authorities.

Q You said the second year of university. How old were you then?

A Uh, 2012. So . . . Math is not my strong suit. Twenty-two or 23.

Q And do you remember the year?

A 2012. Yeah. It was the spring of 2012.

Q Do you remember who you met with?

A Detective Mike Belliveau.

Q And do I understand correctly that you and he spoke for a length of time and that conversation was recorded?

A Yes.

Q Did you ever get a chance to see the recording?

A Yes. I reviewed it on Wednesday this week.

Q And after that recorded interview with Detective Belliveau, did you have any other contact with him?

A Um, I did. About a year later because my cousin was killed in a car crash, his brother Danny's older daughter. And then my grandpa was put in the hospital.

And due to my status within their religion, no one else in the family would talk to me about it. Like, no one even told me my cousin died. So, um, I -- he was the only one I was allowed to talk to to get information. So I was texting him. And that triggered another breakdown.

Q You came into the police detachment sometime later on. Do you remember that?

A Uh . . . Like, after the interview process?

Q After the interview.

1 A I think so. Yes. Yes.

2

3 Q Do you remember making a telephone call with Detective Belliveau at your side?

4 A Yes, I do.

5

6 Q And do you remember just roughly how that came about?

7 A Um, I remember that we were going to call Darren and have a conversation with him,
8 um, to see if he would admit the truth to me.

9

10 Q And did you call him?

11 A I did.

12

13 Q Okay. Um . . .

14

15 MR. CAMMACK: Master clerk, may I have a DVD that is found
16 in the binder before you at tab, I think, 6? Thank you.

17

18 Q MR. CAMMACK: Ms. Gnam, I am going to play something for
19 you. Please listen to it.

20

21 MR. CAMMACK: It's somewhat lengthy, Your Honour. And
22 just -- I do see the time. It is 12 now. This is about 40 minutes long. I'm in the Court's
23 hands as to whether this can be played and then discussed later on.

24

25 THE COURT: Well, let's check with the witness.

26

27 Do you want to go through it until 12:40 or come back at 2:00 and do it this afternoon?

28

29 A I just want to get it over with.

30

31 THE COURT: Okay. We are going to get it over with, then.

32

33 MR. CAMMACK: Thank you.

34

35 Your Honour, I am placing a DVD. It's got the court matter number on it. It has
36 handwritten on it: "Audio Recording of Intercepted Phone Call."

37

38 THE COURT: Right.

39

40 MR. CAMMACK: It's from the exhibit binder that's been handed
41 up earlier. I will play it in its entirety.

1
2 Q MR. CAMMACK: And, Ms. Gnam, I will bring a chair over. And
3 please feel free to have a seat.
4 A Oh.
5
6 THE COURT: Yes. Both you and the --
7
8 MR. CAMMACK: I'm sorry. With the Court's leave, if that's --
9
10 THE COURT: Yeah. No. Both the witness and the support
11 person can have a seat for the duration of the call.
12
13 (AUDIO/VIDEO PLAYED)
14
15 MR. CAMMACK: Your Honour, I see the time now of 20 to 1. I
16 wonder if this might be a good time for a break?
17
18 THE COURT: Yeah. That seems to be appropriate. I am
19 back here at 1:30 to deal with the other part of my assignment court, but I will expect
20 everybody back at 2:00. And we will proceed from that point.
21
22 MR. CAMMACK: Yes, Sir. And I will just hand this up to
23 madam clerk --
24
25 THE COURT: All right.
26
27 MR. CAMMACK: -- the exhibit that was just played.
28
29 THE COURT: Ms. Gnam, I'm just going to caution you. I do
30 this to everybody. It's part of the process. I am going to require you not to speak to
31 anybody about your evidence. You are still on the witness stand even though we are
32 taking a lunch break. You can talk to them about the sun, the moon, the earth, the
33 weather, anything you want, but not what you've been talking about on the stand. Okay?
34
35 Thank you very much. We will see you back at 2:00. All right.
36
37 THE COURT CLERK: Order in court. All rise. This court is
38 adjourned briefly.
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PROCEEDINGS ADJOURNED UNTIL 2:00 PM

1 Certificate of Transcript

2

3 I, Bonny Bowes, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best
6 of my skill and ability and the foregoing pages are a complete and accurate transcript of
7 the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was not included orally on the record.

