



## summary of proceedings at trial dated February 2, 2009

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4      **9**      The accused, Stephen O'Keefe, enters a 'not guilty' plea.

14     **22**     CBC security officer Fernando Serrano Orduna states that O'Keefe said to him, "I want to kill you".

14     **26**     Orduna states that O'Keefe said to him, "I want to kill everybody, the CBC".

15     **1**      Orduna states that O'Keefe said to him, "I hate everybody".

15     **8**      Orduna states that O'Keefe put his hand into his jacket, "to take something out".

*O'Keefe had the digital voice recorder in hand before entering the CBC building.*

15     **12**     Orduna states that O'Keefe maybe had, "a gun or a knife".

15     **14**     Orduna states that O'Keefe had a camera to take, "one picture of me, one picture for the lady to be with me at the desk".

15     **18**     Orduna states that O'Keefe took a picture, "for the building".

15     **23**     Orduna states that O'Keefe had, "a small camera".

16     **20**     Orduna states that O'Keefe had, "a red camera".

26     **30**     Orduna testifies, "I know a hundred percent because my job is memory".

27     **16**     Assistant Crown attorney Edward Stimec agrees with counsel for the defence that the CBC security video, "is vital".

34     **18**     O'Keefe identifies his voice dictation device on security video to Judge M.E. Lane, the Crown attorney and his witness, Orduna.

37     **11**     Orduna states that O'Keefe said to him, "I am going to kill like everybody".

37     **14**     Orduna states that O'Keefe said to him, "I want to kill you. I want to kill everybody".

37     **24**     Orduna states that he was the person who said, "I say to call 9-1-1".

37     **31**     Orduna states that he said to call 9-1-1.

38     **9**      Orduna re-confirms that he said to call 9-1-1, not O'Keefe.

38     **24**     Orduna is certain that O'Keefe had a red camera.

38     **29**     Orduna states that O'Keefe said to him, "I want to kill you, I want to kill everybody".

38     **32**     Orduna states that he was also securing O'Donnell throughout his interaction with O'Keefe.

*The alleged threatening was the last utterance O'Keefe made before heading towards the building exit. O'Donnell had yet only been at the security desk for four seconds before the alleged threatening was uttered.*

39     **6**     Orduna states that O'Keefe said to him, "I want to kill you and I am going to kill everybody."

39     **7**     Orduna states that he told O'Keefe, "You know, I call 9-1-1," and then O'Keefe told him to, "call 9-1-1".

*Persons accusing that a death threat was made against them must receive it. As O'Keefe directed no specific threatening to Orduna or O'Donnell, CBC employees must be present to receive a threatening directed to them.*

39     **12**     Orduna states that O'Keefe said to him, "I am going to kill you".

39     **16**     Orduna states that O'Keefe said to him, "You know to dial 9-1-1 because I am going to kill everybody at the CBC".

39     **20**     Orduna states that O'Keefe said to him, "I am going to kill you, everybody".

40     **27**     Orduna states that O'Keefe took three pictures, "one for me, one for her, and one he turn around he take in the corridor".

41     **13**     Orduna states that he had a camera business in Mexico, his home country, and was very familiar with cameras.

42     **7**     Orduna states that O'Keefe said to him, "I go to kill you, I want to kill everybody".

42     **31**     Orduna states that O'Keefe said to him, "I want to kill you. I go to kill everybody".

*Orduna is repeating a false statement over and over because a threatening must be directed to him personally for it to be considered a criminal act.*

43     **22**     **RECESS BY ASSISTANT CROWN ATTORNEY EDWARD STIMEC BEFORE CALLING FURTHER WITNESSES**

45     **19**     Former CBC employee Shelagh O'Donnell states that she overheard O'Keefe state to Orduna, "You had better call 9-1-1 because I have a plan to kill everyone in the building".

*This is the corroborated false statement required to convict O'Keefe on at least one criminal count using witness testimony as evidence, with the actual audio evidence being deliberately withheld by the Toronto police*

46     **12**     O'Donnell states that she overheard O'Keefe say to Orduna, "You had better call 9-1-1 because I have a plan to kill everyone in the building".

48     **5**       O'Donnell states that O'Keefe and Orduna had an interaction of, "two minutes or so".

*The interaction with Orduna was forty seconds, including the twelve seconds O'Donnell was near O'Keefe. Once he left the security desk, O'Donnell turned around to look at O'Keefe for only one and a half seconds.*

50     **19**       O'Donnell states that she overheard O'Keefe say to Orduna: "You had better call 911 because I have a plan to kill everyone in the building".

51     **1**        O'Donnell says that three pictures were not taken, as was previously stated by Orduna in cross examination.

*Orduna's count becomes invalid, so O'Donnell must be a witness to corroborated statements of a threatening which included Orduna as one of all CBC employees. False witness statements and the judge's opinion must become evidence to secure a conviction, with the actual audio evidence of the statements made deliberately withheld by the Toronto police.*

51     **14**       O'Donnell states, "I can't tell you for sure if it was or was not a camera".

*O'Donnell has returned from the Crown's recess with a different statement about the camera than she had e-mailed to CBC security on May 12, 2008. This could be a result of the video evidence played before Crown attorney Stimec and Orduna being discussed in recess, which identified a voice recorder, not a camera.*

52     **5**        O'Donnell states that O'Keefe was holding, "any sort of small electronic device".

54     **7**        O'Donnell states that O'Keefe was, "very aggressive and very angry".

54     **21**       O'Donnell states: "I did feel intimidated".

*Yet O'Donnell approached O'Keefe, instead of keeping her distance, or going to the nearby security office for assistance.*

56     **22**        The Crown attorney requests changing count number two as uttering a threat against all CBC employees, as received by Orduna, not O'Donnell.

*O'Donnell must now be a witness a threatening received by one CBC employee. The statement O'Keefe actually made was implausible, not unlike 'kill you with kindness' or 'if looks could kill' and, equally, "murder psychically" would not have been taken seriously by the police or the courts. Thus, substantially different corroborated statements were presented by the Crown's witnesses.*

57     **7**        Judge Lane amends count number two as a death threat to persons in the CBC building. O'Keefe did not have a list CBC employee names, nor were all CBC employees present, so it was a non-specific threat (as Judge Lane later rules on count one).

60     **10**       CBC security officer Allen Ward-Close again incorrectly states that the first name on O'Keefe's Ontario health card was Michael, not Stephen.

63     **12**       Ward-Close confirms that O'Keefe was not loitering in an elevator.

63     **19**       Ward-Close testifies that he gave no trespassing notice to O'Keefe.

63 27 Ward-Close states that O'Keefe presented him with his full name via his Ontario health card, but he made the mistake of remembering him as Michael, not Stephen.

64 16 Ward-Close states that O'Keefe, "was very quiet and did whatever I asked him to".

68 9 CBC security manager Brian Courchesne states that he placed O'Keefe under arrest for trespassing.

*The arrest for trespassing was fallacious, as O'Keefe was not given any trespassing notice during either encounter with Orduna or Ward-Close.*

71 9 Courchesne states that he was the person who informed Toronto Police Services that the CBC would, "like to pursue the death threat charges".

74 3 Courchesne states that he instructed O'Keefe that he, "had the right to instruct counsel without delay".

74 7 Courchesne is questioned by defence counsel as to why O'Keefe's charges are, "nothing with respect to trespassing ultimately".

74 10 Courchesne testifies that he was arresting O'Keefe, "for trespassing," as a reason to detain him for, "the death threat charges".

*One cannot be arrested for trespassing in a publicly-accessible area if no trespass notice had been given. Charges of death threats were not relayed to O'Keefe on May 13, 2008 by either CBC employees or Toronto Police Services.*

74 15 Courchesne states that O'Keefe, "seemed not stable mentally. He seemed like he had some sort of mental issues".

74 23 Courchesne states that O'Keefe believed, "that I was under his mind control, and he told another officer that he was also under his mind control, and he looked at told me as if to say he was hypnotizing me, that I was going to let him go".

*This would have been the most important witness testimony if the audio evidence was not withheld by the Toronto Police Service; corroborating the implausible mind control statement which O'Keefe had actually uttered, "murder psychically". As the court never heard the audio recording, what Courchesne testified was never given the attention it deserved.*

75 1 Courchesne states that O'Keefe was, "grabbing at pens and staplers on the desk".

*O'Keefe reached out, touching a letter on the desk, possibly due to his never being provided a telephone by the CBC security guards to, "instruct counsel without delay".*

75 23 Courchesne testifies that O'Keefe, "had made death threats".

75 31 Courchesne agrees that he thought O'Keefe was ill and needed help, and would have called the police regardless of whether he would be taken to a hospital or a jail.

- 77 3 Toronto Police Services constable Joe Male states that on May 13, 2008 at 1:03pm he received an, “emotionally disturbed person call,” as O’Keefe had been placed under arrest, “for threatening to kill everyone at the CBC from the day previous”.
- 79 23 P.C. Joe Male states that an ill person is taken to jail only if they, “commit something criminal”.
- 79 27 P.C. Male states that O’Keefe, “had committed a criminal act. So, he was placed under arrest for a criminal act,” and that, “it is not a gray area”.

*O’Keefe did not make a criminal threatening, nor was given any trespassing notice, so he should never have been arrested. This was O’Keefe’s first arrest, and resulted in a false arrest record.*

- 80 16 P.C. Male testifies that O’Keefe, “was an emotionally disturbed person”.
- 80 22 P.C. Male states that O’Keefe was talking to himself and also, “talking to somebody who wasn’t there”.
- 80 25 P.C. Male states that O’Keefe, “wasn’t aggressive”.
- 84 1 Judge Lane states that she is prepared to have a letter and consultation note from O’Keefe’s psychiatrist submitted as exhibits.
- 84 6 With regards to the defense exhibits from O’Keefe’s doctors, assistant Crown attorney Stimec states that he is, “not agreeing for that going in as an exhibit for truth of any of its contents”.
- 84 22 The Crown attorney states that the CAMH psychiatrist’s consultation note provided by the defence, “is not an expert report”.

*As the psychiatrist’s letter reports that O’Keefe is in remission, assistant Crown attorney Stimec knows that a new psychiatric report will be far removed from the truth of O’Keefe’s actual condition on May 12, 2008.*

- 85 4 Judge Lane recommends the defence’s physician reports be held back, “for sentencing purposes”.
- 89 25 O’Keefe testifies that any threatening, “could have just meant like what Courchesne said about me thinking that I had people under mind control,” that, “there was a mind control aspect,” and that, “thought broadcasting is very common with bipolar”.
- 90 14 O’Keefe testifies, “I have never owned a digital camera in my life,” and, “All I had in my hand was my Olympus Digital Voice Recorder, which the police also have in custody”.
- 92 23 O’Keefe testifies, “I was never told to leave the premises, I was never told never to come back. I was never told I was trespassing. But they wanted to detain me against my will in the office. That was one of their goals”.
- 93 23 O’Keefe testifies, “I may have mentioned killing, that is possible, but I don’t recollect any of that”.
- 100 2 Judge Lane states that she has never had section 16, aka NCR (“Not Criminally Responsible”), raised in her, “18 years on the bench”.

- 100 27 The Crown attorney says any NCR issues will be, “dealt with separately”.
- 102 11 The Crown attorney states that Orduna received a death threat by way a threat to all CBC employees, however it is impossible for O’Keefe to convey a threat to all employees when they were not present and were unable to receive it. The Crown attorney positions Orduna as representational of an abstract, nonspecific and quite literally implausible, threatening. A criminal death threat must be directed at someone specifically and received by them.
- 102 15 From the security video playback earlier, assistant Crown attorney Stimec saw that no threatening was directed to O’Donnell, so he repurposes her as a witness who overheard a threatening received by Orduna.
- 103 24 The Crown attorney states that O’Keefe said candidly, “Yeah, I could have said the word ‘killing’”. However, O’Keefe stated, “I probably mentioned something about killing something”, not uttering the word ‘killing’ itself and that he did not, “recollect any of that”. In other words, O’Keefe cannot admit guilt to saying something he does not remember.
- 104 6 The Crown attorney states that O’Keefe’s testimony, “falls just short of a complete confession on the stand”.
- 104 12 Judge Lane requires the combination of *actus reus* (‘guilty act’) and *mens rea* (‘guilty mind’) proven by the Crown to find O’Keefe guilty.
- 105 16 Judge Lane states, “I have no evidence of what the camera was”. Judge Lane has not seen that the Nikon film camera seized by Toronto Police Services is much larger than the digital voice recorder shown in the CBC security videos.
- 106 14 Judge Lane is confused with the ‘knowingly’ requirement for a death threat, and raises the fundamental issue: if O’Keefe didn’t know what he was saying, his statements were neither premeditated nor of guilty mind.
- 106 21 The Crown attorney tells Judge Lane that there is no evidence of O’Keefe’s mental illness before her, despite his being found unfit for trial and requiring a Treatment Order on May 20, 2008, five days after the arrest.

*The Crown attorney must first have O’Keefe found guilty, and then have his psychiatric state on May 12, 2008 dealt with as a separate hearing with a new Form 48 Assessment Order. O’Keefe has already been denied the Ontario mental health court system (aka 102 Court) due to the severity of the accusations by the CBC’s employees.*

- 107 2 NCR judgment is to be allocated to a ‘second stage’ hearing. Judge Lane had already stated that she had no experience with section 16 (mental health fitness) issues.
- 108 4 Judge Lane does not accept the Crown’s belief that O’Keefe made any specific threats and, if threatening “everybody”, both counts would be the same. Judge Lane makes no finding of fact on count one (threatening Orduna directly).
- 108 8 Judge Lane finds *evidence is consistent* on count two. However, these are corroborated false witness statements, not the actual audio evidence of the statements O’Keefe uttered.



108 15 The corroborated false statements O'Keefe never made are entered as evidence and findings of fact on count two.

108 30 Judge Lane finds O'Keefe guilty of telling Orduna, as witnessed by O'Donnell, "to call 911 because he was going to kill everybody at the CBC, or something to that effect." In reality, O'Keefe never said to call 911, nor did he direct any plausible threat of death to any person(s).

109 4 Judge Lane states that O'Donnell, "was a very reliable witness who was very articulate and seemed to be very precise".

*O'Donnell's changed forty seconds into "two minutes or so," and "took a photo" with "a silver digital camera" to "any sort of electronic device". Likewise, "You had better call 911 because I have a plan to kill everyone in the building", which is what O'Donnell claimed was spoken, was not "murder psychically," which O'Keefe had actually uttered.*

110 27 The Crown attorney demands a new psychiatric report, rejecting the January 30, 2009 letter from O'Keefe's psychiatrist. However, the letter and its August 19, 2008 consultation note, as well as the May 20, 2008 Treatment Order, were based on psychiatric evaluations much closer to the events of May 12, 2008.

*The Crown attorney knows a 'second stage' section 16 hearing is far less connected to O'Keefe's psychiatric state during the May 12-13, 2008 events. Now treated, O'Keefe would most likely be found mentally fit, and thus criminally responsible, at a new NCR hearing.*

111 1 Judge Lane contests that O'Keefe, "was examined at one time and found not to be fit. That was at the time of his arrest".

111 11 The Crown attorney directs Judge Lane's attention from the psychiatrist's letter, which he rejected as a submission, to the 102 court physician's report. The Crown attorney claims that the 102 Court's psychiatrist has, "an entirely different standard," for fitness, which must be separated from a psychiatric assessment of criminal responsibility (NCR hearing).

111 29 The Crown attorney rejects that O'Keefe was found unfit for trial after arrest on May 13, 2008, but accepts that he was found fit for trial on June 16, 2008, after medical treatment.

116 2 Now found guilty of one count, assistant Crown attorney Stimec allows O'Keefe's doctors' letters to be submitted as exhibits upon sentencing.

116 16 The Crown presents Judge Lane, "a suspended sentence, probation for a period of three years".

122 29 Judge Lane rules, "in the circumstances a conditional discharge is appropriate".

124 10 Judge Lane rules against an, "unduly intrusive" DNA order suggested by the Crown attorney.

124 16 O'Keefe is sentenced, and the defence's submissions of a psychiatrist's letter and consultation note are entered as exhibits.

**ONTARIO COURT OF JUSTICE**

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**HER MAJESTY THE QUEEN**

**V.**

10

**STEPHEN O'KEEFE**

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**PROCEEDINGS AT TRIAL**

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**BEFORE THE HONOURABLE MADAM JUSTICE M.E. LANE**

**ON MONDAY, FEBRUARY 2, 2009, AT TORONTO.**

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APPEARANCES:

COUNSEL FOR THE CROWN

E. STIMEC, MR.

COUNSEL FOR THE ACCUSED

L. MCCULLOUGH, MS.

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ONTARIO COURT OF JUSTICE

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**MR. STIMEC:** There is also another matter, the O'Keefe matter, which is line 11, and that is also set for trial. Counsel is approaching.

5 **THE COURT:** Are you on that one, ma'am?

**MS. MCCULLOUGH:** Yes, I am.

**THE COURT:** All right, and your name please.

10 **MS. MCCULLOUGH:** McCullough, initial L. M-C, capital C, U-L-L-O-U-G-H.

**THE COURT:** And is this a trial matter?

**MS. MCCULLOUGH:** Yes, it is.

**THE COURT:** And how long is it set for?

15 **MS. MCCULLOUGH:** It is set for seven hours.

**THE COURT:** Oh my goodness. Seven hours for a threatening?

**MS. MCCULLOUGH:** According to the previous Crown, yes.

20 **THE COURT:** How many witnesses?

**MR. STIMEC:** I expect you are going to hear evidence. This is a threat at the CBC building. In any event, without getting into the details, I don't think it is going to take seven hours. I am not sure if the estimate was based on an unrealistic assessment of number of hours in a court day. I think the Trial Coordinator books up to like 12 hour - 14 hours a day.

30 **THE COURT:** Yes.

**MR. STIMEC:** So I think the six or seven hours is based on that estimate. It is kind of a Wonderland type of estimation.

**THE COURT:** Right. I agree.

5

.....Other matters spoken to

**MR. STIMEC:** So we can deal with Stephen O'Keefe.

10

**THE COURT:** Is your client here, ma'am?

Come forward, sir. You can sit beside your counsel. We will arraign you first though on these charges. If you will just stand up for the arraignment please.

15

**CLERK OF THE COURT:** Both charges?

**MR. STIMEC:** Yes.

**CLERK OF THE COURT:** Stephen O'Keefe, you stand charged that on or about the 12<sup>th</sup> day of May in the year 2008, in the City of Toronto, in the Toronto Region, did by word of mouth knowingly utter a threat to Fernando Serrano Orduna to cause death to Fernando Serrano Orduna, contrary to the Criminal Code.

25

Further, you stand charged that on or about the 12<sup>th</sup> day of May in the year 2008, in the City of Toronto, in the Toronto Region, did by word of mouth knowingly utter a threat to Shelagh

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4.  
F. Orduna - in-Ch.

