

**BENCHMARK:** No

**COMPLAINT:** On Wednesday, April 29th 2009, the complainant, Bill GILLAM, contacted Peterborough County O.P.P. via the Smith Falls PCC to report an incident associated to the fraudulent use of a credit card after the fact. The complainant wished to meet with an officer.

**INCIDENT LOCATION:** Chemong Home Hardware Building Centre, 1699 Chemong Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** On January 15, 2009 at 11:36 am Tyendinaga Police arrested Conrad SCHLECHTER for a credit card fraud at the McMurter's Home Centre on Highway 49 on the Tyendinaga Mohawk Territory. SCHLECHTER was attempting to purchase a generator with an unauthorized MasterCard credit card (# 5446 1228 8684 9622) from the McMurter's Home Centre. SCHLECHTER was later released on a PTA with an OIC Undertaking with a court date of February 19 2009 in Belleville. SCHLECHTER'S motor vehicle, a 2000 Ford Windstar was towed from the scene for "use plates not authorized" and the Ontario license plates (BDKT557) were seized. In his motor vehicle police found an Ottawa phone book, a Newmarket phone book and a Travelodge Hotel book with more credit card numbers written on pieces of paper as well as multiple hotel receipts. From the dates and locations of the transactions the police believed that the incident was only a part of a bigger credit card scamming operation.

**INVESTIGATION:** On Wednesday, April 29 2009 at 12:12 hrs P/C Jack attended the incident location and spoke with the complainant, who is the owner/accountant of the Chemong Home Hardware Building Centre.

The complainant advised P/C Jack that on December 17, 2008 an unknown male person attended his business, the Chemong Home Hardware Building Centre, and purchased \$1,229.97 (before taxes) worth of goods in two separate transactions. The transactions turned out to be fraudulent and the charges were subsequently reversed. The complainant provided P/C Jack with a copy of the MasterCard credit card (# 5191-2300-3778-7026) transaction report that he had obtained from the MasterCard security department. The report outlined the transactions on the card starting on December 16, 2008 and culminating on December 31, 2008. The MasterCard card number came back registered to Raoul MOHAMMED of Kingston.

From reviewing the report there were two transactions from the Chemong Home Hardware Building Centre in the Smith-Ennismore-Lakefield Twp. Both transactions were paid in the store by manually keying the MasterCard credit card number in. The times of the transactions were 12:05 pm and 02:27 pm, respectively. The store's Customer Service Representative, Jack STAMPLECOSKI, serviced the male person and the cashiers, Shannon FAIRBARN and Deborah CHAMBERLAIN, rang the transactions through.

In the first transaction at 12:05 pm the male purchased a 32" French door worth \$129.99 and an All Power America 3500W 6.5HP generator worth \$499.99. In the second transaction at 02:27 pm the accused purchased a Black & Decker Tool Kit worth \$549.99.

In April/May 2009 D/Cst. Dawson of Peterborough County O.P.P. received information from a confidential informant that the person responsible for a series of credit card frauds (the perpetrator) is Conrad SCHLECHTER (1965-01-23). SCHLECHTER goes around using credit card numbers to fraudulently purchase goods from businesses. The transactions are generally manually keyed. SCHLECHTER seems to target predominantly hardware stores and make purchases of goods under \$5,000 per transaction.

In April/May 2009, due to SCHLECHTER having criminal records of fraudulent activity, a photo line-up was assembled by the O.P.P. forensic Identification Section in Orillia for suspect identification purposes.

On May 8, 2009 at 04:40 pm the eye-witness, Jack STAMPLECOSKI attended Peterborough County O.P.P. for the eye-witness identification photo line-up procedure. The procedure was administered by D/Cst. Dawson and witnessed by P/C Jack. The procedure was video and audio recorded. Upon viewing the said photo line-ups STAMPLECOSKI positively identified Conrad SCHLECHTER (1965-01-23) as the male person whom he serviced on December 17 2008 at the Chemong Home Hardware Building Centre.

In May 2009 D/Cst. Dawson of Peterborough County O.P.P. received information from a confidential informant that Conrad SCHLECHTER was staying at Summit Motel at 11610 Yonge Street, Richmond Hill, ON, in Room 18.