10

11

12

Digitally Certified: 2015-11-12 14:10:55

13

Bonny Bowes, Transcriber

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Order No. 10591-15-1

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35 Pages: 49

36 Lines: 2052

37 Characters: 58072

38

39 File Locator: 28f4dbc0898011e586780017a4770810

40 Digital Fingerprint: b883ccf854b4a7439c09884b81f104f6a093cf2260691293187ffa316be87dd5

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary, Alberta

2

3 October 16, 2015 Afternoon Session

4

5 The Honourable Judge Mason The Provincial Court of Alberta

6

7 L. Cammack For the Crown

8 A. Hepner, Q.C. For the Accused

9 M. Hammoud Court Clerk

10 B. Johnston Court Clerk

11

12

13 THE COURT CLERK: Order in court. All rise.

14

15 THE COURT: Thank you, everybody. Please be seated.

16

17 THE COURT CLERK: Recalling the matter of Darren Gnam.

18

19 MR. CAMMACK: Your Honour, if I may be excused just to fetch

20 Ms. Gnam.

21

22 THE COURT: Yes.

23

24 Ma'am. You will confirm for me at this time that you're still bound by your oath to tell
25 the truth?

26

27 THE WITNESS: Yes.

28

29 THE COURT: Thank you.

30

31 Mr. Cammack when you're ready, please proceed.

32

33 MR. CAMMACK: Yes, Sir.

34

35 **JACEY GNAM, Previously Affirmed, Examined by Mr. Cammack**

36

37 Q Ms. Gnam, before the break, we listened to an audio recording of a conversation with
38 two voices. Do you remember that?

39 A Yes.

40

41 Q And did you recognize either of the voices you heard?

1 A Yes. Both of them. It was myself and Darren Gnam.

2

3 Q Do you remember having that conversation with Darren Gnam?

4 A Yes, I do.

5

6 Q Do you remember when you had that conversation with him?

7 A Um . . . Not specifically. But I know it was at least a year or two ago.

8

9 Q Okay. Did that conversation -- do you remember where you were when you had that
10 conversation?

11 A Yes. I was at the -- Detective Belliveau's office at the police station.

12

13 Q When you were on the phone with Darren Gnam, was anyone else with you?

14 A Just Detective Belliveau.

15

16 Q Okay. The recording that we heard, in your memory, how did the two compare with
17 each other?

18 A They were the same.

19

20 Q Moving back to some of your earlier testimony today, you described today at one
21 point telling Darren Gnam to tell the church elders about the touching that had gone
22 on. Do you remember that?

23 A Yes.

24

25 Q When you told him to do that, do you remember how he responded?

26 A Uh, yes. He said that he would probably have to speak with the Haysboro elders,
27 which is the specific congregation. And -- and he said that he probably would be
28 disfellowshipped.

29

30 Q Moving back to another point from some of your earlier testimony today, you
31 described Darren Gnam touching your genitals. And you described it as being
32 touching sometimes outside of the vagina and sometimes inside of the vagina. I'm
33 going to ask you to describe the touching that took place with a bit more precision
34 than that. And to the extent that you are able to refer to specific parts of the female
35 anatomy, I will ask you to do so.

36

37 THE COURT: Is that necessary? I mean, I'm content that --

38

39 MR. CAMMACK: Okay.

40

41 THE COURT: -- especially on this, at this level, I don't

1 need --

2

3 MR. CAMMACK: Okay. No. We're --

4

5 THE COURT: We can move forward.

6

7 MR. CAMMACK: That's my last question.

8

9 A Okay.

10

11 MR. CAMMACK: Please answer Mr. Hepner's questions.

12

13 **Mr. Hepner Cross-examines the Witness**

14

15 Q Ma'am, you -- your date of birth is December 23rd, 1988?

16 A Yes.

17

18 Q All right. And you told us that as far as you can recall, the first incident that you
19 described was when you were in grades 7 -- 6 or 7.

20 A Grade 6 or 7. Yes.

21

22 Q Okay. So you would have been about -- it was in about 1999?

23 A I think so. Yes.

24

25 Q So, I mean, have you got any -- and this was at your grandparents' house?

26 A Yes.

27

28 Q Right. So you were living there with your father, Darren, and his parents?

29 A Yes.

30

31 Q And how long had you been living there?

32 A Um, since about grade 5 or 6 because my parents split up, and Darren went to live
33 with his parents. So whenever I would stay with him, we would be at my
34 grandparents.

35

36 Q And were you with him all of the time, permanently?

37 A Um, at first, it was shared custody. Um, I think it was, like, a few days a week with
38 my mom and a few days a week with him. And then eventually, I was mostly just
39 with him, and I would see my mom every other weekend.

40

41 Q Right. So I know that's about 15 or 16 years ago, and I understand that you were just

1 in grade 6. Um, you told us the first event was that it was the usual, um, routine of
2 doing the Bible reading?

3 A Yes.

4

5 Q And then he told you to get on your stomach. And he would massage your back?

6 A Yes.

7

8 Q And then he told you to get on your back, and he would massage your chest and
9 vaginal area. The first time, he just grazed by it.