O'Donnell to cause death to Shelagh  
O'Donnell, contrary to the Criminal Code.

5

How does the Crown elect to proceed on  
these two charges?

**MR. STIMEC:** Summarily.

**CLERK OF THE COURT:** How do you plead to  
these two charges, guilty or not guilty?

**THE ACCUSED:** I plead not guilty.

10

**CLERK OF THE COURT:** Thank you. Please be  
seated.

**THE COURT:** All right, if you would sit  
down beside your lawyer.

15

Any orders required before we begin? An  
order excluding witnesses.

**MR. STIMEC:** That is fine.

**THE COURT:** Any exceptions?

**MR. STIMEC:** No.

20

**THE COURT:** All right. There will be an  
order excluding witnesses then.

**FERNANDO SERRANO ORDUNA: AFFIRMED**

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**EXAMINATION IN-CHIEF BY MR. STIMEC:**

Q. Yes, sir, for the record, how old are  
you? How old are you?

A. 38 years old.

Q. And where are you currently employed?

30

A. Yes, I am employed for CBC  
Broadcasting, and the company securities.

5.  
F. Orduna - in-Ch.

Q. And what address, is that the one on Wellington Street?

A. No, I change the address. It is the new address.

5 Q. How long have you been working with CBC?

A. For one year and a half.

Q. Okay. And back on May 12<sup>th</sup>, 2008, where were you working?

10 A. I working in my desk, John Street.

Q. What is the address?

A. It is 25 John Street.

Q. 25 John Street.

A. That is right.

15 Q. That is the CBC building, is that correct?

A. Exactly.

Q. That is in Toronto.

A. In Toronto. Yes, sir.

20 Q. And can you describe an unusual incident that occurred that day on May 12<sup>th</sup>.

A. Yes, I be at one o'clock in my desk, in my post.

Q. Is that p.m.?

25 **THE COURT:** P.m.?

A. P.m. Yes please.

**MR. STIMEC:** Q. Sorry, a little after 1 p.m.?

30 A. One something. I don't know. 27 or 37. Something like that. I don't know the....

Q. Sorry, did you say 1:27 or something like that?

6.  
F. Orduna - in-Ch.

A. 1:27 or 1:37.

Q. Okay.

A. Yeah.

Q. Yes?

5 A. I tell you I be at my post to come in  
one lady with me to ask me something, employee for CBC  
too.

Q. Who is that?

A. Shelagh.

10 Q. Shelagh. Do you know her last name?

A. No. I know her as Shelagh

Q. Okay, and you are at your post. Where  
is your post?

15 A. My post is over there on the John  
Street. It is the reception. The security desk.

Q. There is some sort of desk there?

A. Exactly, sir.

Q. And what is your role there?

20 A. I am the security for to come in when  
people from Quebec or coming from Ottawa, for any place,  
to check the appointments, to check, to call to somebody  
upstairs when the person requires something. That is my  
job. I am security of the CBC.

25 Q. Okay. And you are at a desk that is  
visible to the public?

A. Exactly, sir.

Q. Okay. And you indicated that the  
street entrance is off of John Street.

30 A. Yes, for example, the door for to go  
outside is almost in front of me, on...lateral. Here I  
have another door in the back to go into the building and

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F. Orduna - in-Ch.

another in front of me for to go the other side to the building.

Q. Okay.

5 A. And I have to check the entrance, the two entrance, and the principal door to come in and the corridor for John Street.

Q. Okay. So there is a door that comes in where you would walk from the street into the building and that would be off John Street?

10 A. Exactly.

Q. And then there is a security desk somewhere in the foyer area.

15 A. Exactly. This is the security desk, and security desk at John Street, and another in Wellington Street and another on Front Street. There is three security desks.

Q. Okay. And your post is John Street?

A. Yes, sir.

20 Q. And can you tell me...you said another set of doors. Is there another set of doors before you can gain access to the building, the foyer area?

A. No, no, no. The always come in by the principal door, the two doors to go into the building. That is it.

25 Q. But into the building from John Street, correct?

A. From John Street.

Q. Once somebody gets into the building, then they are free to go to the elevators.

30 A. Yeah. For example, sir, this is the building. You can go into the building, the principle



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F. Orduna - in-Ch.

doors, is one on Wellington Street, another in Front and another is on John Street.

Q. Yes.

5 A. My post is on John Street. Yes, is one principal door over there, yes, for to come in the people inside from the street. The two doors this way to go into the building. To press on the card, I open the door and I allow them to get into the building.

Q. So, there are internal doors too?

10 A. Exactly.

Q. Okay.

A. Yeah.

Q. So, there is internal security doors.

A. Exactly.

15 Q. So you cannot simply walk off the street and get into the elevator.

A. Exactly. Exactly.

Q. You need to go through yourself....

A. With me.

20 Q. ....to gain access to the inside part of the building.

A. Exactly, sir.

25 Q. Okay. So, there is a foyer area which is between the external John Street doors and the internal doors to allow you inside the building.

A. Yes, sir.

Q. How big is that area approximately?

A. It is just a small one. I think it is from my desk to the doors.

30 Q. Number of feet. Just look at the courtroom and tell me where approximately from where you are.

A. Maybe from me first I think.....

Q. From where? You to me or farther?

A. From me from to my desk to the doors.

5 building.

A. Yes.

Q. Tell me here in this courtroom. From here to where?

A. From here....

10 okay?

A. It is okay.

Q. Right about here?

A. Yeah.

15 Q. Okay. So this is the distance between the external doors and the internal doors, correct?

A. Yeah, the doors for outside from the street to my desk.

Q. I get it.

20 A. Yeah.

Q. We are trying to figure out the entire common area inside the building. Do you understand?

A. Yes.

25 Q. I want the area between the doors. The doors. The outside doors and the inside doors.

A. The outside doors is like you be there right now.

Q. And the inside doors from where you are standing?

30 A. The inside doors. One is on my right hand in front of me and another is in the back.

10.  
F. Orduna - in-Ch.

Q. Okay, I am trying to get an idea of how big the space is in the lobby. Do you understand?

A. Yes.

5 Q. I need you to estimate the distance between....

A. All the....

Q. ....the John Street door and the buzzer door where you hit the buzzer to go upstairs.

A. Okay, okay.

10 Q. Do you understand what I mean?

A. Yeah, I understand. Okay.

Q. Okay. So pretend you are at the John Street doors now.

A. Okay.

15 Q. Do you understand?

A. Yes.

Q. Can you point to where in the courtroom the inside door, the interior door, the locked inside door would be.

20 A. Okay, the locked inside. Okay. That one is where is the micro over there. The micro.

Q. Oh, where the microphone is.

A. Yeah, the microphone. That is the doors for to go into the building.

25 Q. Yes?

A. And other doors in the back me here is the main to come from outside is here, in that....

**THE COURT:** How many feet are we to that microphone there? He can draw a diagram.

30 That is a good idea. How many feet do you think it is between from where he is to that microphone?

11.  
F. Orduna - in-Ch.

**MR. STIMEC:** We can do that. If I can just have a moment.

**THE COURT:** Are you pacing it off?

5 **MR. STIMEC:** I got about nine paces or so. It is 27 - 30.

**THE COURT:** 30 feet. 27 to 30 feet from his desk to the John Street doors.

10 **THE WITNESS:** This is the door. The elevator is here, another is here, and this is for the door to go directly to John Street. Yeah. Okay.

**MR. STIMEC:** Q. And what door is this one?

A. To the back doors.

15 Q. To what?

A. For they go into the building too, two doors, and this is the door for to go directly to John Street, and this is my desk.

20 **THE COURT:** Okay, you go take a look at that Ms. McCullough please.

**MR. STIMEC:** Q. Okay. Just speak up a little bit. So, this the doors to enter the premises from John Street? Is that correct?

25 A. Exactly right. Exactly. The people to come inside from outside.

Q. Yes?

A. Who are coming from the street in these doors.

Q. Yes?

30 A. My post is here.

Q. Yes?

12.  
F. Orduna - in-Ch.

A. They have to come to me for the card or something to go....

Q. Yes. Yes.

5 A. I push the button. It open these doors. All I need to know, I want to go in the back doors, I push another button, it open these doors.

Q. What is in the back doors here?

A. The office, the office elevators.

Q. The public doesn't go back here?

10 A. No, it is impossible.

Q. Thank you. You marked it "doors back." That is just not open for the public, right?

A. No, it is only open...it open for me.

15 Q. And there is doors into the building. Again it is a buzzer, you have to buzz to permit them to enter.

A. I had the button for open these doors and these doors.

Q. Right.

20 A. And this, everybody come in here from outside.

Q. And what is on this side?

A. This is the corridor of the John Street. It is a corridor for the building.

25 Q. Okay.

A. You go to atrium.

Q. Okay. So the distance from the entrance to the door to your desk is about, like you said, to the microphone.

30 A. Yeah.

Q. 27 - 30 feet.

13.  
F. Orduna - in-Ch.

Q. This is to the microphone and this one is almost where there is for the heat over there.

**THE COURT:** The radiator.

**THE WITNESS:** Yeah.

5 **MR. STIMEC:** Q. Okay, so a little bit farther distance.

A. Yeah.

Q. So, just for the record, the 27 to 30 feet is the distance from your desk to the internal doors.

10 A. Exactly.

Q. And then the distance of in excess of 30 feet is from your desk to the doors onto John Street?

A. Exactly, sir.

15 **MR. STIMEC:** For the record, I would peg that maybe another five or ten feet, 35 or 40 feet range.

If that could be filed as Exhibit One.

20 **THE COURT:** Exhibit One.

**EXHIBIT NUMBER ONE:** Diagram

- Produced and marked.

25 **MR. STIMEC:** Q. In any event, if I may continue. Tell us what happened on that day.

A. Yeah, that day when I tell you.

Q. May 12<sup>th</sup>. Yes.

A. May 12<sup>th</sup>. Yes.

Q. About 1:27, yes.

30 A. Yeah, when the employer to ask me something, request me something.

14.  
F. Orduna - in-Ch.

Q. Yes?

A. When this gentleman over there to come into me to tell me....

5 **MR. STIMEC:** For the record, the witness is identifying the accused.

**THE WITNESS:** Yes, exactly.

**MR. STIMEC:** Seated at counsel table.

10 **THE WITNESS:** Yes. This guy to come and ask with me, "You know who I am?" I tell him, "No, I am sorry."

Q. Just slow down.

A. Okay.

Q. Just slow down.

A. Okay.

15 Q. He came to you and he said to you "Do you know who I am?"

A. Exactly. And say, "I am sorry...."

Q. Just one moment please.

A. Yeah.

20 Q. So, you said "I am sorry"?

A. "I am sorry. I don't know who are you." And he right away say, "I want to kill you."

Q. I would like to?

A. Kill you.

25 Q. Yes?

A. "I want to kill everybody, the CBC."

Q. I am going to kill everybody?

A. Mm-hm?

Q. At the CBC?

30 A. At the CBC.

Q. Yes?



15.  
F. Orduna - in-Ch.

A. He said, "I hate." He said, "I hate everybody."

Q. Yes?

5 A. The guy to take the hand to put into the jacket like a....

**THE COURT:** I am sorry?

**THE WITNESS:** The guy, the gentleman, the hand to put into the jacket like to take something out.

10 **MR. STIMEC:** Q. Yes?

A. For me I describe his clothes maybe to have something, a gun or a knife.

Q. Yes?

15 A. To take one like small camera and to take me...take me one picture of me, one picture for the lady to be with me in the desk.

Q. Yes?

A. And one picture for the...one back for the building.

20 **THE COURT:** He took the picture?

**THE WITNESS:** Yes.

**THE COURT:** He took out a small camera?

**THE WITNESS:** Yeah, one...a small camera like this.

25 **MR. STIMEC:** Q. Okay. "Like this." Just hold it. Hold your hands up again.

A. Yeah, one small camera. Like their hands like this.

30 Q. Yeah. Okay. For the record, you are showing your fingers apart maybe, I don't know, four - five inches, is that fair?

16.  
F. Orduna - in-Ch.

A. Yeah.

Q. Maybe a little bit more than that, six inches or so?

A. Yeah. Me, I....

5 Q. Hold on a second. Describe the camera please.

A. The camera is....

Q. What colour was it?

10 A. Is large. Is a colour like...I am not...I don't remember very good, but I remember it is like a red.

Q. I am sorry, a what?

A. Colour like a, you know, red. I see like....

15 Q. Like a thread?

A. Red. Red.

**THE COURT:** Red.

**THE WITNESS:** Red.

**THE COURT:** A red camera.

20 **THE WITNESS:** A red camera. Yes.

**MR. STIMEC:** Okay.

**THE COURT:** Do you remember a brand name?

**THE WITNESS:** The camera? No, miss.

25 **MR. STIMEC:** Q. You recall a red colour, but you are not really sure is what you are saying. You say you don't recall....

A. Because I need more looking what is the action for this guy.

Q. Yeah?

30 A. And to look at the lady beside him for security, the lady.

Q. Right?

A. Like what have in the hand.

Q. And you said he took one picture of  
you?

5 A. Yes.

Q. And then turned and took one picture  
of the lady?

A. The lady and one....

Q. And then one picture of the....

10 A. The building.

Q. Just one moment. The inside of the  
building.

A. Yeah.

Q. Is that correct?

15 A. Correct.

Q. And just in terms of the building,  
what part of the building was he pointing it at?

A. Here in my desk. In front of me in my  
desk.

20 **MR. STIMEC:** Could I just have Exhibit One  
there please.

**THE COURT:** Yeah, there you go.

**MR. STIMEC:** Q. I am sorry, just for the  
record, how far away was he from you when he spoke to you  
and make those threats?

25 A. In front exactly of me.

Q. I am sorry?

A. Here. In front of me.

Q. How many feet approximately?

30 A. Maybe....

Q. Tell me where to stop. How far away  
was he?

18.  
F. Orduna - in-Ch.

A. More, more, more.

Q. Closer?

A. Yeah, like this.

Q. Like this?

5 A. Yeah, yeah. I am here.

Q. So, for the record, this is two feet  
away.

A. Yeah, almost the distance. Yes, here.

10 Q. Okay, so two feet away, for the  
record.

A. Yeah.

Q. How long did you speak to him for?

A. How long?

Q. Yeah.

15 A. Maybe I speak to him less than one  
minute.

Q. Okay.

A. Yeah.

20 Q. So, he then turned, you said, took a  
picture of you? Turned to the lady and took a picture of  
her?

A. Yes.

25 Q. Then he took a picture of the  
building. Where was he facing? Show me where he was  
facing when he was taking a picture of the building?

A. The building, he turn around and he  
take a picture for this side.

30 **MR. STIMEC:** For the record, pointing  
towards the corridor between the internal  
entrance and the doors to John Street.

**THE WITNESS:** Exactly.

**MR. STIMEC:** I am just going to mark that with a pen and an arrow pointing to the area where he took the photo.

**THE WITNESS:** He would be here.

5 **MR. STIMEC:** Q. Yes?

A. The lady is here. I am here. He take me right over here one picture.

Q. Yes?

10 A. Turn around to take the picture for the lady.

Q. Yes?

A. And then he go back here.

Q. Yes?

15 A. Take the picture for here. Go outside from the building.

Q. So, for the record, I am going to mark this up. Okay?

A. Yes.

20 Q. I am going to mark this up. "Accused."

A. Yes.

Q. In brackets, "photos of building." And it is in this direction. I marked it with an arrow.

A. Mm-hm.

25 Q. This is accused when he spoke to you.

A. Yes.

Q. This is your name, Orduna.

A. Mm-hm.

30 Q. And this is the lady as you have described her.

A. Yeah. Shelagh.

Q. Lady. Shelagh.

A. Mm-hm.

Q. Okay?

A. Okay.

Q. And he exits these doors to John

5 Street.

A. Yeah.

Q. That is fine.

A. Yes.

**MR. STIMEC:** If that could be....

10 **THE COURT:** So then he immediately exited,  
is that what you said?

**THE WITNESS:** Yeah, miss.

15 **MR. STIMEC:** Q. You indicated you were  
speaking directly with him as you were looking at him face  
to face.

A. Yes, I was speaking in front of him.

Q. Yes?

A. Actually, he have the same jacket that  
day.

20 Q. Sorry, he is wearing the same jacket  
today?

A. Yeah.

Q. Okay. And can you just describe the  
appearance, the information you gave the officer.

25 A. Yes, when I took...he tell me all  
these things and he left, he go outside for the building.  
I can he start to reclaim something to outside from the  
street. I pushed the panic button to come in my  
supervisor Marcus and to explain what happened, and  
30 Mrs. Shelagh too, and right away to call the police. That  
is it.

Q. You called police, and then when did the police arrive?

A. Arrive I think so five minutes - ten minutes.

5 Q. Yes, what happened then?

A. Excuse me?

Q. What happened next?

A. The next, my supervisor right away to speak with me and with another witness, Mrs. Shelagh, to describe it for this gentleman, the report, what happened. That is it.

10

Q. Okay. And did you give police officers a statement that day?

A. Yes, I make my report, like what to tell me my superiors.

15

Q. Yes?

A. And give my superiors to give in to the police.

Q. Okay. So, you drafted a report.

20 Okay, and you said you drafted a report yourself describing the incident, is that right?

A. Yes, sir.

Q. Okay, when did you draft that report?

A. Almost...right away when that happened, Marcus told me "Come with me," and he is making a report about the incident because the police is coming right away.

25

Q. Okay. And how did you draft that report? How?

30 A. How?

Q. Yeah.



A. In the computer.

Q. Did you use a computer? Paper?

A. The computer desk.

5 computer?

A. Exactly.

Q. And that is like a statement you made, like kind of describing what you saw?

10 A. Yes, I making the report like computer and then to print it to give it to my supervisor.

Q. Okay, so you printed it.

A. Yeah.

Q. And gave it to the manager.

A. Yeah.

15 Q. And did you review the report after you entered it? When it was printed off, did you read it?

A. Yeah.

Q. I just want to show you that document.

20 A. Sure.

Q. Can you identify that document.

A. Is my report.

Q. That is your report that you did on that day shortly after the incident....

25 A. Exactly.

Q. ....at 1:27 p.m. Correct?

A. Yes, correct.

Q. And if I could just refer you to the bottom portion of that document.

30 A. Yeah.

Q. Last paragraph of the document.

It seems like the description of what you observe of the person who made the threats, is that right?

A. Yeah, that is right.

5 Q. Okay. Perhaps you could just read that into the record and I am going ask you if that is accurate.

A. Yeah, "The male wore a black leather jacket with jeans, moustache, brown hair, approximately look 40 - 45 years old, five-foot...."

10 **THE COURT:** Yes, I am sorry, you are going far too fast.