On May 27, 2009 D/Cst. Dawson attended the Summit Motel in an attempt to arrest SCHLECHTER with negative results as SCHLECHTER was no longer there.

Peterborough Lakefield Community Police Service is interested in SCHLECHTER to an associated incident of a credit card fraud.

Police have grounds to believe that SCHLECHTER is only a part of a bigger credit card scamming operation. The total scope of the scamming operations is still unknown. SCHLECHTER lives a mobile life-style with transient stays in various hotels and motels. His current whereabouts are unknown. Therefore, grounds exist for requesting a warrant for his arrest.

On June 02, 2009 P/C Jack spoke with D/Cst. Jeffery Smith of Kingston Police on the phone and asked him to interview Raoul Richard Sahip MOHAMMED of Kingston in relation to the breach of MOHAMMED's MasterCard card in December 2008 and obtain a signed written statement from him as to what transpired.

On July 27, 2009 at 07:00 pm P/C Jack attended Chemong Home Hardware Building Centre and took statements from the cashiers, Shannon FAIRBARN and Deborah CHAMBERLAIN, who rang the transactions through and witnessed SCHLECHTER use fraudulent MasterCard credit card to pay for the purchases.

Though the cashiers were not able to describe the accused due to the 7 months time period from the date of the offense, they were able to recall the details of the transactions, such as the items purchased and the fact that the transactions were rang through by manually keying the credit card number in.

On August 6, 2009 PC Jack received a signed written statement taken from the owner of the Master Card credit card - Raoul Richard Sahip MOHAMMED - by D/Cst Jeff SMITH badge 176 of the Kingston City Police, Fraud Section, Criminal Investigation Division in reference to the unauthorized usage of his MasterCard credit card in December 2008. The statement was taken on July 30th 2009 at Kingston City Police station.

**ACCUSED:** Conrad Peter SCHLECHTER (1965-01-23)

**WITNESSES:**

Customer Service representative, Jack STAMPLECOSKI - serviced the accused.  
Cashiers, Shannon FAIRBARN and Deborah CHAMBERLAIN - rang the transactions through.

**VICTIMS:**

Chemong Home Hardware Building Centre, 1699 Chemong Road, Smith-Ennismore-Lakefield Twp.,  
Peterborough County.  
MasterCard credit card (# 5191-2300-3778-7026) owner, Raoul Richard Sahip MOHAMMED (1963-04-11)

**CHARGES:** CC 380(1) FRAUD - UNDER \$5000 x 2.

**PROPERTY:**

Generator, 3500W 6.5HP, All Power America, value \$499.99  
French door, 32" with 15 Lite Zinc, value \$129.99  
Tool Kit, Black & Decker, value \$549.99

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** SCHLECHTER added on CPIC as charged.

Conrad Peter SCHLECHTER (1965-01-23), Accused, FRAUD - UNDER \$5000, AWAITING DISPOSITION, EXP: 2011-01-19.

Conrad Peter SCHLECHTER (1965-01-23), On probation for IMPORT TOBACCO INTO SASK, Sec. 27(2) & 27(5) TOBACCO TAX ACT, EXP: 2010-06-13.

**NOTIFICATION:** Sgt. Flindall through Niche, Peterborough Lakefield Community Police notified, Kingston Police notified, Tyendinaga First Nations Police notified.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** Put an arrest warrant for SCHLECHTER.

### **SUPPLEMENTARY REPORTS:**

30Apr09 Captured suspect's images provided by Detective Constable Eric DAWSON #7010 of Central Region Intelligence Coordinator (East) and retrieved NICHE DMS images for use in photo line-ups.

08May09 15:15 Detective Constable Eric DAWSON #7010 attended Ident Unit and picked up line-ups under seal # 2J59121.

On October 22, 2009 PC JACK faxed a request for an affidavit from the Bank of Montreal MasterCard security department pursuant to Sec. 29 of the Canada Evidence Act that the MasterCard credit card (number 5191-2300-3778-7026) transaction report that was obtained from the MasterCard security department for December 2008 was genuine so as to avoid bringing a bank teller to court for the purpose of the identification. Once received, the affidavit is to be forwarded to the Crown Attorney, John MARSLAND.