10 A Uh, yes.

11

12 Q Is that right?

13 A Yes.

14

15 Q All right. And over time, that progressed into touching your vaginal area, your vagina,
16 and your breasts almost every time this happened?

17 A Yes.

18

19 Q So would you do Bible readings every night?

20 A Yes.

21

22 Q All right. So whenever you were at your dad's place, you're saying this would
23 happen?

24 A Yes.

25

26 Q Every single night?

27 A I don't remember if it was every single night, but I remember it being quite frequently.
28 At least, a few times per week.

29

30 Q But if you were at your mom's place those evenings, it wouldn't have happened then.

31 A Well, I would have been at my mom's house on the weekends; so it wouldn't have
32 been happening when I was with her --

33

34 Q Okay.

35 A -- obviously.

36

37 Q So the first little while, when you were in grade 6 or 7 -- by the way, grade 6, where
38 were you in school in grade 6?

39 A Captain John Palliser.

40

41 Q Right. In the southwest.

1 A Uh, no. It was in the northwest.

2
3 Q Northwest. And then you moved over to Elboya, did you?

4 A Yes.

5
6 Q For grades 7, 8, and 9?

7 A Just 7 and 8.

8
9 Q Just 7 and 8? And you were in the French Immersion Program?

10 A Yes.

11
12 Q Right. And when you were in grade 7 and 8 at Elboya, where were you living?

13 A With Darren.

14
15 Q The whole time? Or were you with your mom as well some of the time?

16 A Just on the occasional weekend, I'd be with my mom.

17
18 Q Okay. And so for the -- you went to Elboya for two years.

19 A Yes.

20
21 Q Right. But are you saying that these events started when you were still at Captain
22 John Palliser School?

23 A That's where it gets fuzzy. I don't remember if it started when I was in grade 6 or
24 grade 7. I just remember it was right around that time frame.

25
26 Q Okay. And, um, you heard -- well, it was your conversation on the exhibit we heard,
27 the conversation?

28 A Uh, yes.

29
30 Q Right. When he said that it started when you were 15, for touching you. You heard
31 that as well?

32 A M-hm.

33
34 Q Okay. But you're saying it happened when you were 11 years old?

35 A Yes.

36
37 Q Right. And it happened for three or four years. So it takes you to about 14 or 15?

38 A About 15. Yes.

39
40 Q About 15. And by the age of 15, were you still at Elboya? You weren't at Elboya
41 anymore?

1 A No. I was in home schooling.

2

3 Q And where was the home schooling?

4 A Um, it was at either by grandparents, when we were still there, and then at his
5 apartment, at Darren's apartment, when we moved there.

6

7 Q And the apartments were on 90 Avenue?

8 A Yes.

9

10 Q Southwest. Just past -- near Glenmore Landing?

11 A Yup.

12

13 Q Up there. Is that right?

14 A Yes.

15

16 Q Okay. Um, now, you said that he touched you the way that you've described. And I
17 won't -- I won't go over it -- but over time, the touching of your vagina became, are
18 you saying, more regular?

19 A Uh, I would say in longer duration and more frequent.

20

21 Q Right. And, um, you talked about, um, it -- he could feel that you were getting wet.
22 And he asked you about orgasm. Do you remember that?

23 A Yes.

24

25 Q Can you help me with a time frame when that happened?

26 A Um, that would have been probably when I was, like, 13 or 14.

27

28 Q Okay. Um, this is all coming from your memory. Right?

29 A M-hm.

30

31 Q Okay. Um, and -- so according to your -- what you're telling us, is that it started
32 when you were about grade 11 or so, 1999/2000, and carried on to 2003 or 4?

33 A Uh, grade -- not grade 11. Age 11 or 12.

34

35 Q Age 11. I'm sorry. Yeah. Oh.

36 A Yeah.

37

38 Q Age 11?

39 A Yeah.

40

41 Q Age 11. Right.

1 A Yeah.

2

3 Q That would be 1999 or so. Somewhere in there?

4 A Somewhere in there.

5

6 Q Right. And it ended in 2004 because you said it happened for --

7 A Until I -- yeah, whatever year I was about 15 or 16. Yeah.

8

9 Q Fifteen or 16. And a time frame, how do you know it was then? Did you move from
10 the house?

11 A I just remember that it stopped some -- very closely in association with me starting my
12 work at Earl's. And I was about 15 when I started working there.