**MR. STIMEC:** Q. Just slow a little bit.

A. Yes.

15 **THE COURT:** Black leather jacket and blue jeans. What else?

**THE WITNESS:** Blue jeans. A moustache, brown hair. Approximately 40 to 45 years old. Five-feet-nine inch, I think.

**THE COURT:** Five feet and how much?

20 **THE WITNESS:** Five feet tall.

**THE COURT:** Only five feet tall?

**THE WITNESS:** Five feet and nine inches.

**THE COURT:** Nine inches.

25 **THE WITNESS:** Wore like a silver-coloured watch here and a small metallic red-coloured Sony brand digital camera.

**MR. STIMEC:** Q. And that is your name.

Is that your signature?

30 A. Yeah, that is my signature and my phone number.

Q. And when did you sign that?

A. Yes, I sign it.

Q. When did you sign that?

A. Right away when I print it.

5

**MR. STIMEC:** So, if that could be filed as Exhibit Two please.

**THE COURT:** Why are we entering that statement?

10

**MR. STIMEC:** In case identification is in issue. It is an exception to the hearsay principle pursuant to the same Langille principles. I don't know what the issues are at trial, Counsel hasn't indicated what they are going to be, but if identity is in issue in any degree, then what would be here to corroborate the identification made by this witness is prior description just like, for example, if he had given a description to a police officer, we call the police officer who would say "The witness identified to me the person was..."

15

20

**THE COURT:** Right, right. I appreciate that. You would call a witness to say that.

25

**MR. STIMEC:** So, this paper document that he indicates he drafted and typed off and submitted to his employer is evidence that corroborates his court testimony of today.

30

**THE COURT:** Well, you jumped a hoop. He did not tell us what his description was in court.

**MR. STIMEC:** That is correct.

**THE COURT:** You jumped that hoop. He didn't do that.

**MR. STIMEC:** Yes.

5 **THE COURT:** So, I mean, it doesn't corroborate.

**MR. STIMEC:** It is in dock I.D.

**THE COURT:** It is an in dock I.D. That is right.

10 **MR. STIMEC:** Yes.

**THE COURT:** But then you didn't ask him from his memory....

**MR. STIMEC:** No.

15 **THE COURT:** ....what his identification of him at the time.

**MR. STIMEC:** No, there would be no merit to that, I would submit. What weight could ever be attached to that.

20 **THE COURT:** Do you have any objections to making this an exhibit, ma'am?

**MS. MCCULLOUGH:** No, I don't.

**THE COURT:** All right, that is fine. Exhibit Two.

25 **EXHIBIT NUMBER TWO:** Report

- Produced and marked.

**THE COURT:** Is identification an issue?

**MS. MCCULLOUGH:** Yes.

30 **THE COURT:** Is everything an issue?

**MS. MCCULLOUGH:** My client alleges he had

no cameras the first day. He has never owned a video recorder.

**THE COURT:** Okay. Well, that is fine. You don't have to go into the details. Identification is at issue apparently. All right, thank you very much.

**MR. STIMEC:** Okay, thank you.

Her Honour is asking me an question if you recall the identity.

**THE COURT:** Exhibit Number Two.

I am sorry, given the information which I saw and also your statement....

**THE WITNESS:** Yes, miss.

**THE COURT:** You spell your name O-R-D...

**THE WITNESS:** ....U-N-I.

**THE COURT:** I. Orduni.

**THE WITNESS:** Orduna. Orduna.

**THE COURT:** Orduni. I am sorry. I misspelled it.

**THE WITNESS:** Yes.

**THE COURT:** All right. Go ahead then, sir. Go.

**MR. STIMEC:** Q. Do you have a recollection, an independent recollection of what the accused looked like?

A. Yes.

Q. Okay.

A. For me, is I know a hundred percent because my job is memory, see two times the face and

everything like one event like this, a hundred percent this is the person coming to me and to tell me "I want to kill you."

5 Q. And just from your recollection, you read out the piece of paper, your memory....

A. Exactly the colour for the jacket, the brown hair, the feet, the moustache, have the watch, like a silver colour. Yes, the camera to have in the hand that day.

10 **MS. MCCULLOUGH:** If I can just interject and just ask a question at this point. Does the Crown intend to enter the video that was taken please.

**MR. STIMEC:** Possibly.

15 **MS. MCCULLOUGH:** Because it is vital.

**MR. STIMEC:** It is vital. That is right.

**MS. MCCULLOUGH:** Absolutely vital.

**MR. STIMEC:** We will take it one step at a time.

20 **MS. MCCULLOUGH:** Okay.

**MR. STIMEC:** Oh, I apologize. If I could just have a moment.

25 Your Honour, there is a surveillance DVD. Counsel is content that I lead that through this witness and she does have a computer that can hook up. So perhaps we just need a few moments just to set that up.

30 **THE COURT:** Okay, that is fine. Well then do it. I will just sit here and wait.

**MR. STIMEC:** Okay, that is fine.

**THE COURT:** You can sit down if you wish, sir, for just a moment.

5                   ....Setting up to play CD Rom

**THE COURT:** Well, the only problem with playing this, is there no DVD of it?

**MS. MCCULLOUGH:** Yes there is a DVD.

10                   **MR. STIMEC:** It is a CD Rom actually.

**THE COURT:** Well, whatever it is, it is going to have to be an exhibit in the proceedings. If we can't make it an exhibit, then we can't use it.

15                   **MR. STIMEC:** Well, it would be made an exhibit. The device in which it plays would not be made an exhibit. We would play it for Your Honour the trier of fact, similar to the way a DVD is played, for  
20                   example, for a jury or whatever.

**THE COURT:** Right. As long as you have got a copy that we can enter as an exhibit. He is going to have to identify it.

25                   **MR. STIMEC:** The crown's device is an exhibit, right. But the computer and the TV aren't going to be entered as exhibits.

**THE COURT:** Fine.

30                   **MR. STIMEC:** The problem with this device, Your Honour can't just take it back and look at it.



**THE COURT:** No, no, no. I appreciate that.

**MR. STIMEC:** It needs the device to play it with.

5 **THE COURT:** No, I appreciate that.

All right, set it up if you can.

....Continue to set up to play CD Rom

10 **THE COURT:** You can't fit that CD Rom into that machine over there?

**MR. STIMEC:** No, no. If I could just have one moment.

15 What I would suggest....

**THE COURT:** Well, maybe we should take the break now.

**MR. STIMEC:** ....is just take ten minutes.

20 **THE COURT:** I am sorry?

**MR. STIMEC:** What I would suggest is if we can take ten minutes and we can see if we have....

25 **THE COURT:** See if you could solve it yourself.

**MR. STIMEC:** ....something easily accessible.

**THE COURT:** Fine. Okay.

**MR. STIMEC:** And if not....

30 **MS. MCCULLOUGH:** Your Honour, it is so complicated that the only people who can

open it up for me was at the Great Library, and then we needed a special technician. The police just kind of did it their special way.

5 **THE COURT:** Okay. Sir, you are not to discuss your evidence with anyone between now and the time we come back.

**THE WITNESS:** Sure. Sure, miss.

10 **THE COURT:** So just check with the Crown as to how long it is going to be.

**THE WITNESS:** Yes, ma'am. Yes, Your Honour.

15 **THE COURT:** All right. Thank you very much.

\*\*\*\*\*

R E C E S S

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20

**UPON RESUMING:**

25 **THE COURT:** Okay, what are we doing with this matter now? Have we got the witness?

**MR. STIMEC:** Okay.

**THE COURT:** Okay. So why don't we deal with this matter now.

**MR. STIMEC:** Okay.

30 **THE COURT:** Have we got the witness?

**MR. STIMEC:** We do have the witness.

It is not in the ordinary procedure because of the technology and we have difficulty of hooking it up to any monitor from which Your Honour could see clearly. So what we are going to ask is if Your Honour can come down here, view the video with counsel and myself and it will be entered as an exhibit.

**THE COURT:** All right. Is he going to identify it?

**MR. STIMEC:** Oh, sorry, and the witness too, everyone to come down here, yes, to view the video.

**THE COURT:** All right.

**MR. STIMEC:** And then we will have questions.

**THE COURT:** So where is he?

**MR. STIMEC:** He is just outside.

**THE COURT:** Well, bring him back in and we will take a look at this then.

**MR. STIMEC:** We just have to call him to the stand for a moment.

**FERNANDO SERRANO ORDUNA:**

Q. Mr. Orduna, I am going to play a video. I am going to ask that you look at the video. Because of technological issues we are only going to be able to play it from one device, okay, a laptop. So, I am going to ask you to come down from the stand, take a look at the video as it is played. Her Honour is also going to come down to look at it, as well as counsel and myself.

I don't want you to start pointing or going through anything. Just take a look at the video, and then when we return to the stand where there is a microphone I am going to ask you a few more questions about the video. Okay?

5 A. Okay.

Q. Mr. Orduna, can you see the video?

A. Yes.

**MR. STIMEC:** Your Honour, you can see the video?

10 **THE COURT:** Yes.

....Video played

15 **MR. STIMEC:** Okay, if you could return to the stand, sir.

**THE COURT:** All right, let's just deal with this.

**MR. STIMEC:** Yes, and file it as an exhibit.

20 **MR. STIMEC:** Q. I just want to ask you. You just looked at a video clip being played on a computer, is that correct?

A. Yes.

25 Q. Okay, and depicted an area like a security desk with somebody seated behind the security desk who is working, right?

A. Right.

Q. Who is that person?

A. It is....

30 Q. Who is seated behind the desk?

A. This guy.

Q. Who was seated behind the desk?

A. Me.

Q. Who is seated behind the desk working  
as security?

5 A. Is me.

Q. Okay, that was you.

A. Yeah.

Q. Okay. Then it appeared that there was  
a person who approached you to talk to you, who was in a  
black jacket....

10

A. Yes.

Q. ....and had white running shoes.

A. Yes.

Q. Do you recall seeing that person on  
the video just now?

15

A. Yes.

Q. And who is that person?

A. This gentleman over there.

Q. Okay. Pointing to the accused, for  
the record.

20

And then there was a lady that also  
approached you and was speaking to you during that clip.

A. It is Mrs. Shelagh.

Q. That is Shelagh.

25 A. Shelagh.

Q. The lady that you have been referring  
to.

A. Exactly.

Q. Is that correct?

30 A. Exactly.

Q. And that video, does it accurately  
depict what you observed of the accused?

A. Exactly.

Q. There is another video clip. There is one more video clip which I want you to watch. If you could come down here as well.

5

A. Sure.

Q. And we can take a look at it.

**MR. STIMEC:** Again, Your Honour, I apologize.

10

....Video played

**THE ACCUSED:** This is me leaving and you can see there is a pylon. Oops, there was a pylon.

15

Okay, now we cannot view this pylon in the other footage, so I am way passed him and leaving and I say "Here, I got on my dictation machine" and I walk out. So there is no picture taking at all.

20

**THE COURT:** Well, just a minute. This is just the video.

**MR. STIMEC:** We could return it.

**THE ACCUSED:** I think you want this ejected now?

25

**MR. STIMEC:** We may have to play it again.

**THE ACCUSED:** It is on the hard drive.

**THE COURT:** At some stage you can play it again. You may need to play it again to ask questions.

30

**MR. STIMEC:** Yes.

**THE COURT:** So, video clip number one was at the disk, and where was clip number two?

5 **MR. STIMEC:** I am going to ask the witness this.

**MR. STIMEC:** Q. The video we just saw appeared to depict a doorway, doors exiting, what doors were those?

10 A. These are for the entrance for the street, for John Street.

**THE COURT:** John Street.

**MR. STIMEC:** Q. John Street doors.

**THE COURT:** John Street exit.

**THE WITNESS:** John Street. Yes.

15 **MR. STIMEC:** Q. Okay. And that also depicted a person, again, who appeared to be the same, person exiting?

A. Yes.

20 Q. Turned and faced in the direction inwards to the building and then exited the doors. Do you recognize that individual?

A. Yes, it is this gentleman.

25 **MR. STIMEC:** Okay, again identifying the accused for the record. Pointing to the accused.

30 If this could be labelled as an exhibit, and I will give you the disk case, Exhibit Three, and I don't intend on making any further use of it with this witness but counsel may want to if she is going to ask questions.

**THE COURT:** Clips one and two will be on Exhibit Three.

**EXHIBIT NUMBER THREE:** Video Clip One and  
Two  
- Produced and marked.

**MR. STIMEC:** Those are all my questions.

**THE COURT:** All right, cross-examination.  
Would you mind, can you move over here.  
It might be easier for him to hear you if  
you come over and use the podium.

**CROSS-EXAMINATION BY MS. MCCULLOUGH:**

Q. In your summary, Exhibit Two, you stated that he took two....well, the individual took two photographs of the security officers Serrano and O'Donnell. That doesn't appear on the tape. Can you explain that.

A. Because I see when he approaching to me, in front of me, you will see the picture or the video is too small one, you got to take the camera into the jacket and to put like this in front of me, know what distance, and to click.

Q. Are you sure it was a camera?

A. I am sure I see a camera, but actually when he go out from the building, you see in the second door to take the camera and to click again.

Q. Is it possible that it could just be a recording device?

A. I don't think so, because to see the length for the camera.



Q. Was there a flash?

A. No, there is no flash. It is like a camera, a camera, a normal camera. I don't see the flash but I see the eye of the camera.

5 Q. You just didn't see any of that. There didn't seem to be any camera when he was with you at the desk or when he was going out. Is there any other explanation?

10 A. The only explanation I tell you is more...my eyes is more in direction for the lady beside him, Mrs. Shelagh, to the guy to come to me to tell me "I am going to kill like everybody," my action....

Q. I am sorry?

15 A. He come to me and to tell me "I want to kill you. I want to kill everybody." I see another person, like the lady to come in here, my attention is for the lady, the direction for this gentleman in case anything happen. Is coming to me to tell me "I am going to kill you." My first is say the girl that I see, he  
20 actually is...really is a camera.

Q. You said that in your...he said something in your summary there, "You know to dial 9-1-1." Do you remember him saying "9-1-1"?

25 A. I say to call 9-1-1, of course, and also to take actually one button is under my desk, is the panic button, and that way I take the phone. You just see in the video to dial 9-1-1, right way to come my supervisor to know what happened and to explain the video is off. You know?

30 Q. Did you say 9-1-1 or did he say 9-1-1?

A. I say.

Q. Oh.

A. I go to call 9-1-1. When this guy is going out, left, I telling Mrs. Shelagh, I am going to call 911 right away.

5 Q. Because in Exhibit Two you said that that is what he said, and told the writer "You know to dial 9-1-1 because I am going to kill everybody at the CBC." You said that he said that.

A. No, I say that.

10 Q. Okay. And you said that you noticed a watch?

A. Yeah, I see in the hand where to have the camera have like a silver or something, like a watch here.

15 Q. And you said the camera, what kind of camera was it again, did you say?

A. It is a large...small one, Sony. The new ones. It is large like this.

Q. And what colour?

20 A. It is like a red camera.

Q. In some of the disclosure sometimes people say it is a silver camera. Are you sure it was red?

A. Yeah, sure it is red.

25 Q. Okay.

A. But if I tell you something, for me in that moment he tell me two things "I want to kill you," my mind, my person is a little bit nervous for sure. I don't know who is this guy and why to go to tell me "I want to kill you, I want to kill everybody." And really I checked the ladies beside over there with him. I am security. The security is also to secure the person.

30

Q. I know in your statement he didn't say he was going to kill you. He says, "You know to dial 9-1-1 because I am going to kill everybody at the CBC." Is that what he said or did he say he was going to kill you?

5 A. No, he go to straight and to tell me and to tell me "I want to kill you and I am going to kill everybody." Yes. And I say, "You know, I call 9-1-1." He say, "Call 9-1-1." That is it.

10 Q. Do you know why you didn't write down that he said he was going to kill you?

A. I write over there to say he tell me "I am going to kill you."

15 Q. Okay. I will show it to you again. What you read.

A. Mm-hm.

Q. This is what he said, "You know to dial 9-1-1 because I am going to kill everybody at the CBC."

20 A. No, he say...first say "I am going to kill you" to you, and then he say "I am going to kill you, everybody."

Q. Okay. But you didn't write that down, right?

A. No.

25 Q. And in your testimony you said he said, "Do you know who I am"?

A. Yes, he say, "Do you know who I am"?

Q. Yeah.

A. I say, "I am sorry, I don't."

30 Q. And you mentioned that too in your written. You didn't put down anything about him hating everybody. Are you sure you remember he said that?

It is a long time ago.

A. Yeah, it is a long time ago really. I don't know. Really I don't know.

Q. Okay. So you are just not sure?

5 A. I am not sure.

Q. And you spoke to him for only about a minute?

A. With him?

Q. Yeah.

10 A. Yes, almost a minute.

Q. And your statement and your testimony you pushed the panic button, and what happened after that?

15 A. Well, once you push the panic button, it is right away to come in, behind me is one door, to come in the supervisor to ask me what happened. I explain to Mrs. Shelagh, my supervisor to go out the door for the street to see him where this guy run.

Q. Okay. And where was this....

20 A. Then he coming back, he calling to another superior supervisor, Ryan, and Ryan to explain to...I explain what happened with Mrs. Shelagh.

Q. Mm-hm?

A. And to come in the police and file, to make a report. That is it.

25 Q. And I believe you said he took three pictures, is that the....

A. Yes, I remember to see, one for me, one for her, and one he turn around he take in the corridor. You see in the video....

30 Q. Well, but....

A. ...when he turn around, something in the hand to click like that. Yes.

Q. That is the problem because we don't see that...like, we couldn't see that in the video, but that is your interpretation.

5 A. My interpretation is to have a camera in the hand, yes.

Q. Okay.

10 A. So, that video you see is not very clear, but you see is this guy over there in that video. It is impossible you see one camera, a small one almost the size of one hand in one video like this.

Q. Are you familiar with the camera that was seized from him at all?

15 A. I was have in my country to have a business for the cameras.

**THE COURT:** I am sorry, I didn't understand what you just said.

20 **THE WITNESS:** In my country I have a business for cameras and fix TVs and everything. I very familiar for the cameras.

**MS. MCCULLOUGH:** Q. What country are you from?

A. Mexico.

Q. Mexico.

25 A. Yes.

Q. There was a camera seized that was taken away from him.

A. Mm-hm.

30 Q. And that the police have. Are you aware of that at all?

A. Actually, when the police to catch this guy, I don't work on that day.

Q. Okay.

A. Yeah.

Q. So is all you know what you told me today?

5 A. Yes, the only thing I am going to tell you is today is...I recognize this guy to come in with me at my desk and to tell me "You know who I am? I know. I go to kill you. I want to kill you everybody." Yes? To take like pictures from me, from Mrs. Shelagh and for part  
10 of the building, the guy to out, outside the street, to complain and say something on the street to the building. He left. That is it.