13

14 Q And when you started working at Earl's, were you a hostess? Were you working in
15 the kitchen? Were you --

16 A I was a hostess.

17

18 Q A hostess. And, um, which Earl's was it?

19 A Willow Park.

20

21 Q Okay. And where were you living when you started working at Earl's?

22 A Um, in the apartments on 90th Ave.

23

24 Q All right. And there were two separate apartments. You moved from one --

25 A Yeah. First, we moved into the 1603 and then to 1804 or whatever it was.

26

27 Q All right. And by this time, did your dad have full -- were you living with your dad
28 full-time?

29 A Yes.

30

31 Q Right. You weren't living with your mother at all at that time?

32 A No. Just the odd weekend.

33

34 Q All right. And it just stopped before you started working at Earl's?

35 A Or right around that time frame. Yes.

36

37 Q Right. And then how long after did you stay with your dad?

38 A Um, I think I was there maybe one more year because then when I was 16, I got
39 kicked out of the church and I moved out.

40

41 Q All right. So -- so you left your dad's. It stopped. It all stopped before you went to

1 Earl's, working at Earl's --

2 A M-hm.

3

4 Q -- in Willow Park. You then stayed living in the apartment with your dad for another
5 year or so. And then -- but nothing happened after that?

6 A No.

7

8 Q Nothing. And there was no discussion with your dad about any of this?

9 A Not to my recollection.

10

11 Q Okay. And you, um -- a year later or so, when you're 16, you were disfellowshipped.
12 You were disfellowshipped?

13 A Yes.

14

15 Q And how did it come about that you were disfellowshipped?

16 A Um, I had slept with a boy. And --

17

18 Q Oh. I don't --

19

20 MR. CAMMACK: I think, um --

21

22 Q MR. HEPNER: That's not relevant to me.

23 A Okay. Well, that's why I was kicked out of the church.

24

25 Q Oh, okay.

26 A So I don't know -- I'm not sure what your question is.

27

28 Q Okay. Did your being kicked out of the church have anything to do with your dad?

29 A No.

30

31 Q All right. That's all I meant. I'm not --

32 A Oh, okay.

33

34 Q -- interested in personal stuff.

35

36 THE COURT: He's not allowed to ask you about your past.

37

38 THE WITNESS: Oh, okay.

39

40 Q MR. HEPNER: I'm not allowed. And I don't -- right.

41

1 THE COURT: And so that's why everybody just started -- lost
2 their mind for a minute there. We weren't expecting you to say that.

3

4 MR. HEPNER: Yeah. That's right. I wasn't either.

5

6 Q MR. HEPNER: Um, okay. So when you were
7 disfellowshipped, you were still living with your dad?

8 A Yes.

9

10 Q All right. And did you discuss this? I mean, obviously you discussed your being
11 disfellowshipped with your dad?

12 A Uh, yes.

13

14 Q All right. And how long after that did you move out of your dad's place?

15 A Um . . . I was disfellowshipped in July, and I moved out in September or October.
16 So just a few months.

17

18 Q Do you remember the year, just to help us out, roughly?

19 A I don't. I'm sorry.

20

21 Q Okay. 2004 or 2005?

22 A Um . . . Whatever age --

23

24 Q Okay. Let's -- let's do it this way.

25 A Whatever age I would have been --

26

27 Q Where were you going to school? Were you being home schooled then as well?

28 A Yeah. I was in grade 11.

29

30 Q And you were home schooled between your dad's place --

31 A Yeah.

32

33 Q -- and your mother's place?

34 A No. Just, like --

35

36 Q Just --

37 A I just did it on my own.

38

39 Q Okay.

40 A It was mostly just at his house.

41

1 Q It was online?

2 A No. It was on, like, paper. Books.

3

4 Q Okay.

5 A Yeah.

6

7 Q All right. So you're 15 or 16. Somewhere around, um -- you're disfellowshipped.

8 You tell your dad. Nothing much is going on at that point.

9 A Uh, yes. There -- yeah.

10

11 Q Am I right?

12 A Yes. Nothing was happening --

13

14 Q Nothing --

15 A -- sexually that way. But, no.

16

17 Q -- was happening. And when was the -- I know you told us about -- and I don't need

18 to get into it -- when was the -- the Grand Cayman trip?

19 A I would have been 14 or 15. Probably 15.

20

21 Q All right. So that Grand Cayman trip was just before you went to work at Earl's?

22 A Yeah.

23

24 Q Is that right?

25 A Yeah. I think that sounds right.

26

27 Q All right. And then nothing happened really after that. Did you go on holidays with

28 your dad after --

29 A After Cayman Islands? Um . . . I think that was the last trip we went on that I

30 remember anyway.

31

32 Q But you have gone on other trips with your dad?

33 A Yes.

34

35 Q You've gone to Florida for example?

36 A Um, Florida was with my mom actually, when we were -- they were still together and

37 I was, like, 8 or something.

38

39 Q Okay.

40 A But, yeah.

41

1 Q And what about going to the Eastern U.S.? Do you remember that?

2 A California? Yes. We've -- we went to --

3

4 Q (INDISCERNIBLE)? Boston, New York? The other side?

5 A Oh, yes. That was an earlier trip. Yes.

6

7 Q And was that just with your dad?

8 A Yes.

9

10 Q And California?

11 A Yes.

12

13 Q And that was before Earl's?

14 A Yeah.

15

16 Q Okay. Um, whence you were disfellowshipped, did you ever go back to the church?

17 A Uh, yes, I did.

18

19 Q Okay.

20 A For a brief amount of time.

21

22 Q For a brief amount of time. All right.

23

24 Um, one of the things you told us is that, um -- and be assured that I'm not judging
25 you -- you told us that you had -- what you had said was a breakdown, a nervous
26 breakdown. Right? When was that?

27 A Uh, 2012. The spring of 2012.

28

29 Q And was that the first time? The only time?

30 A Not the only time, but it was definitely, like, the first time I remember really just
31 having -- having a complete meltdown.

32

33 Q And where were you living at the time?

34 A On my own in -- oh, what's name? In the Rosemont area of Calgary.

35

36 Q Okay. And were you in touch with both of your parents at that time?

37 A Um, yes. I was in touch with my mom and then a little bit with Darren.

38

39 Q Okay. And then you said something about you had a flood of memories come back.

40 A Yes.

41

1 Q Now, is that when you were having your breakdown that you had the flood of
2 memories?

3 A Yes.

4

5 Q All right. And is that when you started to think back about what had happened when
6 you were 11, 12, 13, 14?

7 A Yes.

8

9 Q And is that the first time you remember that sort of stuff happening?

10 A No. Um, like, I -- like I had said, I did remember there were a few instances, but at
11 that -- until that point, I didn't realize how often -- or how many times it had
12 happened.

13

14 Q Okay. So you said you remember a few times that it happened. Going back to when?

15 A Um, about the -- the same time line. I remember being about 12. Eleven, 12, 13.

16

17 Q But you said you remembered a few times that it happened?

18 A Yes. Like, a few specific instances. And I thought that was all there was.

19

20 Q Okay. And specific instances like the first time it happened?

21 A Yes.

22

23 Q All right. What about the other specific instances?

24 A I remembered, like, a couple of instances in my grandparents' house. And I
25 remembered the Cayman Islands. And then once I had the breakdown, a bunch more
26 memories came back to me.

27

28 Q Okay. So when you had the breakdown, were you seeing a doctor, a psychiatrist, a
29 general practitioner, or a psychologist?

30 A Uh, at that point, I did seek help. And so I had -- I was seeing a doctor. Um . . . I
31 was trying to get hooked up with a therapist. Um, the psychologist, through the 'U' of
32 'C,' said that my case was a little bit too, um, complicated or -- or whatever. It
33 wasn't something that they could handle. So I was on the wait list with CCASA.
34 And then I've been with CCASA ever since I got accepted to their program.

35

36 Q Okay. CCASA is the --

37 A Calgary Communities Against Sexual Abuse.

38

39 Q Right. And you're seeing -- you saw a counselor through CCASA?

40 A Yeah. I'm still seeing a counselor.

41

- 1 Q Okay. But the first time that you had this flood of memories that came back to you
2 and the flood of memories dealt with the events you're telling us about today, is that
3 the first time, when you had the breakdown, that these flood of memories came back,
4 either than the specific instances?
- 5 A Yes.
- 6
- 7 Q All right. And the flood of memories that you had, were you in discussions with a
8 therapist, a counselor, a friend, something like that, when all of a sudden this came
9 back to your mind?
- 10 A Um, when I got hooked up with the counsels, yes. I did discuss it with them.
- 11
- 12 Q Okay. But before that, see, you told us you remembered a few specific instances.
13 You remembered the first time. You remembered Grand Cayman. You remembered
14 those three or four that you've just told me about. Right?
- 15 A M-hm.
- 16
- 17 Q And then when you sadly had your breakdown, this flood of memory came back.
18 Okay. Did your flood of memory came back -- come back when you were by
19 yourself?
- 20 A Uh, um . . . It sort of -- I started getting, um, a lot of anxiety within the LSAT prep
21 course.
- 22
- 23 Q Right.
- 24 A And then that's what triggered memories coming back. So I guess I was alone because
25 I would have been at home --
- 26
- 27 Q Okay.
- 28 A -- after that.
- 29
- 30 Q So, as I understand what you're saying, is you were preparing for the LSAT.
- 31 A M-hm.
- 32
- 33 Q And you were taking that course to write the LSAT, I take it?
- 34 A M-hm. Yes.
- 35
- 36 Q Right. And it's a stressful -- it's a difficult exam. And you're working through it.
37 And could you feel some pressure, some personal pressures coming? Or was it just
38 one day it just happened?
- 39 A Uh, I guess I could feel some pressure building up. And then I just kind of snapped.
40 And I came home crying and not really understanding why I was so upset. And then
41 memories started coming back. And . . .