Q. Did he speak to at all? In the video she was just standing there.

15 A. She coming. At that time she told me "You listen what say this guy?" I go, "Yes." Right now is coming Marcus...

Q. I am sorry?

20 A. It is right away coming the supervisor.

Q. Okay.

A. Because actually in the photo she is very scared. Absolutely very scared.

25 Q. Did he look like he was...there was something wrong with him at all? It is a difficult question. Did he look normal to you?

30 A. He go very straight with me, with the guy to know where is to go, because for me to receive the people in the building, and to go very straight with me to tell me very sure, "Do you know who I am?" "No, sir. I am sorry." "I want to kill you. I go to kill everybody." I say, "Why?"

Q. Did he give any reason at all?

A. Any reason? The guy what did I tell you, to take the picture from me, from Mrs. Shelagh, for the building. He turn around and he go out. That is it.

5

Q. It was definitely this person?

A. Yes. A hundred percent, yes.

**MS. MCCULLOUGH:** Okay, thank you.

**THE WITNESS:** You are welcome.

**THE COURT:** Any re-examination?

10

**MR. STIMEC:** No, Your Honour.

**THE COURT:** All right, you may step down, sir. Thank you very much.

**MR. ORDUNA:** Thank you, miss.

**THE COURT:** You are free to go.

15

All right, are you calling further witnesses?

**MR. STIMEC:** Yes.

20

\*\*\*\*\*

**R E C E S S**

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25

**UPON RESUMING:**

**THE COURT:** Now we will continue with the trial matter. All right, Mr. O'Keefe's matter now.

30

**MR. STIMEC:** Yes. Your Honour, the next witness is Shelagh O'Donnell.

**THE COURT:** All right.

**MR. STIMEC:** If I could ask you,  
Ms. O'Donnell just to come on up to the  
stand please.

5

**SHELAGH O'DONNELL: SWORN**

**THE COURT:** All right, go ahead then,  
Mr. Stimec, please.

10

**MR. STIMEC:** Thank you, Your Honour.

**EXAMINATION IN-CHIEF BY MR. STIMEC:**

Q. Just by way of background, where are  
you employed?

15

A. I am currently unemployed.

Q. Okay, and back in May of 2008 where  
were you employed?

A. Canadian Broadcasting Corporation.

Q. Okay, and in what capacity?

20

A. Public Relations.

Q. And on that date, can you just  
describe to the court something that occurred and was a  
bit unusual.

25

A. Yes, I was coming back into the CBC  
building after my lunch break and I had left my employee  
pass up in my office. So, the process at CBC is if you  
leave your employee pass, you have to sign in to gain  
entrance to the building.

30

So, I approached the security desk to sign  
in, and as I was waiting for the security guard to be  
free, I saw that there was a man at the desk who was quite



angry speaking to the security guard. Do you want me to go further with what happened?

Q. Have you seen that man here today?

A. Yes.

5 Q. Can you just point him for the record.

A. The gentleman sitting there with the moustache.

Q. Okay, identifying the accused seated at the counsel table, right?

10 A. Correct.

Q. Okay. Okay. So you saw the man. He appeared angry to you at the desk speaking to the security person?

A. Correct.

15 Q. Okay, what happened next?

A. I saw that he was...he looked very angry and aggressive, and as I was standing, I overheard him speaking to the security, something to the effect of "You had better call 9-1-1 because I have a plan to kill everyone in the building."

20 Q. Okay. "You better call 9-1-1 because I have a plan to kill everyone in the building."

A. To that effect.

25 Q. Yes. This isn't exactly word for word verbatim but that is your understanding?

A. Correct. As verbatim as I could recall it.

Q. Yes.

A. Should I continue?

30 Q. Just one moment.

**THE COURT:** All right, go ahead.

**MR. STIMEC:** Q. Yes.

A. At that point the security guard looked surprised and said, "What?" To which the other gentleman responded, "Too late." Stepped back from the security desk and pulled out what looked like a digital camera. I am not sure if it was a digital camera but it looked like a digital camera, pushed a button and then exited out the John Street doors.

**THE COURT:** What did you say initially? What did he do?

**THE WITNESS:** The initial what I overheard was that he said to the security guard "You had better call 911 because I have a plan to kill everyone in the building."

**THE COURT:** Right. But then you said after the security guard said, "What?" And then what happened?

**THE WITNESS:** Then the gentleman said, "Too late." Pulled something out of his jacket pocket that looked like a camera. Looked like he took a picture of the security desk and then quickly exited out the main door, the doors at John Street.

**MR. STIMEC:** Q. Okay, and earlier you said he stepped back and then pulled out something that looked like a digital camera.

A. Yes.

Q. Okay, and what did he do with the item?

A. It looked as though he took a photograph of....

Q. In what direction?

A. Of the security desk.

Q. Okay.

A. With the security guard, and I was just standing at the desk at the time.

5 Q. All right. What happened next?

A. He left the John Street doors.

Q. Yes?

A. And the security guard said to me...he just looked confused and said, "What was that and what should I do?" And I said, "Well, you better alert, you know, the authorities or your supervisor."

10 Q. You told him that?

A. Yeah, we were just discussing it.

Q. Yeah.

15 A. He wasn't quite sure. I think he was just very taken aback by what had happened.

Q. Yes?

A. And so he said, "Well, I am going to phone my supervisor and tell him what happened." And I said, "If you need a witness, here is my name. I was here."

20 And then we looked at the John Street doors, and the gentleman was still outside sort of pacing up and down John Street, hadn't really left the vicinity. And....

25 Q. Yes?

A. ....then I went up to my office.

Q. Okay. Approximately how far away were you from the accused at the time?

30 A. Um....

Q. Distance-wise.

A. I would say a couple of feet. Two to three feet at the most.

Q. And do you recall how long the interaction took place?

5 A. It was very quick. It was two minutes or so.

Q. Okay. And in terms of your description of the person, do you recall how he looked like?

10 A. Yes.

Q. Did you get a description?

A. Yes, I did.

Q. Okay, what is your best recollection of that?

15 A. The gentleman is mid-30s to mid-40s, approximately five-eight to five-nine, dark brown hair, moustache, wearing a leather jacket and blue jeans.

Q. All right. What did you do with that description? Did you forward it to somebody?

20 A. I forwarded it to Brian Courchesne. I am not sure if I am pronouncing his name right. He was....

Q. Who is he?

A. ....security manager to CBC.

25 Q. Yes?

A. And also to my boss, who was my boss at the time, Elizabeth Lee.

Q. You forward it by what means?

A. By CBC Email.

30 Q. I am just going to show you a document and ask if you could identify this.

A. Yes, this is the Email that I sent.

Q. Okay, and you sent that Email on the top address bar?

5 A. Yes, I did, just about an hour after returning to my desk after the incident.

Q. The incident was fresh in your mind at the time?

A. Very.

10 Q. And in the Email it sets out a description that you gave of the accused person?

A. Yes.

Q. Okay, and is that accurate as you look at it?

A. Yes, it is.

15 **MR. STIMEC:** Okay, if that could be filed as the next exhibit.

20 Again, the same thing, Your Honour, as if I call a police officer and an exception to the hearsay....

**THE COURT:** Is this on consent, ma'am?

**MS. MCCULLOUGH:** Yes.

**THE COURT:** All right, thank you very much.

25 There it is, Mr. Trudeau. It is Exhibit Four.

**EXHIBIT NUMBER FOUR:** Email

30 - Produced and marked.

**MR. STIMEC:** If we can just break from

these proceedings momentarily.

.....Another matter dealt with

5                   **MR. STIMEC:** Q. Sorry, do you recall the  
approximate time of the incident?

A. It was about 1:30 p.m.

**MR. STIMEC:** Okay, I have no further  
questions, Your Honour. Thank you.

10                   **THE COURT:** All right, cross-examination.

**CROSS-EXAMINATION BY MS. MCCULLOUGH:**

                    Q. Do you remember Mr. O'Keefe saying  
that he was going to kill somebody in particular?

15                   A. No, I do not.

                    Q. So, could you just repeat what the  
threat was.

                    A. As I overheard, he said to the effect  
of "You better call 911 because I have a plan to kill  
20 everyone in the building."

                    Q. And you said he had something that  
looked like a camera?

A. That is right.

                    Q. And how many pictures did he take?

25                   A. I just saw him push a button once.

                    Q. Just once?

A. Correct.

                    Q. And was it directed anywhere?

                    A. Yes, it was directed to the security  
30 desk and at the security guard who was sitting there.

                    Q. So, you didn't see three pictures  
being taken?

A. Not to my knowledge.

**MS. MCCULLOUGH:** If I could just have the Court's indulgence. I will show this to the Crown.

5

.....Private discussion between Counsel and the Crown

**MS. MCCULLOUGH:** Q. We are having  
10 difficulties with the camera, so we have done here, we had a video before you came, I don't know whether...anyway. This is from the video everybody saw. But you said it is something that looked like a camera, you are not sure?

A. I can't tell you for sure if it was or  
15 was not a camera.

Q. No.

A. I saw him very fleetingly, and it looked like it could have been a camera.

Q. Yeah. I am just showing you. This is  
20 from the video and it was just reproduced. Can you determine at all whether this is what you saw? I mean, it is very difficult.

A. That definitely looks like the gentleman that I saw and the outfit that he was wearing.

Q. Uh-huh?  
25

A. Yeah, and that is right outside where the bikes are parked at John Street. So, yeah, that would have been the area where I saw him walking when he left.

Q. Uh-huh.

A. When he left.  
30

Q. What he is carrying, is that what you imagine....

A. Yeah, it was small. It was a small device.

Q. Uh-huh?

5 A. Which is why I assumed it was a digital camera. Any sort of small electronic device. It was something small.

Q. Okay.

A. Hand-held and small, yeah.

10 Q. So, it is possible. I am not a technical person.

A. Yeah.

Q. But it is possible that it could have been a digital voice recorder as he alleges?

15 A. Yes, it could have been. It could have been. Yeah.

**MS. MCCULLOUGH:** If we could have this as Exhibit Four or Five.

**THE COURT:** Exhibit Five we are at now I think.

20 **CLERK OF THE COURT:** Five.

**THE COURT:** This is an enlarged photo.

**MS. MCCULLOUGH:** It is an enlarged photo.

**THE COURT:** It will be Exhibit Five.

25 **MS. MCCULLOUGH:** Dictating into an Olympus digital voice recorder, and it is taken from the video.

**THE COURT:** Can you pass that to Mr. Trudeau please.

**MS. MCCULLOUGH:** Yes.

30 **THE COURT:** Are you finished with it now, ma'am?



**MS. MCCULLOUGH:** Yes. We have another copy.

**EXHIBIT NUMBER FIVE:** Photo.  
Produced and marked.

5

**MS. MCCULLOUGH:** Q. Do you remember him saying anything else?

10 A. I don't recall him saying anything else, no. I walked in when he...he was already speaking to the security guard when I walked in. So that is all I heard.

15 Q. Okay. You said in your statement, in your Email, you described him and then you said that he had a silver digital camera, and I believe the witness before you said that he had a small metallic red-coloured camera. So, in light of what I just showed you, are you sure of anything?

20 A. It looked to me as what I described, however, I had a very quick look at it and it was a very quick interaction....

Q. Mm-hm.

A. ....with whatever the device was. So, it was a small electronic device of some sort.

25 Q. Okay.

A. It may have been some other electronic device other than a camera.

30 Q. And how would you describe Mr. O'Keefe just generally if you were describing him to a third party? Never mind what he was saying, but what did he look like?

A. He looked very angry and aggressive, and I felt intimidated. Aside from that, he was, you know, well dressed, well groomed, presentable-looking individual, but he was very....

5 A. I am sorry, the word?

A. Presentable looking, well dressed, well groomed, but he seemed very aggressive and very angry.

10 Q. Did he at all seem like he had a motive to be angry or aggressive at that point?

A. I had no way of knowing that.

Q. No.

A. I have no way of knowing that.

Q. Did he....

15 A. None that I was aware of.

Q. Yeah. Did he look like he was not totally in reality at that point? It is a difficult question for anybody, but....

A. Um, I am not sure.

20 Q. ....what was your feeling?

A. All I know is that I did feel intimidated. I wasn't sure what to expect.

25 Q. You said here, "I then overheard the man say to the guard he should hurry and call 911 because he had a plan to kill everyone in the CBC. The guard asked him 'What?' to which he replied, 'Too late'."

How did that come up, the too late?

A. I think that he was expecting the guard to respond more quickly.

30 Q. Uh-huh?

A. And the guard was hesitant in his response, you know, saying "What," questioning, and it

seemed as though at that point he was agitated and just said, 'Too late' sort of, you know, I guess implying I guess you had your chance to react and you have taken too long.

5 Q. Okay.

A. That is the impression I got.

Q. And after he said, "Too late," what did he do exactly?

10 A. Stood back a bit from the desk and pulled out whatever this device was and pushed a button. I thought he was taking a photograph.

Q. Uh-huh?

A. And then left the building.

Q. And there was....

15 A. And we saw him pacing outside the street on John Street.

Q. Pacing?

A. Yes, walking back and forth.

Q. And that was the end of....

20 A. That was all I saw.

**MS. MCCULLOUGH:** All right. Thank you very much.

**THE WITNESS:** Thank you.

**THE COURT:** Any re-examination?

25 **MR. STIMEC:** No.

**THE COURT:** You can may go ma'am. Thank you very much.

**MR. O'DONNELL:** Thank you.

30 ....Another matter spoken to

**THE COURT:** Are there any further?

5 **MR. STIMEC:** Yeah, there are further witnesses. I just indicate at this point, can I just see the Information for a moment. I am going to be asking for an amendment to count two.

10 Yeah, Your Honour, two counts before you. Count one indicates a threat made to Fernando Orduna to cause death to Ferando Orduna. I am not going to ask for an amendment there because the threat he utters is to Orduna to kill persons either at the CBC or at the building, which is the CBC building, and Mr. Orduna is included among those persons in the building. So, he would be included in count one.

20 Count two is utter a threat to Shelagh O'Donnell to cause death to Shelagh O'Donnell. The threats uttered to Mr. Orduna, not O'Donnell, so I would ask the count be amended to utter a threat to Fernando Serrano Orduna to cause death to persons at the CBC building.

25 **THE COURT:** Do you have any objections to that? So count number two would be amended to reflect the evidence referring to the second witness.

30 **MS. MCCULLOUGH:** Yes, that is fine.

**THE COURT:** All right, on consent.

A. Ward -Close - in-Ch.

So, a threat to Fernando to cause death to persons in the CBC building. Is that what you want?

5 **MR. STIMEC:** I am content with that. That conforms with the evidence.

**THE COURT:** All right, that is fine. We have amended it accordingly.

**MR. STIMEC:** Thank you.

**THE COURT:** Thank you.

10 **MR. STIMEC:** The next witness is Alan Ward-Close.

Please come up to the stand.

15 **THE COURT:** We had an order excluding witnesses.

**MR. STIMEC:** He just arrived.

**THE COURT:** Yeah, but he was present.

20 **MR. STIMEC:** No, no, no. He just arrived. He just entered. This way. He just entered the courtroom after Ms. O'Donnell exited.

**ALAN WARD-CLOSE: SWORN**

25 **EXAMINATION IN-CHIEF BY MR. STIMEC:**

Q. Good afternoon, sir. For the record, where are you employed?

A. CBC.

Q. As, what capacity?

30 A. A security supervisor.

Q. How long have you been employed as such?

A. Ward -Close - in-Ch.

A. Six years.

Q. And you were on duty on May the 12<sup>th</sup>,  
2008?

A. I was.

5 Q. And that is the CBC building on John  
and Wellington Street?

A. That is right.

10 Q. Okay. And can you tell us about  
something unusual that occurred that day while you were on  
shift.

A. Yeah, I started my shift at 16:00  
hours. I spoke to the outgoing security supervisor,  
Marcus Ritchie, and he told me that there had been an  
incident there earlier on in the day. Around about 13:27  
15 a person had approached the John Street desk.

**THE COURT:** This is all hearsay.

**MR. STIMEC:** Q. Yes, I don't think there  
is any need for you to go into that.....

A. Oh, sorry.

20 Q. ....in too much detail. But there is  
an incident with an individual that earlier that day at  
about the 1:30 range....

A. Right.

25 Q. ....is that correct, at the John  
Street desk, that is what you were advised?

A. That is what he advised me of.

Q. Okay. And, sorry, who advised you of  
that?

30 A. Marcus Ritchie, the outgoing  
supervisor.

Q. Okay, and did he provide you with  
anything?

## A. Ward -Close - in-Ch.

A. He provided me with a photograph of the person. He provided me with information about his description.

Q. Yes?

5 A. And he told me exactly what had taken place when the person had approached the John Street desk.

Q. Okay. So you have a photograph of this individual, and can you tell me, did you see that individual during your shift?

10 A. Yes, I did.

Q. Approximately what time?

A. It was around about 21:49 - 21:50.

Q. So that is about 9:45 range.

A. Yes.

15 Q. P.m. Right? Tell us what happened.

A. I was in my office. I got a call on the radio asking me to come out because there was a person in the hallway at John Street which fitted the description of the person that had come earlier on in the day. I went  
20 out into the corridor and saw this person and walked halfway up and stopped him halfway up the hallway and asked him for I.D.

Q. This inside the CBC building?

A. It is, yes.

25 Q. And this is in the area that is open to the public between the John Street doors and the internal doors?

A. And the atrium, yes.

Q. Yes?

30 A. I asked him for some I.D. and he presented me with some I.D., his Health Card. I took down

his name. I remembered his name. I asked him if he would accompany me to the office and he said he would.

Q. Okay. So just...you asked him with identification and he provided you with what?

5 A. His Health Card.

Q. Health Card. What was the name on the Health Card?

A. Michael O'Keefe.

**THE COURT:** I am sorry?

10 **THE WITNESS:** Michael O'Keefe.

**MR. STIMEC:** Q. Michael O'Keefe. Okay. And please continue.

A. I asked him to come down to the office, and he said he would. We got as far as the exterior of the office door and he wouldn't come in. He changed his mind. He started to get agitated and move away very rapidly, move towards the John Street exit.

15 As I was following out to the curbside outside, his voice was going louder and louder until he got outside and then ran across...ran up John Street and across to Wellington.

Q. Yes?

A. And that was it. After that, then I came back in and called my supervisor and called my manager, and shortly afterwards the peace services came and Officer Lindale.

25 I gave a description of what happened to him, he wrote it down, and I signed the book and that was it. I did a report of my own afterwards for my manager.

30 Q. And have you seen that same person today?

A. Yes, I saw him today.



A. Ward -Close - in-Ch.

Q. And do you see him right now?

A. Yes, he is right over there.

Q. Okay, identifying the accused for the  
record. Can you just give us a general description in  
5 terms of him that day.

A. Yes, he was a white male about five-  
foot-eight - five-foot-nine, early 40s, brown hair combed  
to one side, moustache. On that day itself, he was  
wearing a leather jacket and blue jeans and white  
10 sneakers.

Q. So, you said moustache, correct?

A. Mm-hm.

Q. Yes?

A. Yes.

Q. Blue jeans and white sneakers?  
15 Correct?

A. That is right.

Q. And how long did you actually deal  
with him? You observed him, you asked him for  
20 identification and he provided it to you, you escort him  
to the security office, he changes his mind and then you  
observe him leaving through the John Street doors.

A. It would be about two minutes, maybe  
two and a half minutes.

Q. Okay.

A. It was very quick because I wanted to  
get him in the office but, as I say, when I got him that  
far he didn't want to enter.

**MR. STIMEC:** No further questions. If you  
30 just remain there.

**THE COURT:** Cross-examination.

**CROSS-EXAMINATION BY MS. MCCULLOUGH:**

Q. I am just going to show you the Health Card. Just read the name.

A. Stephen Vincent O'Keefe.

5 Q. So you just glanced at it?

A. I did, yes.

**THE COURT:** This is subject to identification. It has not been identified.

10 **MS. MCCULLOUGH:** Yeah.

**MR. STIMEC:** No, it hasn't. I don't think there is really much in issue....

**MS. MCCULLOUGH:** Subject....

**MR. STIMEC:** Sorry?

15 **MS. MCCULLOUGH:** It is not much of a...it is just a mixup in the name, that is all.

**MR. STIMEC:** I think counsel is going to just want to file this as an exhibit, and I think....

20 **THE COURT:** We will need a Xerox.

**MR. STIMEC:** Yes, Ms. Court Clerk should make a copy of that then.

**THE COURT:** If you could make copies of both sides.

25 **MR. STIMEC:** I am content with the copy being filed.

**THE COURT:** All right. We will make the copy, it will be exhibit what number?

**MR. STIMEC:** "A," I think.

30 **CLERK OF THE COURT:** Six.

**THE COURT:** A. No, it will be Exhibit A

A. Ward-Close - Cr-Ex.

because it hasn't been identified yet.

**CLERK OF THE COURT:** Okay.

**THE COURT:** Subject to identification.

5                   **EXHIBIT NUMBER A:** Health Card.

Produced and marked.

10                   **MS. MCCULLOUGH:** Q. Now, I am just  
looking at the disclosure, you described security working  
when accused was loitering in the elevator. Did you ever  
see him loitering in the elevator?

A. No.

Q. So, that is in the error in the  
disclosure then.

15                   A. He was just in the hallway.

Q. Okay. And when he presented the  
Health Card to you, did you at all accuse him of  
trespassing or anything like that?

A. No.

20                   Q. No accusation of trespassing?

A. No.

Q. Why did you ask him for the Health  
Card?

25                   A. Because we had a description of him.  
I wanted to get a name if I could. I obviously was  
watching. Because he had already made a threat, I was  
watching him, as well as looking at the card. So, I  
mistakenly said Michael O'Keefe rather than I found out  
later it was Stephen O'Keefe.

30                   Q. So you found him in the hallway?

A. Yes.

## A. Ward-Close - Cr-Ex.

Q. And via the Health Card you identified him. And when you said that you wanted him to go to an office?

A. To my office, yes.

5

Q. To an office?

A. Yes.

Q. And did you explain why to him at all?

10

A. No, I asked him if he would. I expected him to. After he questioned me, "Why would you want me to?" But he said right away, "No problem, I will come to the office" and he did, until we got to the office door and then he wouldn't come in. He got agitated after that point.

15

Q. What was his demeanour like prior to the agitation?

20

A. He was very quiet and he did whatever I asked him to do. It was quite...but he seemed to be...it seemed to be strange that he was so compliant, because people would normally ask you why and all that, but I thought he was just...that was the way he was, until I got him to the office door and then it changed.

Q. And just repeat again, at the office door you were asking him to come in?

A. Yes.

25

Q. And he did what exactly?

A. "No, no, no, no."

Q. Just repeated that several times?

A. Yes. "No, no, no, no, no." Yeah.

30

Q. Was it in a quiet tone? Was it quiet or just....

A. No, it was getting louder.

## A. Ward-Close - Cr-Ex.

Q. Getting louder. And then you stated he just ran out to John and to what?

A. He ran fast out toward the John Street doors. Yes, very quickly.

5 Q. And, so, you stated also that your whole interaction with him would have been about two and a half minutes?

A. Yeah, two and a half minutes - three minutes maybe, yeah. It wasn't that long.

10 Q. Did he have anything else in his possession that you remember other than a Health Card?

A. Nothing I could see. Just his wallet and then the Health Card. That is all.

15 **MS. MCCULLOUGH:** Okay. Well, subject to the Health Card, I think that is all I have. Thank you.

**THE COURT:** All right. Those are your questions. Thank you very much.

20 I gather we now have the photocopy of the Health Card. If you could just pass it counsel so we are sure we have got that. Do we have the original Health Card?

25 Okay, the photocopy will be Exhibit A and the Health Card itself will be returned to counsel for defence.

**MR. STIMEC:** I have no questions in re-examination.

30 **THE COURT:** All right, you are free to go, sir. Thank you very much.

B. Courchesne - in-Ch.

Are there any further witnesses for the Crown?

5 **MR. STIMEC:** Yes, Courchesne. If we could have Mr. Courchesne brought in next please.

**THE COURT:** Up in the box up here please, sir.

**BRIAN COURCHESNE: SWORN**

10

**EXAMINATION IN-CHIEF MR. STIMEC:**

Q. What is your current employment?

A. I am the manager for Security Operations for CBC in Toronto.

15

Q. And are you stationed at the CBC building on John and Wellington Street?

A. That is correct.

Q. And what is that address?

20

A. We have three addresses. There is 25 John Street, 250 Front Street West and I think it is...it is 205 Wellington. Those are our three addresses of the building.

Q. How long have you been manager for?

25

A. I have been the manager at CBC in Toronto for eight years.

Q. Okay. So you were in your employment capacity on May 13<sup>th</sup>, 2008, is that correct?

A. That is correct.

30

Q. Tell us about what happened, something unusual that occurred that you recall.

A. On May 13<sup>th</sup>?

## B. Courchesne - in-Ch.

Q. Yes.

A. On May 13<sup>th</sup> we had a report of an individual that had been in the building the day previously making death threats at our John Street desk to one of our security guards, and a CBC employee was present witnessing the threats being made.

Q. Yes?

A. So, I received a call from the supervisor on duty saying that the person matching the description from our CCTV camera footage and picture printout from that footage, that they had possibly seen him in the building and that he was walking towards the John Street desk.

So, I immediately ran from my office, because it was our third...well, it was the third time that we had had an incident with this fellow. The day previous he had come in and made the death threats, and actually the same night he had returned to the building and our night shift supervisor Alan Ward Close had attempted to hold him for the police under a Trespass Notice.

Q. Okay. But, I mean, you said you ran from your office to where?

A. Sorry. Yes, I ran from my office....

Q. Yes?

A. ....to the John Street desk where he was situated facing a security guard that had recognized him from the picture we circulated looking out for him.

Q. So it is the desk he is standing?

A. Yes.

Q. Yes?

## B. Courchesne - in-Ch.

A. So, I said, "Are you Michael O'Keefe?"  
And his response was "Well, today I am." And I said,  
"Okay, you are going to have to come with me, sir."

5 And we brought him into the supervisor's  
office, and at which point we determined that the  
supervisor from the previous day had mistakenly read the  
I.D. as Michael O'Keefe instead of Stephen O'Keefe which  
was the actual accused's name, Stephen O'Keefe.

10 I placed him under arrest for trespassing,  
notified him of his rights to counsel and told him that  
the police were on their way and that he would have to  
deal with them when they got to the site.

Q. How did you figure out that Michael  
and Stephen, there was a mistake made?

15 A. Well, because the previous night....

Q. How did you identify this person?

A. Well, because he had already been to  
the building on two occasions previously when he made the  
threats, and then the supervisor on the same night of May  
20 the 12<sup>th</sup> had attempted to arrest him and had asked him for  
I.D. and he said his name was Michael O'Keefe.

Q. Right. How did you ascertain his name  
was Stephen O'Keefe?

A. When the police got there he produced  
25 his identification, and we found out that he was actually  
Stephen O'Keefe.

Q. So, it is only after the police  
arrived?

A. Yeah, after that.

30 Q. Okay, fair enough.

A. So....



## B. Courchesne - in-Ch.

Q. So, continue. You arrested him and what did you do next?

5 A. I brought him into the security office and basically I notified him of his rights to counsel, told him that the police were on the way, called Toronto Police Services, notified the people that I report to in the building that we had arrested the person making the threats on the previous day and that we were awaiting the arrival of the police.

10 Mr. O'Keefe recognized a picture of himself that we had for circulating and said to me as soon as we got into the office, "Why do you have pictures of me? You guys are following me. What are you, from James Bond or something?"

15 And basically he recognized our surveillance footage photo of him that we had circulated while we were looking out for him for the day and a half previous.

20 **THE COURT:** I missed in your narrative, sir. Did you go to the John Street exit or was it another exit you went to the desk when you first were notified he was in the building?

25 **THE WITNESS:** Yes, my office is situated very close to the John Street desk, and I just basically ran probably about 40 steps outside the door to my office and into the hallway where the John Street access desk is, and that is where he was. He was  
30 actually talking to a different desk officer that had thought that he had recognized him from the photo.

**MR. STIMEC:** Q. So, it was the John Street desk then.

A. Yeah, the John Street security desk.

Q. Okay, the John Street exit.

5 A. Yeah, 25 John.

Q. Okay.

A. That is the address of that desk.

Q. Okay. And just in regards to the person, have you seen that person here today?

10 A. Yes.

Q. You see him right now?

A. Yes, I sure do.

Q. Point him out for the record please.

A. Yes.

15 **MR. STIMEC:** Identifying the accused seated at counsel table.

**MR. STIMEC:** Q. You said you had a photo that had been circulating, is that a photo from the closed circuit television....

20 A. Correct.

Q. ....at CBC?

A. Yes.

Q. And you had that with you when you arrested the accused?

25 A. Yes, I did.

Q. You don't have a copy of that on you?

A. No, I don't have it with me.

Q. Yeah, that is fine.

30 A. It is a photo taken from the footage....

Q. Yes.

## B. Courchesne - Cr-Ex.

A. ....that I turned over to the police when they arrive from our CCTV system.

Q. Okay. And you said you contacted police, and did they arrive?

5 A. Yes, they arrived, and I provided them with the occurrence number from the previous day....

Q. Yes?

10 A. ....when we received the threats from Mr. O'Keefe, and basically I told them that we would like to pursue the death threat charges because....

Q. That is okay. The police officers arrived, and how long does it take for them to arrive approximately?

A. I think it is about 15 minutes.

15 Q. Okay. And then you turn over possession of the accused to them, correct?

A. Correct.

**MR. STIMEC:** Okay, thank you. I have no further questions.

20 **THE COURT:** Cross-examination.

**CROSS-EXAMINATION BY MS. MCCULLOUGH:**

25 Q. You had a report of the individual making death threats, to the best of your knowledge how many death threats were there made?

A. To the best of my knowledge?

Q. Yeah.

30 A. From what I had reported to me, he said that "Do you know who I am? I am going to kill everyone in the building." I have it written here.

Can I refer to my notes please for a second.

**THE COURT:** Any objection?

**MR. STIMEC:** No.

**MS. MCCULLOUGH:** Q. My statement is basically is did he make this threat like once or did he  
5 keep repeating it?

A. I have the statement from the officer that submitted the report. So, if it is okay, can I refer to that.

**THE COURT:** That is not your own notes, it is the officer's notes, is it? Which officer is this, is this Serrano?  
10

**THE WITNESS:** Serrano, yeah.

**MS. MCCULLOUGH:** Q. Okay. You had a reason for arresting him, so you must have known something?  
15

A. Yes, I knew that he had made death threats.

Q. I know, but death threats could be a thousand or it could be one or two.

A. Okay, what he said to the officer that reports to me is "You know to dial 911 because I am going to kill everybody at the CBC," the male individual told the writer Security Officer Serrano, to which the individual replied, "You know who I am. You know."  
20

The individual did this in front of Shelagh O'Donnell who was a CBC employee at the time.  
25

Q. So, from my interpretation, anyway, and from witnesses, we assume he made that statement once?

A. Correct.

Q. Now, Mr. Close was just on the stand before you and apparently there was no attempt to arrest  
30

## B. Courchesne - Cr-Ex.

him for trespassing, is there? Do you have an issue with that at all?

A. That he was not attempting to arrest him for trespassing?

5 Q. Yes?

A. I assume when he was asking him to come inside the building because we...while he maybe not arresting him at the time, maybe once he got him in the office he was going to arrest him. That is the only thing I can assume.

10 Q. Okay, so it is just an assumption, you don't really know? You just assume.

A. Well, I know that Mr. Ward-Close had an encounter with him, we identified him as the person who we believed made the death threats the previous...or earlier in that day.

15 Q. Mm-hm?

A. And I know that Mr. Ward Close made attempts to get him into the office.

20 Q. Mm-hm.

A. And that after he had produced I.D. for Mr. Ward-Close, Mr. Ward-Close gave it back and asked him to come into the office and that Mr. O'Keefe fled as soon as Mr. Ward-Close tapped him badge to go into the security office where I assume he was going to arrest him for trespassing.

25 Q. Trespassing.

A. As instructed.

30 Q. Okay. So, basically it was an assumption. And you notified him to his right to counsel. How did you do that?

## B. Courchesne - Cr-Ex.

5 A. I told him that he was under arrest for trespassing and that it was my duty to inform him that he had the right to instruct counsel without delay and if he understood his rights and if he would like to speak to a lawyer.

Q. But I guess his charges are just uttering death threats, so it was nothing with respect to trespassing ultimately.

10 A. At the time, I was arresting him for trespassing because of the situation so I could hold him for the police regarding....

Q. Okay.

A. ....the death threat charges.

Q. What was his demeanour towards you?

15 A. He seemed not stable mentally. He seemed like he had some sort of mental issues. He said some very strange things while he was in the office. First off he recognized, like I said, the fact that we had a surveillance camera on the desk of him and said, "That is me. Why do you have a photo of me? You are following me. What is this, James Bond?"

20 And then he said...he asked me...he told me that I was under his mind control, and he told another officer that he was also under his mind control, and he looked at told me as if to say he was hypnotizing me, that I was going to let him go. He said, "You are now going to let me go. You are going to let me walk out that door." And I replied, "No, I am not."

25 He sort of turned his head to one side and spoke to himself saying "He is not letting me go."

30 So, at that point we had some issues with

## B. Courchesne - Cr-Ex.

him grabbing at pens and staplers on the desk, to which we very forcefully told him to keep his hands to himself and stop grabbing the pens and the stapler and the things that were on the supervisor's security desk. We quickly moved  
5 all that stuff away but we had to basically keep an eye on him because he was attempting to grab at the stationery on the security supervisor's desk.

Q. This is a question that I just like to...like sometimes people act the way you are describing  
10 and the police are called and then they take them to the hospital.

A. Mm-hm.

Q. Was there any reason that wasn't done?

A. Was there any reason....

15 Q. That wasn't done, that he wasn't just, you know...

A. Well, the fellow came in. I am not a doctor. I can't decipher whether somebody who makes a death threat should go to jail or whether they should go  
20 to a hospital. I am certain that I would have been quite satisfied either way.

Q. Okay.

A. But he had made death threats. So, we are doing our due diligence and making sure we report it  
25 accordingly.

Q. So, basically I just repeat to make it clear, you saw an individual you presumed was ill and whether he was removed to the hospital or to a jail, you just thought that he needed help. Am I saying it  
30 correctly?

A. Correct. Sure.

**MS. MCCULLOUGH:** Okay. Thank you.

**THE WITNESS:** Thank you.

**MR. STIMEC:** No questions.

**THE COURT:** You may stand down, sir.  
Thank you very much.

5 **MR. COURCHESNE:** Thanks.

**MR. STIMEC:** Police Constable Male is the  
next witness.

**POLICE CONSTABLE JOE MALE: SWORN**

10

**EXAMINATION IN-CHIEF BY MR. STIMEC:**

Q. You are a police officer with the  
Toronto Police Service, is that correct?

A. Yes, I am.

15 Q. Okay, how long have you been employed  
as such?

A. I am in my eleventh year now.

20 Q. Okay, I understand you have taken  
notes with respect to this incident before the Court, is  
that right?

A. Yes, I did.

25 Q. And you have an independent  
recollection but you wish to rely on those notes just to  
assist with giving your evidence and referring to details,  
is that correct?

A. Yes.

**THE COURT:** All right, any objection?

**MS. MCCULLOUGH:** No.

30 **THE COURT:** All right, you may use your  
notes to refresh your memory, sir.

**MR. STIMEC:** Q. Really briefly, just tell



us your involvement with respect to this matter on May 13<sup>th</sup>, 2008.

5 A. On Tuesday the 13<sup>th</sup> of May, 2008, at approximately 1:03 p.m., I received a radio call or a dispatch to a call, myself and my partner, Sergeant Goldsmith, to an emotionally disturbed person call at 25 John Street at the CBC.

10 They were holding a male there. The security was holding a a male there under arrest for threatening to kill everyone at the CBC from the day previous.

Q. So, you were advise of this, and you and your partner attended the address, isn't that right?

A. That is correct.

15 Q. And what area did you go to?

A. 25 John Street.

Q. The security offices there?

A. Yes. Sorry. Yes. That is correct.

20 Q. Then when you attended there, what did you observe? What time did you get there and what did you observe?

A. We got there just shortly after receiving the call. En route to the call, we received information from Constable Tomlinson that he had taken an occurrence the day before for a male threatening. We attended the Security Office. They had a male under arrest.

Q. That was a little before 1:12 p.m.?

A. Yes.

30 Q. Yes?

A. We went to the Security Office.

At 1:12, I placed the male under arrest and cuffed him to the rear and read him his rights to counsel.

Q. Have you seen him since?

A. Since that day or just today?

5

Q. Yes?

A. I saw him in the hall today.

Q. Do you see him now?

A. Yes, I do. He is seated right down there.

10 **MR. STIMEC:** Okay, identifying the accused for the record.

Q. You read him his rights to counsel and dealt with that issue, correct?

A. That is correct.

15

Q. How did you identify him?

A. He had an Ontario photo Health Card identifying him as Stephen O'Keefe, with a date of birth of July 5<sup>th</sup>, 1968.