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Q Okay. So on the one day that you snapped, as you say, that's when all this flood of memories came back? And that's what the flood of memories is that you're telling us about today?

I'm -- I -- I'm aware that you've told us about specific instances. I'm -- I'm aware of that. And I accept that. I accept what you're saying. But the flood of memories -- about more detail, about the frequency, about the -- the way it was ongoing -- came when you had the breakdown, the day that you were -- one of the days that you were preparing for the LSAT?

A Yes.

Q All right. And when -- when you say "a flood of memories," what were you remembering? What you've told us today?

A Yes.

Q Okay. So up until that point, you had isolated memories. Islands of memory about certain specific events. About three or four or five. Is that what you're saying?

A Yes.

Q All right. And as a result of this, whatever happened, um, a whole bunch came out in your mind?

A Yes.

Q Is that right?

A I started -- yeah. I started having, like, nightmares. And I'd wake up in the middle of the night. And I'd have trouble sleeping because my mind just kept bringing up all these memories.

Q All right. And the memories that you had, when you had this breakdown, can you help us with the time frame when that was?

A Um, well, it would have been the spring of 2012.

Q Okay. Okay.

A And then that's when --

Q In the spring of 2012.

A -- I went to the police as well.

Q All right. So in the spring of 2012, as you're preparing for the LSAT, writing in the fall of 2012?

1 A Um, no. It would have been in the spring.

2

3 Q Oh, you were preparing --

4 A Like, I was taking --

5

6 Q -- for the spring sitting?

7 A I was taking, like, a spring preparation course.

8

9 Q Right.

10 A Yeah. For the LSAT.

11

12 Q And that's when this flood of memories came back. And, um, did you go -- either --
13 before you spoke to the police, did you go see a counselor or a therapist?

14 A Uh, I think -- let's see. June . . . I don't think I had been able to get an appointment
15 with a therapist at that point.

16

17 I think the first time I was able to get in with a therapist, um -- there was a lady at the
18 'U' of 'C' through the Aboriginal Centre that decided she would talk with me until
19 CCASA could have me on, if one came up on the wait list. Um, so I spoke with her.
20 And that would have started in September.

21

22 Q Okay. So when you had your breakdown, that day or that evening, that you were
23 preparing, did you make a phone call to a -- a distress centre, a doctor, or anything
24 like that?

25 A No. I think I just spoke with my fiance or my now fiance and my mom, I believe. I
26 think I did call my mom.

27

28 Q Okay. Had you been close to your mom at this point?

29 A Yes.

30

31 Q All right. So were you living back with her?

32 A No. I was living on my own.

33

34 Q All right. And were you talking to your mom on a regular basis?

35 A Yes.

36

37 Q And what about your dad? Anything at all?

38 A No. We were in contact once in a while. Um, for a while, I taught piano out of his
39 home until I had enough room in my house to move by piano. So my contact was just
40 when I would be there for lessons basically.

41

1 Q Okay. And where was he living at that time?

2 A Um, that would be when he was in Lake Bonavista.

3

4 Q All right. And so you were, um -- you used his house to teach piano?

5 A Yeah.

6

7 Q I mean, you --

8 A For, like -- just for 2011, I think it was. Just the one year. And then --

9

10 Q And --

11 A -- in 2012, we moved the piano out.

12

13 Q And so for a year, you teach piano at your dad's house?

14 A Yeah. About a year or maybe two years.

15

16 Q And you never did spend any time there --

17 A No. Other than the --

18

19 Q -- other than the piano lessons.

20 A No. Like, I'd maybe have dinner after, but that was about it.

21

22 Q Right. And did you have much to do with your dad during that time?

23 A No.

24

25 Q When you say you had dinner there, would you have dinner with him?

26 A Sometimes, yes, because it was his house. So . . .

27

28 Q Okay. Um, was the house in Lake Bonavista or Braeside? Or do you remember?

29 A Well, he was in Lake Bonavista for a while and then he moved to Braeside. And the
30 piano moved with him. So, it would have been both houses.

31

32 Q And did your dad help you get some business for the piano, for students?

33 A Um . . . I don't think so. He might have delivered some flyers or something. But
34 mostly it was just through Kijiji ads and things.