20

**MR. STIMEC:** Okay. Thank you. No further questions, officer.

**THE COURT:** Cross-examination.

**CROSS-EXAMINATION BY MS. MCCULLOUGH:**

25

Q. In your initial statement you said you had been around you said for 12 years?

A. I am sorry, I have an ear infection.

Q. Oh, I am sorry.

A. I am hard of hearing today. Sorry.

Q. I will use my different voice then.

30

A. Thank you.

Q. I either shout or speak slowly. You have been on the Police Force for how many years?

A. I am in my eleventh year now.

Q. Eleventh year.

A. Yes, since 1998.

5 Q. And how many times do you think during those 11 years you have had a report for an emotionally disturbed person?

A. How many times? I have no idea how many times I have done a report for an emotionally disturbed....

10 Q. A few times? A lot of times?

A. I couldn't begin to tell you how many times. I don't have a clue. I have worked in different units. So, I really don't know how many times I have done it. I have worked at different division.

15 Q. Okay.

A. Different places have more....

Q. Let me phrase it. Are you experienced with dealing with dealing with emotionally disturbed persons?

20 A. Yes. From a police standpoint, yes.

Q. Okay. Do you normally take them to the hospital or do you normally take them to jail?

A. Depends if they commit something criminal or not.

25 Q. Okay. And in this case you were instructed to take him?

A. Well, he had committed a criminal act. So, he was placed under arrest for a criminal act.

30 Q. Sometimes is a gray area. Yeah. I know.

A. It is not a gray area.

Q. I know. I know. Okay. So, because sometimes people, you know, hit or attack family members, et cetera, et cetera, and that is a criminal act but they are taken to the hospital, you know?

5 A. I have never done that.

Q. Okay.

A. If they have committed a criminal act, they are under arrest for a criminal act.

Q. Okay, it is just a question.

10 A. Yeah.

Q. And how did he act towards you when you arrested him?

A. How did he act towards me?

Q. Yeah?

15 A. To me, he was an emotionally disturbed person. He was talking to people that weren't there.

Q. Mm-hm?

A. He was repeating everything I was saying. He was sweating. I remember him sweating profusely.

20

Q. So, he was talking to himself?

A. Well, yeah, he was talking to somebody who wasn't there.

Q. Was he aggressive at all?

25 A. Not with me. He wasn't aggressive, no.

Q. Okay. Did you feel threatened at all?

A. Did I feel threatened? No.

30 Q. What was reported to you about his uttering death threats, was it one death threat or did you know?

A. All I know is he had threatened to kill people at the CBC.

Q. Okay. So, it could have been just one statement then, is that correct?

5

A. I don't know.

Q. You don't know?

A. I don't know.

Q. Okay. That is all you have?

A. Yes.

10

**MS. MCCULLOUGH:** I think that is it.

Thank you.

**MR. STIMEC:** No further questions, Your Honour. Your Honour, that is the crown's case.

15

**THE COURT:** Thank you very much, sir. You may step down, sir.

**MR. STIMEC:** No further evidence. Thank you.

20

**THE COURT:** All right, that is the case for the Crown. Closed.

Are you calling evidence for the Defence?

25

**MS. MCCULLOUGH:** Yes, I would like to. If we could just take a five minute break, would that be okay?

**THE COURT:** Well, it is ten to four. We only have 40 minutes.

**MS. MCCULLOUGH:** Right.

30

**THE COURT:** Let's just deal with Crown counsel.

**MS. MCCULLOUGH:** Right.

**THE COURT:** Are you going to be able to lead your evidence and is Crown counsel going to be able to cross-examine today?

5 Are you going to be able to complete both the examination and the cross today, Mr. Stimec?

**MS. MCCULLOUGH:** There might be....

**MR. STIMEC:** Yes, I think so.

10 **THE COURT:** Well, we finish at 4:30. If you are not going to do it, you have to got the Trial Coordinator and get an ongoing date. If you are going to do it....

15 **MR. STIMEC:** We have got a bit of time right now.

**THE COURT:** You have got 40 minutes.

**MR. STIMEC:** It is five to four.

**THE COURT:** I am sorry?

20 **THE COURT:** It is five minutes to four right now.

**THE COURT:** Right. 35 minutes.

25 **MR. STIMEC:** The Trial Coordinator is here until about 4:30. Why don't we start and see how far we get.

**MS. MCCULLOUGH:** If I could just have five minutes with my client.

30 **THE COURT:** All right, that is fine. I will just wait here. Why don't you go outside.

....Counsel and client exit courtroom and  
return

**STEPHEN O'KEEFE: SWORN**

5

**EXAMINATION IN-CHIEF BY MS. MCCULLOUGH:**

Q. Mr. O'Keefe, how old are you now?

A. I am 40.

10 Q. 40. What are you doing with yourself  
these days?

A. Not very much. I am on disability.

Q. And what kind of illness have you been  
diagnosed with?

A. Bipolar One Disorder.

15 Q. All right. I have given to the Crown,  
we are going to have to have it as an exhibit probably, I  
have submitted a letter from a Dr. Edward S. Pomer, it  
states that "My patient has been diagnosed with Bipolar  
Disorder." Is that what you gave me, it is dated  
20 January....

A. Yes, that is a photocopy of it.

Q. And this is a letter from CAMH dated  
January the 30<sup>th</sup>, and it is signed by an Andrea Levinson,  
Staff Psychiatrist, and a judge, Janice Harris?

25 A. Yes.

**MS. MCCULLOUGH:** I have submitted this to  
the Crown. Perhaps we can make these  
exhibits.

**THE COURT:** Any objections?

30 **MR. STIMEC:** No. I mean, just relevance,  
I suppose.

5           **THE COURT:**   Well, I am prepared to have them submitted. I gather there has been mental health issues raised in the course of the involvement with the Criminal Justice System.

**MR. STIMEC:**   I am not agreeing for that going in as an exhibit for truth of any of its contents, but in terms of if counsel is going to make further reference to it.

10          **MS. MCCULLOUGH:**   Just basically with mental health, that is all. It is pretty clear issue in this case.

15          **THE COURT:**   I don't think it is disputed, is it, that he has diagnosed with Bipolar Disorder?

20          **MR. STIMEC:**   No. But to get into some details, I think it is best to say it is not going to replace the evidence of a psychiatrist, depending on where counsel is going with this in terms of....

**THE COURT:**   Well, do you intend to.....

**MR. STIMEC:**   It is not an expert report is what I am....

25          **THE COURT:**   I guess the question is how does it go to this issue, to the guilt or innocence of this individual?

30          **MS. MCCULLOUGH:**   Well, obviously it goes slightly to the guilt or innocence because of an emotionally disturbed person report, you know, that we have been notified of. It just adds to...it is a little bit about



his character. I mean, probably this would go to sentencing, be more relevant in sentencing.

5 **THE COURT:** Well, why don't you hold onto it for sentencing purposes. If that is the case, if there is a sentencing, why don't you hold onto it for sentencing purposes.

**MS. MCCULLOUGH:** Okay.

10 **MS. MCCULLOUGH:** Q. You can tell us anyway. You have been diagnosed with Bipolar Disorder. How long ago did this happen?

A. The original diagnosis was back in June of 2007.

15 Q. Uh-huh?

A. But I recovered, and they didn't prescribe medications for me and I relapsed slowly in the winter of 2007.

Q. And were you working at that time?

20 A. I was working -- no, not at that time. I had to resign from both of my jobs because of the effects of the Bipolar Disorder.

Q. You resigned. When did you resign?

25 A. I resigned from KPMG Inc. April 13<sup>th</sup>, 2007 and resigned from Now Communications Inc in...July 4<sup>th</sup>.

**THE COURT:** I am sorry. KPMG Inc., was that one job?

**THE WITNESS:** Yes.

**THE COURT:** So when did you resign from there?

**THE WITNESS:** April 13<sup>th</sup>, 2007.

5 **THE COURT:** April 13<sup>th</sup>, 2007, and the other company?

**THE WITNESS:** Now Communications. I resigned from them on July 4<sup>th</sup>, 2007.

**THE COURT:** I missed the name of the company.

10 **THE WITNESS:** Now Communications Inc.

**THE COURT:** Now Communications.

**THE WITNESS:** It is Now Magazine.

**THE COURT:** Now Magazine. Right.

15 **MR. STIMEC:** Q. And what was your function with those companies?

A. Primarily database driven solutions. For Now Magazine, I was doing their entire listing systems for their clubs and their movies and their food listings, their restaurants, everything that would be produced on  
20 the Internet and on their printed magazine. I was handling the flow through of that.

For KPMG I handed three major files, the Confederation Life file, the Reliance Insurance Canadian Branch file and the latest one which was Portus  
25 Alternative Management Inc. That was a hedge fund gone bad and that was my most involved file at that time.

I was involved with creating documents on the Internet that people download, digitizing paper documents from the court and PDFs and also creating  
30 databases for all the claimant files that would be receiving a claim from the liquidation of Portus.

87.  
S. O'Keefe - in-Ch.

Q. Okay. So this all happened July the  
7<sup>th</sup>.

A. July 4<sup>th</sup>.

5 Q. July the 4<sup>th</sup> of 2007. The incident  
that we are dealing with was May 12<sup>th</sup> and 13<sup>th</sup> of 2008?

A. Yes.

Q. Could you just give us an update, you  
know, what did you do between July the 4<sup>th</sup> and May 12<sup>th</sup>,  
2007?

10 A. Well, basically I knew that  
my...whatever was going on with my mind would not allow me  
to work properly. Now, the psychiatrist I originally had  
my consultation with, Dr. Imraan Jeeva, he said that my  
reasoning that I didn't need medications at that time was  
15 reasonable because I wasn't exhibiting symptoms, but  
between those two periods, between July 4<sup>th</sup> and....

Q. May 12<sup>th</sup>.

A. ....May 12<sup>th</sup>, 2008, I gradually  
relapsed into a very deep psychosis as I see it now.

20 Q. Now, you have heard all of the  
evidence. Do you remember what happened on your first  
visit to the CBC?

A. Yes, I do.

Q. Could you tell us please.

25 A. Well, I wouldn't say it is my first  
visit to the CBC. They had a museum in their lobby.

Q. No, no, on May the 12<sup>th</sup>.

A. On May 12<sup>th</sup>.

Q. Yes.

30 A. On my my first visit there, I walked  
in. I was dictating on my dictaphone which I saw on the  
security video. It was very important for me to keep a

running commentary on what was happening to me. I don't know why, but I was compelled to keep a document verbally for myself.

5 Then I went into the lobby and I approached the security desk and I asked the security guard if he knew who I was. I was undergoing a delusion that I was being tracked by satellite and that my vision and my hearing were being monitored by any television station that had satellite equipment. It could have been 10 CTV or CityTV or CBC.

Q. Mm-hm?

A. But I went to the CBC and I asked them if they knew who I was, because in my mind they knew that this was happening to me.

15 Q. Mm-hm?

A. And that they were in on it, so to speak.

Q. Mm-hm?

20 A. And of course the guard was bewildered. This was Fernando Osuna(ph) I believe his name was. I just kept asking him, "Do you know who I am? Do you know..." You know, "Do you know my name?" And of course he was bewildered.

25 That is all I remember of that footage even though I spoke to him for about 45 seconds. I don't have any recollection at all of making a death threat, but what I was assuming that what probably came out of that conversation was that I felt like CBC was part of the surveillance network against me and that I wanted it to 30 take it, and I was going to take it out. I had an ability to make it come crashing down, like kill the lights, not kill a person.

Q. I see. Do remember anything about  
911?

A. No, I don't remember mentioning  
anything about 911.

5 Q. Nothing?

A. Nothing.

**THE COURT:** You said, "I thought that the  
CBC was part of the surveillance." Now,  
what did you say about the lights? I  
10 didn't hear what you said.

**THE WITNESS:** That there was a  
surveillance...or you mean what my  
suspicions were?

**THE COURT:** Right.

15 **THE WITNESS:** My suspicions were that I  
was being tracked by satellite and my  
vision and my hearing were being monitored  
and broadcast by television networks.

**MS. MCCULLOUGH:** Q. So, maybe just to  
20 help Madam Justice, who did you want to crash?

A. The satellite systems that were  
communicating with the CBC.

Q. So you wanted to crash the satellite  
system?

25 A. It could have just meant like what  
Courchesne said about me thinking that I had people under  
mind control was accurate. I think there was a mind  
control aspect that I was....like the thought broadcasting  
is very common with bipolar if you look at the systems,  
30 and if I look that I can control people's thoughts and  
implant thoughts and vice-versa, them to me.

So, killing...like I don't recall saying I

90.  
S. O'Keefe - in-Ch.

was going to kill anyone but I probably wanted to just cancel that out at the CBC for everyone's benefit.

Q. The satellite system?

5 A. The satellite system. And that is when they saw me across the street. After I left the security desk, I was making motions with my hands like this trying to bring down the satellites.

10 Q. Now, I am still confused about the cameras. There is a silver camera, a red camera and then a black camera that is being kept by the police. What kind of camera did you have and when?

15 A. Okay, I only brought a camera to the CBC on May 13<sup>th</sup>. I did not have a camera with me on the 12<sup>th</sup>. I have never owned a digital camera in my life and I never possessed one on May 12<sup>th</sup>, 2008. All I had in my hand was my Olympus Digital Voice Recorder, which the police also have in custody, and I was dictating to myself as I was going to prove for the record in my mind that I was under control from the CBC.

20 Q. What about a videotape?

25 A. No, I did not have any videotape recording device, nothing like that, nothing that would take a still photo. I did not tell anybody I was taking pictures of them. I did not say "Now I have got it" or "too late." I don't recall saying any of that.

Q. Have you ever been in trouble with the law at all?

A. No, never.

Q. Have you ever threatened anybody?

30 A. No, never.

Q. Now, you said something about Brian Courchesne?

91.  
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A. Courchesne.

Q. What was it that you disagreed with,  
with him?

5 A. Well, I was not trying to reach at  
paper, staplers and all that stuff on his desk. I  
remember they presented two things to me. They presented  
a photo of me from a security video and he was accurate.  
I said, "That is me." I don't recall making any  
statements about James Bond, "What, are you following me,"  
10 anything like that. And I was not grabbing at the stuff  
on the desk. In fact, I did not wrinkle a piece of paper  
or nothing. I was not trying to grab at their equipment  
or anything like.

15 I did point to one letter on CBC  
letterhead. I pointed to it and they went, "Ah, ah, ah.  
No, no, no." That was the quantum of my experience in the  
Security Office. I didn't disturb anything.

Q. So, in the....

20 A. I do recall that they had my camera  
that they took from me, my Nikon camera which I brought on  
the 13<sup>th</sup>. They had that and the flash bar was down, and  
they did put in their testimony that I tried to take a  
photo of them on the 13<sup>th</sup>, which I did not.

25 Q. So, I think we are still on May 12<sup>th</sup>  
when Mr. Allen Ward-Close, I think he asked you to go to  
the Security Office at that time?

A. Yes, he did.

Q. And what happened there?

30 A. I just refused to go and I walked out  
the main lobby entrance. I did not run. I probably  
walked quickly, but I did not run and I did not give  
Mr. Ward-Close chase.

But the way Mr. Ward-Close said how we contacted each other does not jive with how I remember that on the evening of that night I saw these people when I walked into the CBC and it seemed like they were  
5 taunting me, and I followed them down to the elevator area.

Q. Mm-hm?

A. And it seemed like the taunting were becoming more and more directed to me because I was  
10 following them, and I said, "Stop these people. Stop them." I yelled very loud for security, and that is how I met up with Mr. Ward-Close.

Q. Those people that you are referring to, did they have any complaints or anything?

A. No, they sort of laughed it off and went on their way because they knew I was crazy basically.  
15

Q. The other part that I am confused about is the trespassing.

A. Yes, I was never told I was  
20 trespassing. I was never given any right to counsel reading, not to my recollection I wasn't.

Q. Okay.

A. I was never told to leave the premises, I was never told never to come back. I was  
25 never told I was trespassing. But they wanted to detain me against my will in the office. That was one of their goals.

Q. So, I didn't submit that letter, but I think the gist of the letter is that you have been going  
30 for treatment regularly and you are in remission or something right now?

A. Yes, I am in complete remission on the



Bipolar Disorder. At this point I am undergoing medication treatment with a drug called "Olanzapine" which has worked pretty well.

5 Q. So, today as you are testifying, you are not talking to satellites or anything?

A. No, that is all gone.

Q. Just your expert opinion today, what do you think you did wrong that day?

10 A. I think what I did wrong was mostly my behaviour, that I was very, very agitated and very tired of what was going on with my mind.

Q. Mm-hm?

15 A. And because of the burden I was experiencing with all these thoughts running through my head and all this paranoia and surveillance anxiety, I think it was my threatening posture of just being very demanding with the security guard saying "You know me. You know me, don't you?" And just being very, very unlike myself, very aggressive with my verbal communication that  
20 got them worried.

I probably mentioned something about killing something. They keep saying that I said I was going to kill something or somebody. I may have mentioned killing, that is possible, but I don't recollect any of  
25 that.

30 But I know I would never have gone into the CBC with an attempt to threaten anybody or threaten their life or take their life or anything like that. It was more of a surveillance network that I was trying to kill, if that is the word I used.

Q. That...the surveillance network, that could be equated to crashing satellite systems?

A. Yes, it was a complete delusion and hallucination I was having and I was in pretty deep with it and it had been going on for months.

5 Q. Okay. Anything else that you want to tell us?

A. I apologize from my behaviour on the 12<sup>th</sup> and 13<sup>th</sup>. Obviously I created a stir, but I did not, to the best of my recollection, threaten anybody's life.

10 Q. And what are your plans right now with the illness you have been diagnosed with?

A. My plans are still recovery even though...I am still undergoing weekly sessions with CAMH and probably will be in their clinic for a year or so at least. I am planning to get back to a long term goal of getting back to work, because I can only be out of work for so long. It drives you bananas on its own.

15 Q. Okay.

A. Okay, that is it?

**THE COURT:** Okay, cross-examination.

20

**CROSS-EXAMINATION BY MR. STIMEC:**

Q. I have some questions for you. Sorry, you said you finished work with KPMG in 2007, is that right?

25 A. Yes.

Q. How long were you employed there?

A. 13 years.

Q. And the issue with respect to...I am sorry, you are a computer technologist?

30 A. I was a do it all type of guy and basically digitizing documents from the courts of Ontario to creating their databases for all the payments that

claimants would receive.

Q. Okay.

A. Websites. Their websites, I would host the documents as well.

5 Q. And just in terms of this incident, you didn't have any past experience with Mr. Orduna, is that correct?

A. No, no past experience.

10 Q. And that was the first time you had met him that day when you had entered into the....

A. Yes, there was nothing selective about it. It was just whoever was there at that time.

15 Q. Fair enough. And that is May 12<sup>th</sup> of last year. It is clear that is you on the video that we viewed earlier.

A. Yes.

Q. And fair to say then, you indicate you don't recall portions of what you said to Mr. Orduna, correct?

20 A. Yes.

Q. Is it fair to say that it is possible, like you said, you did mention the word "killing"?

25 A. No, I didn't mention that I was killing anything. I said it is possible that I could have said something like that.

Q. Yes.

A. I don't remember anything like that.

30 Q. Let me rephrase it. You are not disputing the witness's evidence that you did say something about killing the people at the CBC, what you are saying is that you don't recall saying it?

A. I don't recall saying it.

Q. It is possible you did, you just don't recall it, correct?

A. It would be possible.

5 Q. Yeah. And you don't recall everything that you said to the security officer?

A. No, I don't. I was speaking to him for about 45 seconds. I remember maybe 20 seconds of it.

**MR. STIMEC:** Okay. No further questions. Thank you.

10 **THE ACCUSED:** Thank you.

**THE COURT:** Any re-examination? Counsel.

**MS. MCCULLOUGH:** I guess it is that last statement.

15

**RE-EXAMINATION BY MS. MCCULLOUGH:**

20 Q. So, all you remember is what you have told us about the satellites and the conspiracy that you thought was taking place towards you. Is that all you remember?

A. Pretty much. That is all I can remember. It was a very hard time on my mind, to put it mildly. I was talking to myself. I was hallucinating. There was people...like there was imaginary people. That is all part of the diagnosis and psychosis. My psychiatrist said it was psychosis within the parameters of a manic episode.

25 Q. But you don't remember anything you said?

30 A. Anything I said to whom?

Q. To the first person that alleges that you said that you wanted to blow up the....

A. Fernando Arsuna. I forget his last name.

**THE COURT:** Orduna.

**THE ACCUSED:** Orduna. Thank you.

5 **MS. MCCULLOUGH:** Q. Yes.

A. I remember going up to him and saying, "Do you know who I am? Do you know my name?" And then he said he didn't, which I probably rebuked, and I was very forceful with him probably trying to find out why he was lying to me, in my mind why he was lying to me.

10 Q. And then you said to something about 911?

A. I don't recall saying anything about 911.

15 Q. And he specifically said that...one thing, did you ever threaten him? Do you remember that?

A. I don't recall threatening him at all.

20 Q. Because that didn't come up. And the statement is...did you threaten "I am going to kill everyone in the CBC," is that....

A. No, it doesn't ring a bell at all, and I have racked my mind over and over and over for months.

25 Q. You don't remember or you just don't think?

A. It seems out of place as a statement with my state of mind at that point, because I knew I wasn't going in there to kill anyone, but it seems like it could be a misinterpretation based on the conspiracy that I thought was going on at the time.

30 Q. Mm-hm?

A. That it could be me just saying I am going to kill all the satellites or something like, like

kill the lights, so to speak. You know, not kill a person but to kill a system.

Q. Okay.

5 A. That is why I would have been talking with the entire CBC itself and the sort of mind control that....

Q. I don't know whether you referred to it or not, but you talk about CBC has a system, are there other systems that....

10 A. No, I thought it was CTV. I thought it was CityTV.

Q. So, that would be a system too that you....

A. Yes.

15 Q. And would they be involved in this conspiracy?

A. Yes, they all were in my mind.

Q. Okay.

20 A. So, it is just a matter of knowing where the CBC was and that I had been there before looking at their museum which they have for the public. It is an open area. It is not really a closed off area. It is there for the public. A museum and a little theatre for the public, and I have gone there before just to  
25 appreciate those two places.

**MS. MCCULLOUGH:** Okay, thank you.

**THE COURT:** Any questions arising?

**MR. STIMEC:** No.

30 **THE COURT:** All right, you may step down, sir.

**THE ACCUSED:** Thank you.

**THE COURT:** Are you calling further

evidence ma'am?

**MS. MCCULLOUGH:** No.

**MR. STIMEC:** Your Honour, I am content to go first in terms of submissions. I don't think this will take very long.

**THE COURT:** I think it shouldn't take very long either. Let's hear from the Crown first, and the Crown has the onus of proving.

Are you claiming section 16 of the Criminal Code?

**MS. MCCULLOUGH:** I think so. I think so.

**THE COURT:** So, you are saying that he is not responsible for whatever he did because....

**MS. MCCULLOUGH:** He didn't appreciate....

**THE COURT:** ....he was incapable of appreciating the nature and quality of what he was doing, is that what you are saying?

**MS. MCCULLOUGH:** That is right. What is what I am saying.

**THE COURT:** So, the defence is section 16(1) of the Criminal Code.

**MS. MCCULLOUGH:** We could speak about it. The Crown and I could speak about it right now, about a disposition.

**MR. STIMEC:** Just procedurally. Your Honour did make a finding of facts first. I think if section 16 is maybe raised, then that would be a separate issue that

would require....

5 **THE COURT:** Yes, actually, I have never

had anybody ever raise it. This is the first time in my 18 years on the bench that anybody has ever raised it.

**MS. MCCULLOUGH:** Really?

**THE COURT:** Yes. So, the procedure is new to me.

10 **MR. STIMEC:** Yeah, it doesn't happen every day certainly. It is a very rare....

**THE COURT:** No, it is very rarely used and it is very rarely used because of the remedies.

**MR. STIMEC:** Yes.

15 **THE COURT:** Because of the penalties that arise.

20 **MS. MCCULLOUGH:** I guess the biggest difference, of course, is you can make a disposition based on what you have heard or we can defer to the ORB but, I mean, there are consequences when it goes to the ORB. But you can dispose of it yourself too.

25 **MR. STIMEC:** So, my understanding, Your Honour, the Crown has got to prove its case beyond a reasonable doubt and then if it is a section 16 issue of NCR, and that would be dealt with separately.

**THE COURT:** Yes.

30 **MR. STIMEC:** And if counsel is raising it, then I think they would be requesting Your Honour to make an Assessment Order, a Form



48, that would be required and we would have to come back on a remand date. So, what I was going to speak to is just the merits of the case.

5 **THE COURT:** So, I have to make a finding of beyond a reasonable doubt that the charges have been made out, and then you are saying then there is a second stage which is the section 16 hearing, based on  
10 an assessment. Is that what you are....

**MS. MCCULLOUGH:** That is only if you make a certain determination.

**THE COURT:** Well, let's take it first a step at a time then.

15 **MS. MCCULLOUGH:** Yes.

**THE COURT:** Has the Crown proven beyond and reasonable doubt the elements of the two offences? Are you sure you want to proceed with both offences now? Are you  
20 proceeding with both offences?

**MR. STIMEC:** Yes, yes.

**THE COURT:** All right. Well, let me hear from the arguments from the Crown. Obviously it is not going to finish today.

25 **MR. STIMEC:** Legal arguments, I will be very brief, Your Honour. My submission is the case is overwhelmingly proved. I.D. is not in issue. It appeared to be possibly some sort of issues. It is  
30 absolutely no issue. The evidence is overwhelming.

**THE COURT:** It is not disputed. I agree.

**MR. STIMEC:** Yeah, it is not disputed. The evidence is overwhelming it was the individual that approached the security guard and made those comments.

5

In terms of the threats, you have heard the evidence of the Crown witnesses. Mr. Orduna was very clear. He is a security guard, was taken aback by these comments. The threat to kill the persons in the CBC building, which would include him, of course, him being a person in the CBC building, and it is corroborated by the other witness, Shelagh O'Donnell who was present and overheard substantially the threat that was made in terms of killing everyone in the CBC building, and that is the uttering threats charge that is before the court.

10

15

20

In terms of the accused's evidence, if Your Honour is to consider it from a reliability perspective, because I don't think credibility is in issue, I don't think there is any motive that has been proven. There is no relationship between these parties. In terms of reliability, the security guard and Ms. O'Donnell take immediate notes of the incident.

25

30

Ms. O'Donnell's evidence I think was that she forwarded an Email with the descriptors of the accused and so forth

5 and the nature of the threats an hour  
after the incident occurred by way of  
Email, and that is before you as Exhibit  
Four, I believe, whereas Mr. Orduna goes  
and enters into the computer very shortly  
after the incident the descriptors of what  
occurred including the nature of the  
threat, and that is done very quickly  
after the incident.

10 So both of them, in my submission, are  
reliable witnesses. The accused, for one,  
he doesn't dispute that in fact he could  
have made a threat and he just doesn't  
15 recall, and there is various involved, his  
mental state, him being delusional at the  
time and having difficulties with mental  
health issues certainly would weigh, you  
know, against him in terms of an  
20 assessment for reliability purposes, and  
he indicates he doesn't recall everything  
that he did say during those 45 seconds  
and point in fact is very forthright and  
candid and says, "Yeah, I could have said  
25 the word 'killing'. I was that upset over  
the satellites and so forth and I could  
have done it."

30 So he actually admits the Crown's case  
that it is entirely possible he did say  
that and doesn't have a memory of

everything he said.

5 So, again, from the Crown's perspective, I don't see how the case could be any stronger than a flat out...I mean, this falls just short of a complete confession on the stand.

Subject to any questions....

10 **THE COURT:** Let's hear from the Defence. Defence submissions on the first issue. Has the Crown proven a reasonable doubt the actus reus and the mens rea of the two offences?

15 **MS. MCCULLOUGH:** I don't think there was any mens rea here at all. This is an incident of 45 seconds. And, you know, when you look at the testimony of Mr. Orduna.

20 **THE COURT:** Orduna.

25 **MS. MCCULLOUGH:** Orduna. It could have been exaggerated because, I mean, you know, he is talking about cameras, he is talking about three pictures being taken. Shelagh O'Donnell didn't remember any pictures being taken. Maybe one. He is talking about a camera that is silver and she is talking about a camera that is red, or maybe visa-versa.

30 You know, some witnesses are talking about trespassing. Mr. Close denies that.

I guess one theory could be that Mr. Orduna just maybe wanted to very cautious and perhaps exaggerated what was said by Mr. O'Keefe. Because when I asked him -- when I asked Ms. O'Donnell, you know, "Did he threaten anybody personally?" She said, "No." Whereas his evidence was contradictory. He said that Mr. Orduna was threatened by him. So there is doubt there. So it is just little things.

Even in the disclosure, the camera that is ultimately being kept by....

**THE COURT:** I have no evidence of what the camera was.

**MS. MCCULLOUGH:** Okay. Anyway, you have the evidence of the disputes of the camera and the video camera, videotaping the date of the incident and the disputed testimony regarding trespassing and perhaps exaggeration in the two parties that were witness to the supposed threat.

Even the Crown amended the second count, a threat to Fernando to cause death to persons in CBC building.

You know, so again there are questions here that perhaps on the side of caution, a security guard just wanted to be careful and perhaps did not tell the absolute truth.

**THE COURT:** Are you finished?

**MS. MCCULLOUGH:** Yes.

**THE COURT:** Okay. With respect to the fundamental offences, the two offences that have been charged; one, that he knowingly did utter a threat to Fernando Orduna to cause death to Fernando Orduna, and then secondly, he did knowingly utter a threat to Fernando Orduna to cause death to persons in the CBC building, contrary to the Criminal Code.

Now, I am confused as to how what I do with the "knowingly" at this point in time. If there is no mental element, how do I convict on these charges? How can I possibly convict if there is no "knowingly." He has to have knowingly done so.

**MR. STIMEC:** Your Honour has no evidence in terms of psychiatric evidence before you in terms of any mental disorder. The accused has communicated something to you in terms of him being diagnosed for Bipolar Disorder, but that is not evidence that Your Honour....

**THE COURT:** But they are saying that is not evidence that I can rely upon.

**MR. STIMEC:** No.

**THE COURT:** ....to determine whether he had the mens rea or not.

**MR. STIMEC:** No, and that is an NCR issue.

**THE COURT:** So that is the second stage.

**MR. STIMEC:** Yes.

**THE COURT:** Okay.

5 **MR. STIMEC:** It is my understanding.

**THE COURT:** Okay.

10 **MR. STIMEC:** It is not something I do, you know, every day or I am very familiar with proceeding on that basis, but my understanding is if there has been a finding of fact, then proceed down the NCR, and that is Counsel's understanding as well.

15 **THE COURT:** With respect to count number one, the evidence is conflicting between Mr. Orduna, the security guard, and Shelagh O'Donnell, the CBC employee who was present.

20 The CBC employee testified that there was no specific threats, there was only a threat generally, that "You better call the 911 because I have a plan to kill everybody in the building." She said  
25 there was no specific threat to either the security guard or to herself.

30 I am unable to make a finding of fact with respect to count number one, and I don't accept the submission of Mr. Stimec that the offence is made out because Mr. Orduna is also a person in the building, since

they would clearly be the same charges if it is made out on that basis.

5 On count number one there is no finding of fact. I am going to find him not guilty on count number one.

10 On count number two, however, the evidence is consistent, and although I know that Mr. Orduna testified one way before the court, his written notes which were entered as an exhibit on consent are somewhat different, and there it was worded much more analogous to what  
15 Ms. O'Donnell said, that he better phone 911 because I am going to kill everybody in the building.

20 I appreciate that the defendant testified that he didn't mean to kill people, he was primarily concerned about the satellites and with the CBC system but, as I indicated, if that is the case, then that is to be determined in stage two of this  
25 proceeding.

30 I am prepared to make a finding of fact that the Crown has proven beyond a reasonable doubt that he did say to the security guard in the presence of Ms. O'Donnell that he was able to call 911 because he was going to kill



5 everybody at the CBC, or something to that effect. That certainly was her viva voce evidence in court, and I thought she was a very reliable witness who was very articulate and seemed to be very precise.

10 The security guard was not so precise, nor was he so articulate and, in my view, his evidence was less reliable than that of Ms. O'Donnell.

15 So there will be a finding of fact that there will be a finding of guilt on count number two. That is where we are at. That is far as I am prepared to go.

So, what do we do now?

20 **MR. STIMEC:** I think 672.1 dictates the procedure. If I could just have a moment.

**THE COURT:** Are you sure you want to go ahead with it that way?

**MS. MCCULLOUGH:** Well, no, you could make a disposition.

25 **THE COURT:** Well, you show me my powers.

**MS. MCCULLOUGH:** Yeah, okay. I don't have my Code with me. Because you could even make a disposition and you can give him a conditional discharge, or whatever, or we can send it to the ORB. Now, I think in this case....

30 **THE COURT:** Well, I have to make a finding.

**MS. MCCULLOUGH:** You just....

**THE COURT:** No, I made a finding of  
guilt. That is all I have done.  
We haven't gone to section 16.2 yet. I  
mean, I haven't gone to the next stage.

**MS. MCCULLOUGH:** Oh, I see. We have to  
get a report, an NCR Report.

**THE COURT:** "Every person is presumed not  
to suffer from a mental disorder so as to  
exempt him from criminal responsibility  
unless the contrary is proven on a balance  
of probabilities. The burden of proof  
that an accused was suffering from a  
mental disorder is on the party that  
raises the issue." So you have to  
convince me on a balance of probabilities  
that he was suffering from a mental  
disorder.

I suppose I have his evidence. The Crown  
says his evidence isn't good enough.

You think his evidence isn't sufficient  
for the purposes for me to make that  
finding?

**MR. STIMEC:** Gosh, no, no. Absolutely not.  
A Psychiatric Report would have to be  
ordered at the bare minimum. This is a  
serious....

**THE COURT:** Well, there is a Psychiatric  
Report that was attached to the  
Information for the purposes of fitness.

He was examined at one time and found not to be fit. That was at the time of his arrest.

5 **MR. STIMEC:** Yeah, that is not the report I have. What was filed as an exhibit is not even referring to fitness, it is a diagnosis of a....

**THE COURT:** No, there is nothing yet.

10 **MR. STIMEC:** Your Honour is quite correct. There is one psychiatrist for purposes of 102 court that looked into it for fitness, which is an entirely different standard.

**MS. MCCULLOUGH:** Dr. Swayze can do an NCR.

15 **THE COURT:** I am sorry? You have to speak to me and not to each other. It is very, very annoying. Please address the court.

20 May I see the Information please.

25 There is an assessment for the purposes of fitness that was done some time ago and you are saying that was done on June 16<sup>th</sup> of 2008 when he was arrested on the 12<sup>th</sup> of May or the 13<sup>th</sup> of May.

**MR. STIMEC:** Yes.

**THE COURT:** So, you are saying that that is not sufficient?

30 **MR. STIMEC:** He was found fit, is that correct?

**THE COURT:** Was he found fit? I am sorry? Does it say he was found fit?

Oh, he is found to be fit.

**MR. STIMEC:** Right. So that does nothing to advance the Defence theory in terms of section 16. Nevertheless, it is not a report that was done to look into the issue of criminal responsibility.

Whenever that is raised, and it is rare that it is raised in terms of a criminal proceeding, there is a procedure under 672.1 that would govern, and one of the first things Your Honour does, is it to make an order to have a psychiatrist....

**THE COURT:** What would be the Crown's sentence? What would you be requesting for sentence on this matter if we didn't do a section 16?

**MR. STIMEC:** We could probation if....

**THE COURT:** Are you looking at a conditional discharge with probation?

**MR. STIMEC:** Well, that was the position that was offered prior to trial. I indicated after trial, a suspended sentence plus probation. So that is the disposition we are looking at.

**THE COURT:** And he has no prior record?

**MS. MCCULLOUGH:** Nothing.

**MR. STIMEC:** No.

**MS. MCCULLOUGH:** And he is going to CAMH for as long as he has to anyways. So he is not really....

**THE COURT:** So why are you pursuing this issue?

**MS. MCCULLOUGH:** I am not. I am not. But I said I wanted to talk to the Crown, and if he still wants to do that and you agree with it, then it is not a problem.

5 **THE COURT:** No, I am sorry. My understanding is that a section 16 finding is by far more intrusive....

**MS. MCCULLOUGH:** Oh yes. Definitely.

10 **THE COURT:** ....than whatever disposition is going to imposed. You raised it. If you are not raising it, I am not raising it and neither is he.

**MS. MCCULLOUGH:** Okay.

**THE COURT:** So, let's clarify that.

15 **MS. MCCULLOUGH:** Okay.

**THE COURT:** If you are not raising it, there has been a finding of guilt on count number two, there has been an acquittal on count number one. And if you are not raising section 16 with respect to this individual, then we can proceed to sentence now and you can put in those two letters you have, or maybe the Crown won't accept those two letters.

20 **MS. MCCULLOUGH:** I think justice will be done if we do this the way you are saying it right now just as well, if not better.

**THE COURT:** Well, are you content to have those letters go in on sentence?

25 **MR. STIMEC:** Yes. I think we first need to clarify if counsel is in fact going to be raising section 16.

**MS. MCCULLOUGH:** No, no.

**THE COURT:** If counsel is indicating she will not raise section 16.

**MS. MCCULLOUGH:** No, no, no.

5 **MR. STIMEC:** Is counsel indicating she will not raise section 16? Because my understanding from this whole process is that section 16 was going to be raised at the end of the trial.