35

36 Q Okay. Um, has this flood of memories occurred more than once, that you're -- that
37 the events you've told us about when you were apparently (INDISCERNIBLE) --

38 A In 2012? Um, no. That was the main one for sure. And there's been other
39 breakdowns but not, um, so much with memories flood -- flooding back.

40

41 Q Right. Um, and the other events you've had, the other downtimes you've had, there's

1 been no flood of memories like the one you're talking about?

2 A Well, memories will come up but not like a big flood of memories. No.

3

4 Q Right. And when you say "a big flood of memories," what are you -- are you
5 remembering a lot of the events that you told us about?

6 A Yes. And just, like, more detail. And, like I said, I remember that there wasn't just a
7 few isolated incidents. It was more of a routine pattern.

8

9 Q Right. And up until you had that, there was just a few isolated incidents in your mind.
10 Is that --

11 A In my -- in my mind. Yes.

12

13 Q Right. And isolated incidents going back to when? Do you remember that?

14 A Yeah. Like I said, 11 or 12.

15

16 Q And is that all?

17 A Yes.

18

19 Q So up until the spring of 2012, you had in your mind isolated incidents going back to
20 when you were 11 years old?

21 A Or -- yeah. Eleven or 12. Yes.

22

23 Q Eleven or 12. Right. And then in 2012, this event occurs. You get very upset. Um,
24 this flood of memories comes back about the regular -- what you're saying is the
25 regularity of these events?

26 A Yes.

27

28 Q And, um, uh, that's what the information from your -- and I use "breakdown," the --
29 the stress that you were under, is what you told Detective Belliveau about?

30 A Uh, yes.

31

32 Q Am I right?

33 A That the stress of --

34

35 Q That the -- that the stress you subjected -- well, the combination -- the aggregate
36 reasons for the stress that day -- you were preparing for the LSAT -- there must have
37 been more than the LSAT. It was about a lot of things in your mind. Right?

38 A M-hm.

39

40 Q Personal things.

41 A Uh, yes.

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Q And it's that flood of memories that you shared with Detective Belliveau?

A Yes.

Q Okay. Um, up until that, there were just these incidents, isolated incidents that you're talking about?

A Yeah. Like, I remembered, you know, 11 or 12. And maybe another one at 14. Maybe another one at 14 or 15. But not, like, all of them.

Q Okay. So the first one was at your grandparents' house?

A Yes.

Q And the one at 14, where would that have been?

A Well, like I said, I remembered -- I remembered -- I always remembered specifically the Cayman Islands. That trip.

Q Yeah. Okay. So let's take the Cayman Islands out of it for now. What else do you remember? The one at 11? The Cayman Islands. And what else?

A Like, you mean --

Q Before -- before -- before --

A -- what did I remember --

Q Before your breakdown.

A -- before the breakdown? Yes. I remembered incidents, you know, 11 and 12 and maybe, like I said, 13 and 14.

Q Okay. Um, when you had this flood of memories, how long after did you go see Detective Belliveau?

A Um, I think the very next week or that same week --

Q All right.

A -- I went to the -- to the police station.

Q Right. And did you go on your own?

A No. My mom came with me --

Q All right.

A -- for support.

Q And you discussed this -- these events with your mother, I take it?

1 A Yes.

2

3 Q Right. Had you discussed this with your mother before this breakdown?

4 A Um, well, as I mentioned earlier, at 16, when I moved out, I did mention to her the
5 few incidents I did remember. And that's why he was disfellowshipped.

6

7 Q All right. Okay.

8

9 Um, you heard, um -- and you were there for the phone calls that were made --

10 A Uh, yeah.

11

12 Q -- the phone call, what we call the one-party consent, the call you made in Detective
13 Belliveau's office?

14 A Uh, yes.

15

16 Q Right. And you heard your dad, Mr. Gnam, say that the incident started at 15 or
17 (INDISCERNIBLE). Something like that.

18 A M-hm.

19

20 Q You don't agree with that?

21 A No, I do not.

22

23 Q Okay. Okay.

24

25 Um, so in your -- according to what you're telling us, your memory today, everything
26 would have stopped by about 2004 or 2005?

27 A Um . . . As long as that corresponds to me being about 15 or 16, yes.

28

29 Q Well, you were born in '88?

30 A M-hm.

31

32 Q So in the year 2000, December of 2000, you were 12. Right?

33 A M-hm.

34

35 Q So 13, 14, 15; 2003/2004. Somewhere in there.

36 A Yes.

37

38 Q All right. Um, but you still had a lot to do with your dad at that time after that.
39 Although it stopped then, you still had a lot to do with him?