10 **THE COURT:** Maybe we should put this over for another day and you better get some clear instructions from your client, ma'am. Because I understood that section 16 was going to be raised or you certainly  
15 tried to raise it. Because the evidence would indicate you are going to raise it. You better get some instructions in writing one way or the other and we will put it over for another day to conclude  
20 this matter.

Maybe you better get some real evidence in. I mean, there is the letters from the psychiatrist. Have you shown them to  
25 Mr. Stimec and has he....

**MS. MCCULLOUGH:** Yes, he has got the originals.

**THE COURT:** Oh, you have got the originals.

30 **MR. STIMEC:** I have them. Yes, that was a voluntary treatment. He saw the psychiatrist voluntarily....

**MS. MCCULLOUGH:** They are part of probation.

**MR. STIMEC:** Yeah, as part of the treatment.

5 **MS. MCCULLOUGH:** Part of probation.

**MR. STIMEC:** But, again, it is nothing to do with NCR. If counsel is going to do an NCR application, then a completely different procedure has to be followed in terms of psychiatric evidence. I am content however Your Honour wishes to deal with it, by way of adjournment or to allow counsel a few minutes to speak to the accused. If it is a matter of dealing with it and counsel is prepared to deal with the disposition today without the section 16, I think we can finish up in five minutes.

10 **THE COURT:** Well, I think we could too.

20 **MS. MCCULLOUGH:** If I could exactly clarify what the Crown wants and I can present it to my client, I am sure....

**THE COURT:** Why don't the three of you go outside.

25 **MR. STIMEC:** I indicated this already. Suspended sentence and probation.

**MS. MCCULLOUGH:** Okay.

**MR. STIMEC:** I don't there is anything else that needs to be discussed.

30 **MS. MCCULLOUGH:** Okay. That is fine.

**THE COURT:** And then those two letter you will probably want to put in. Are you

content, Mr. Stimec to have them go in?

**MR. STIMEC:** That is fine.

**THE COURT:** All right, that is fine.

**MS. MCCULLOUGH:** Okay, I think we have  
5 reached some....

**THE COURT:** All right. So, what have you  
decided then?

**MS. MCCULLOUGH:** I would like to ask for a  
conditional discharge and probation.

10 **THE COURT:** That is fine then. Is this a  
joint submission?

**MR. STIMEC:** Well, no. The crown is  
seeking a suspended sentence. Given that  
defence is not raising section 16 now,  
15 just to proceed by way of sentencing, the  
Crown position is a suspended sentence,  
probation for a period of three years,  
Your Honour, which is the maximum,  
conditions to include not to attend that  
20 address, the 25 John Street address, the  
CBC building....

**THE COURT:** Well, not to attend any....

**MR. STIMEC:** Excuse me. Not to be within  
a hundred metres.

25 **THE COURT:** Not to attend the CBC  
building.

**MR. STIMEC:** Yes, not to be within a  
hundred metres of the CBC building.  
Yes, that is fine. I know there were  
30 three addresses given. So I am content.  
Even if we put just not 500 metres from  
the CBC building, 25 John Street.



**THE COURT:** Not within 100 metres. 500 metres is a half a kilometre. That includes Spadina and that includes University Avenue.

5 **MR. STIMEC:** No, I just want to make sure it is only from all three buildings. So perhaps not a hundred metres from all three addresses then, 25 John Street and the other two addresses that were given by  
10 the witnesses.

**THE COURT:** Okay, the entrances. Not within a hundred metres of the entrances to the CBC building, and they are at 25 John Street. What is the other one?

15 **MR. STIMEC:** I don't have those offhand. I trust Your Honour was making notes of the witnesses.

**THE COURT:** I don't know the Wellington one. The other one was on Front Street. 250. I got that from somebody. One of  
20 the witnesses indicated that.

**MR. STIMEC:** 205 Wellington Street West is another address.

25 **THE COURT:** Right, and the other one on Front.

**MR. STIMEC:** I don't have the address for that.

**MS. MCCULLOUGH:** 250 Front. 250 Front and 205 Wellington.

30 **MR. STIMEC:** That is fine.

**THE COURT:** Not within a hundred metres of those entrances. What else?

**MR. STIMEC:** Not to communicate or associate with the victim Mr. Orduna, not to....

**THE COURT:** So, it is Fernando Orduna.

5 **MR. STIMEC:** To attend counselling....

**THE COURT:** And Shelagh O'Donnell.  
Right?

10 **MR. STIMEC:** To attend for counselling for mental health issues as directed by the probation officer.

**THE COURT:** Well, it is not counselling. He is going to continue this treatment.

**MS. MCCULLOUGH:** Oh, definitely.

15 **MR. STIMEC:** Mental health treatment and counselling, yes, as directed by his probation officer.

**THE COURT:** Continue treatment for mental health issues.

20 **MR. STIMEC:** Yes, and as directed by probation, in case there is issues that come up that are beyond the scope of this court proceeding. If his condition should change and the probation officer observes such, the probation officer should be in a position where they can direct the individual to attend for appropriate counselling. If they receive some feedback from the physician that is going to be dealing with him. But something  
25 should be in power of the probation officer to direct counselling. Also  
30 executing releases. A weapons prohibition

for a period of something in the range of five to 10 years, a section 110.

**THE COURT:** Which one, section 109 or 110?

**MR. STIMEC:** 110.

5 **THE COURT:** Section 110. For five years. Is that the first one?

**MR. STIMEC:** Yeah, and I think it is up to ten years I believe Your Honour can make an order. And I believe the utter threats is a DNA designated, a secondary offence with the new legislation. So I would ask for that order.

10 **THE COURT:** All right. So, ma'am, what are you proposing?

15 **MS. MCCULLOUGH:** I am proposing a conditional discharge. I don't disagree with keeping the space from the CBC or the two individuals involved, treatment at CAMH and the releases. The weapons prohibition maybe for five. And the DNA, I don't know whether that is necessary or not in this case.

20 **THE COURT:** All right, apart from that, there will have to be a reporting requirement.

25 **MS. MCCULLOUGH:** Yes.

**THE COURT:** Tell me a little bit about him. How old is he?

**MS. MCCULLOUGH:** He is 40.

30 **THE COURT:** 40 years of age and he is unemployed. Yes, he told us a little bit about himself. No, he is not unemployed.

He is on disability.

**MS. MCCULLOUGH:** Yes.

**THE COURT:** Does he have any family?

5 **MS. MCCULLOUGH:** No, his mother died of bipolar -- well, she died of a stroke, but she had bipolar too.

**THE COURT:** So does he have no other family in Toronto?

10 **MS. MCCULLOUGH:** No. That is one of the reasons why I was edging towards the section 16, because he needs support. You know, social support.

**THE COURT:** Is other counselling for social isolation in issue?

15 **MS. MCCULLOUGH:** I think it would force him to be a little bit more social. I think it would help.

**THE COURT:** Well, what does your client think?

20 **THE ACCUSED:** CAMH is sort of addressing that.

**THE COURT:** Is CAMH addressing that?

**THE ACCUSED:** Yes.

25 **THE COURT:** Okay, so CAMH. You are going to be with them for another year, in any event.

**THE ACCUSED:** At least.

30 **THE COURT:** Is there any reason why a discharge is necessary? Does he travel? Will he be returning to work at some stage?

**MS. MCCULLOUGH:** He wants to return to work. I mean, obviously he knows the

computer better than most of us. I think he would like a clean slate. I think he will never forget what has happened.

**THE COURT:** And there is no prior record?

5

**MS. MCCULLOUGH:** Nothing.

**THE COURT:** Okay, would you stand up please, sir. Is there anything you wish to say before I impose sentence?

**THE ACCUSED:** No.

10

**THE COURT:** I think in all the circumstances, this gentleman is 40 years of age, he has no prior record. There is some indication that he has some mental health issues.

15

You didn't put the letters before the court. The Crown is willing to have those letter go in.

**MS. MCCULLOUGH:** Yes, yes, yes.

20

**THE COURT:** May I have those letters please.

**MS. MCCULLOUGH** Okay, the Crown has got them.

25

**THE COURT:** Just for the purposes of sentencing.

**MR. MCCULLOUGH** I have one copy but I gave the original. Where is it now?

**MR. STIMEC:** I marked up some of these, but for purposes of sentencing, that is fine.

30

**THE COURT:** We have two letters, one from CAMH, that will be a lettered exhibit,

Exhibit Number One on sentencing and then there is another one, I understand. The other one is a consultation note from CAMH and it is dated the 19<sup>TH</sup> of 08 2008.

5

The letter from Andrea Levinson, Staff Psychiatrist in the early intervention clinic, indicates that he was in the Early Intervention Clinic for an assessment in August 2008. He was provided with psychiatric followup care. This a letter dated January 30<sup>th</sup>, 2009. "Since August 2008, he attends weekly appointment in our clinic, he never misses an appointment and he is adherent to his medications. He also attends to regular monitoring of his laboratory work and physical health. He is now in full remission of his Bipolar Disorder. He demonstrates no indication of an active illness. He is well psychiatrically and he poses no risk to himself or others at the present time, and we anticipate that he will continue working with them in an outpatient capacity."

10

15

20

25

I think given that he has already had a referral to CAMH and he is actively on their caseload, I think that in the circumstances a conditional discharge is appropriate.

30

You will be on probation for a period of three years, sir. The terms of the probation are to keep the peace and be of good behaviour.

5

Do you know what that means?

**THE ACCUSED:** Yes.

10

**THE COURT:** You are to report to your probation officer as required. You are not to attend within 100 metres of the entrances to the CBC building at 25 John Street, 205 Wellington Avenue and 250 Front Street West in the City of Toronto. You are not to have any contact direct with Fernando Orduna or Shelagh O'Donnell. You are to continue your treatment and counselling for your mental health issues and other any issues that may arise with CAMH, as is directed by your probation officer, and you are to provide evidence of regular attendance at your treatment and you are to sign consents to the release of information from CAMH to your probation officer.

15

20

25

This is with his consent, isn't it?

**MS. MCCULLOUGH:** Yes.

30

**THE COURT:** Well, note on the Probation Order that this Treatment Order is with his consent because obviously such a Treatment Order requires his consent.

5 You are not to have any weapons as  
defined by the Criminal Code, which is  
broadly defined and there will be a  
section 110 Order for five years. That  
is no firearms, ammunitions or  
explosives. I don't think a DNA Order is  
necessary in this case and I am not going  
to order one. It is his first offence  
and given all the circumstances, I think  
10 it will be unduly intrusive. I will not  
order a DNA Order.

15 So, here is Exhibit One and Two on  
Sentencing.

**EXHIBIT NUMBER ONE (ON SENTENCING) :**

Letter.

Produced and marked.

20 **EXHIBIT NUMBER TWO (ON SENTENCING) :**

Consultation Note.

Produced and marked.

25 **THE COURT:** I will waive the surcharge  
because he is not in a position to pay.  
He is on a disability. Now, he is  
probably going to have to come back  
tomorrow. He is going to have to go to  
the front office and check in with them.  
30 He is probably going to have to come back  
here. Is that the procedure, because it  
is ten to five. The Probation Office is  
in the building.



**MR. STIMEC:** I think they are open until five.

**THE COURT:** The Probation Office is in the building.

5 **MR. STIMEC:** I think they are open until five.

**THE COURT:** The Probation office is not open for sure.

**MR. STIMEC:** It is not.

10 **THE COURT:** I know. It closes at 4:30. So, the Probation Office in this building is not going to be open tonight.

15 So, he is going to have to go to room 156 and he is going to follow their instructions as to what he is going to do, because I think he will probably have to come back tomorrow to come back to the Probation Office.

20 **MR. STIMEC:** Is it 9 a.m. they are open?

**THE COURT:** I don't know what time they are open.

**MR. STIMEC:** 10 a.m Okay.

25 **THE COURT:** Now, sir, you are only eligible for one discharge before the courts and you will have to earn your discharge by satisfactory completion of those probation terms. Okay?

**THE ACCUSED:** Okay. Thank you.

30 **THE COURT:** Thank you very much. Thank you everybody. That was the best way to deal with that.

This is to certify that  
the foregoing is a true  
and accurate transcript  
of the recordings of  
Amina Shah to the  
best of my skill and  
ability.




Maria Chin,  
Official Court Reporter



***Investigation Summary*****-General-****Event** DISTURBANCE - Threat**Serial N°** 20080512-4110

AT 1327 HOURS, ONE MALE INDIVIDUAL ENTERED THE CBC BUILDING VIA THE JOHN STREET ENTRANCE AND APPROCHED THE JOHN STREET SECURITY DESK AND TOLD THE WRITER (SECURITY OFFICER SERRANO) "YOU KNOW TO DIAL 911 BECAUSE I'M GOING TO KILL EVERYBODY AT THE CBC" THE MALE INDIVIDUAL TOLD SECURITY OFFICER SERRANO. SECURITY OFFICER SERRANO ASKED THE INDIVIDUAL TO REPEAT HIMSELF, TO WHICH THE INDIVIDUAL REPLIED "YOU KNOW WHO I AM, YOU KNOW." THE INDIVIDUAL THEN TOOK TWO PHOTOGRAPHS OF SECURITY OFFICER SERRANO AND SHELAGH O'DONNELL, CBC PUBLIC RELATIONS [REDACTED] 51 USING A SMALL DIGITAL CAMERA. THE INDIVIDUAL THEN LEFT THE BUILDING VIA THE JOHN STREET ENTRANCE AT 1328 HOURS, THEN CROSSING JOHN STREET.

THE MALE INDIVIDUAL WORE A BLACK LEATHER JACKET, BLUE JEANS, MUSTACHE, BROWN HAIR, AND WAS APPROXIMATELY LOOK 40 TO 45 YEARS OLD, 5 FEET 9 INCHES IN HEIGHT. THE INDIVIDUAL WORE A SILVER COLOURED CITIZEN BRAND WATCH (SILVER WRISTBAND ALSO) AND A SMALL, METALLIC-RED COLOURED, SONY BRAND DIGITAL CAMERA.

  
ATTA; FERNANDO SERRANO ORDUNA  
PHONE: [REDACTED]  
CELL [REDACTED]  
WORK [REDACTED]



TPS 188.2006/06

Toronto Police Service

Video  DVD  CD  Storage Record  
Video Services Unit

C.B.C.

seized from 25 John street

VHS/DVD/CD No. XXVA00067602	Original Event No. <del>542673</del> E60540	C.E. No. 1869082
Offence Threatening	Date (YYYY/MM/DD) 2008/05/12	
Accused Surname O'Keefe	G1 Stephen	G2
Did YOU finalize DVD? <input type="checkbox"/> Yes		
Tape <input type="checkbox"/> In-Car <input type="checkbox"/> Breath <input type="checkbox"/> Statement Source <input type="checkbox"/> Booking <input type="checkbox"/> Seized <input type="checkbox"/> FIS	Other Tape Source (Specify)	Statement of <input type="checkbox"/> Accused <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness
Start Date (YYYY/MM/DD)	Time (24 Hr. Clock)	Subject's Name
Finish Date (YYYY/MM/DD)	Time (24 Hr. Clock)	Recording Officer's Surname
Date Case Concluded (YYYY/MM/DD)		Disposition
<b>DO NOT USE - VSU USE ONLY</b>		
<input type="checkbox"/> CROWN <input type="checkbox"/> DEFENCE <input type="checkbox"/> INVESTIGATIVE <input type="checkbox"/> ENHANCEMENT <input type="checkbox"/> TRANSCRIPT		



b128197  
-23  
2008000VXX



SEIZED VIDEOS ONLY



CP  
EVIDENCE  
2008

**From:** Shelagh O'Donnell  
**To:** Brian Courchesne  
**CC:** Elizabeth Lea  
**Date:** 5/12/2008 2:38 PM  
**Subject:** Security incident

Hello Brian,

Thank you for your followup call today. As discussed, at approx. 1:30 p.m. today I entered the CBC building via John Street. I saw a man speaking with the security guard on duty in what appeared to be an aggressive manner. I then overheard the man saying to the guard, something to the effect that "he should hurry and call 911 because he had a plan to kill everyone in the CBC building". The guard asked him, "what?", to which he replied, "too late" - then walked quickly towards John Street, turned back and took a photo of the security desk area with a digital camera.

The guard asked me to leave my name as a witness, which I was glad to do. I'd also be glad to provide a statement to police as you requested.

I understand that you have this on video, but for the record the man was about 5'8", 40s, brown hair & mustache, black leather jacket and jeans, with silver digital camera.

Regards,

Shelagh



Shelagh O'Donnell  
CBC Television  
Public Relations  
205 Wellington St. W.  
Toronto, Ont.  
M5V 3G7

T: [REDACTED]  
F: [REDACTED]  
C: [REDACTED]



May 12, 2008 @ 13h 26min  
security video of Stephen O'Keefe  
dictating into Olympus digital voice recorder



250 College Street  
Toronto, Ontario  
Canada M5T 1R8  
Tel: 416 535-8501

250, rue College  
Toronto (Ontario)  
Canada M5T 1R8  
Tél. : 416 535-8501

www.camh.net



Centre for Addiction and Mental Health  
Centre de toxicomanie et de santé mentale

January 30, 2009

The Ministry of the Attorney General  
Office of the Crown Attorney  
60 Queen Street West  
Old City Hall  
Toronto, ON M5H 2M4

Dear Sirs/Madam:

**Re: Stephen O'Keefe**

Mr. O'Keefe has a diagnosis of Bipolar 1 Disorder. He was seen in our Early Intervention Clinic for an assessment in August 2008. (Please see attached consultation note).

We have provided him with psychiatric follow-up care since August 2008 until present.

Mr. O'Keefe attends weekly appointments in our clinic, he never misses an appointment and is adherent to his medications. He also attends to regular monitoring of his laboratory work and physical health.

In my opinion, Mr. O'Keefe has full remission of his Bipolar Disorder. He demonstrates no indication of active illness. He is well psychiatrically. He poses no risk to himself or others at the present time.

We anticipate that Mr. O'Keefe will continue to work with us as an outpatient.

It is a pleasure to work with Mr. O'Keefe and we anticipate that he will continue to make ongoing progress in the future.

Yours sincerely,

Andrea J. Levinson, MD, MSc, FRCP©  
Staff Psychiatrist, Early Intervention Clinic  
Assistant Professor, University of Toronto  
Telephone: 416-535-8501 ext. 6540  
Fax: 416-260-4208

Janice Harris, RN  
Nurse Clinician  
Early Intervention Clinic  
Tel: 416-535-8501 ext. 6283  
Fax: 416-260-4208

*Transforming Lives - Transformer des vies*

A PAHO/WHO  
Collaborating Centre  
Un Centre collaborateur  
OPS/OMS

Affiliated with the  
University of Toronto  
Affilié à l'Université  
de Toronto