40 A Yes.

41

1 Q In fact, you lived with him for awhile afterwards?

2 A Yes. I did live with him for a few months when I was sort of homeless for a little bit
3 there.

4
5 Q You lived with him when you were homeless?

6 A Well, just -- I had moved so many times, and it wasn't working out anywhere. And
7 the family I was living with asked me to leave, and I was sort of done trying to find a
8 place on my own. So I moved in there for a little bit until I could sort out my own
9 place.

10

11 Q Um, do you remember when your dad fell off a roof and broke his legs?

12 A Yes.

13

14 Q Were you living with him at the time?

15 A Uh, I think that was still when the custody was shared.

16

17 Q So that was -- okay. Let me put it another way. Was it after everything ceased or
18 before?

19 A When he fell off the ladder?

20

21 Q The ladder. I'm sorry.

22 A Well, that would have been -- I was only, like, 11 when that happened.

23

24 Q Right. He broke both of his legs, didn't he?

25 A Yes, I think so.

26

27 Q Right. And he was in a very bad shape for a while.

28 A Uh, yeah.

29

30 Q For a little over a year. Do you remember that? Or did you forget?

31 A I remember vaguely.

32

33 Q Yeah. He fell, and he was badly injured.

34 A M-hm.

35

36 Q Right? And when he was badly injured, were these things going on or do you
37 remember?

38 A I don't really remember. I don't think so because I was still mostly with my mom, I
39 think, at that point. They were still kind of together. They were just separated.

40

41 Q But -- so when you were 11, you said that was the shared custody. Is that what --

1 A At the -- yeah.

2

3 Q In the beginning?

4 A When that happened? Yeah.

5

6 Q Okay. And that's when he moved in to live with his parents, and you lived there as
7 well when you were visiting --

8 A I thought he moved in with his parents after that, but I don't know.

9

10 Q You don't know? Okay.

11

12 MR. HEPNER: Okay. Thank you.

13

14 I have no further questions.

15

16 THE COURT: Do you have anything arising?

17

18 MR. CAMMACK: No. Thank you.

19

20 THE COURT: Thank you, ma'am, for coming.

21

22 THE WITNESS: Thank you.

23

24 THE COURT: You are free to go.

25

26 THE WITNESS: Okay.

27

28 (WITNESS STANDS DOWN)

29

30 THE COURT: So, Mr. Cammack, I take it you're not -- you're
31 not calling anymore evidence?

32

33 MR. CAMMACK: No. Thank you.

34

35 THE COURT: All right.

36

37 And, gentlemen, over the break this morning -- or this afternoon, I was able to review the
38 materials that were provided. And as I understand it, there is a consent committal at this
39 point.

40

41 **Submissions by Mr. Hepner**

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MR. HEPNER:

I'm not taking any position on committal at all.

There is no argument.

THE COURT:

All right.

Please stand, Mr. Gnam.

Order to Stand Trial

THE COURT:

So the simple fact is that the preliminary inquiry test is a relatively straightforward one. If there is any evidence -- and certainly, just on the basis of your daughter's *vive voce* evidence, I would have been content to say that that -- the threshold had been met. So on that basis, but in addition, having heard the other evidence, both from the detective and reviewing the materials, as well as the phone call, I am satisfied that you can be committed to stand trial on both of the charges of the -- that are on the Information, that being 271 and 151 of the *Criminal Code*. And accordingly, I order you to stand trial at the Court of Queen's Bench.

Madam clerk, when is the next arrangement date?

THE COURT CLERK:

December 11th.

THE COURT:

December 11th. In Criminal Appearance Court.

And I believe that's at 9:30. And stay with touch with Mr. Hepner, as they say.

I am going to leave that with you, madam clerk.

Thank you, counsel. Have a good rest of the day and a good weekend.

MR. CAMMACK:

You too, Your Honour.

THE COURT CLERK:

Order in court. All rise. We are now

adjourned for the day.

THE COURT:

Thank you.

PROCEEDINGS CONCLUDED

1 Certificate of Record

2

3 I, Malaak Hammoud, certify that this recording is the record made of the evidence in the
4 proceedings in Provincial Criminal Court held in courtroom 1005 at Calgary, Alberta, on
5 the 16th day of October, 2015, and that myself and Blaire Johnston were the court
6 officials in charge of the sound-recording machine during the proceedings.

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1 **Certificate of Transcript**

2

3 I, Bonny Bowes, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best
6 of my skill and ability and the foregoing pages are a complete and accurate transcript of
7 the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record and
10 is transcribed in this transcript.

11

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13

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Bonny Bowes, Transcriber

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Order No. 10591-15-2

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