On November 04, 2009 at 09:30 hrs PC JACK re-faxed a request for an affidavit from the Bank of Montreal MasterCard security department pursuant to Sec. 29 of the Canada Evidence Act that the MasterCard credit card (number 5191-2300-3778-7026) transaction report that was obtained from the MasterCard security department for December 2008 was genuine so as to avoid bringing a bank teller to court for the purpose of the identification. Once received, the affidavit is to be forwarded to the Crown Attorney, John MARSLAND.

The request was faxed to the attention of Randy ROTH (BMO Corporate Security Investigator; fax number: 416-232-8490) after PC JACK spoke with him on the phone and confirmed that he was the right person to request the affidavit from.

### **Witness Statement of Jack Stamplecoski**

**Statement taken on May 08, 2009 at 4:40 pm**

**Question:** Mr. Stamplecoski, can I get your date of birthday?

**Answer:** February 2nd, 1948.

**Question:** We are investigating a deal where a fellow comes into your store sometime in December and basically fraudulently takes some stuff from the store, gets away with it and you guys were subsequently charged back. What can you tell us about it?

**Answer:** He tried to use one credit card, which was no good. He said it was a company's card. He said their machine just broke down and they needed the hydro, the generator, a 3500W generator.

**Question:** What time of the day was it?

**Answer:** It was sometime in the morning, I'd say around 10:30 am.

**Question:** Did you deal with the fellow face to face?

**Answer:** Yes, at the customer service counter near the back of the store.

**Question:** Can you describe him for me?

**Answer:** Not a heavy set, little moustache, my height, maybe an inch or two higher, construction cloth on, blue jeans, blue shirt, talked really quick.

**Question:** Did he have glasses?

**Answer:** No glasses.

**Question:** Since you were interviewed regarding this incident, have you received any new information regarding this investigation?

**Answer:** I have not been interviewed. This is the first time.

**Question:** Have you viewed any photographs or heard any descriptions through the media or from any other source pertaining to this investigation?

**Answer:** I know he uses the company name of Smith Contracting.

Identification photo line-up procedure takes place and upon viewing the said photo line-ups Jack Stamplecoski positively identifies Conrad Schlechter (1965-01-23) as the male person whom he witnessed on December 17th 2008 use fraudulent MasterCard card number to procure goods in two separate transactions from the Chemong Home Hardware Building Centre on 1699 Chemong Road in Smith-Ennismore-Lakefield Twp. in the County of Peterborough.

**Question:** What can you tell me about that guy?

**Answer:** He looked like a contractor to me.

**Question:** When he comes in, where do you see him first?

**Answer:** I was at the customer service as he was walking up to me he says, "I am in trouble, I need a generator. Our has just quit, we do not have time to get it fixed, need it now." I showed him. I took him over to the generators. I showed him a 2500W and a 3500W and he said, "I will take the 3500W. I said, "Ok", and typed the bill out and I am pretty sure I put Smith Contracting on it. I said, "I will help you out of the store with it."

**Question:** What was he wearing?

**Answer:** Blue jeans, they were not clean, they were muddy. I helped him out of the store with it, but then his card would not work, he said, "Just a minute, my phone is out in the truck." Then he comes back and he was talking on the cell phone. He says, "Ok, I will use my card." He took the other card out. In the mean time I went back to the counter when he was doing the other card thing with the girl and I guess the girl typed the card number in instead of swiping it. She then called a customer carrier and I carried the generator to the truck. I cannot remember what kind of truck it was. Then he came back later about French doors and I think it was wall tools.

**Question:** Was it like a half-ton truck?

**Answer:** It was a pick up truck with a cap on.

**Question:** Did you see anybody with him?

**Answer:** Nobody was with him. He was by himself. Then we went out to the truck, his cell phone rung and he was talking on the cell phone. He always talked fast. To me that is the person who is nervous. He had a baseball cap on.

Interviewed by **D/Cst Dawson**

Witnessed by **P/C Jack**

**Witness Statement of Deb Chamberlain**

**Statement taken on July, 27 2009 at 6:30 pm**

**Q: I am investigating an incident that took place at the store you work in as a cashier on December 17th 2008 where a male person came in and purchased an item that you rang through. What, if anything, can you tell me about it?**

**A:** It was a Dewalt tool set. I remember this because it's a large item that isn't sold very often. Card would not swipe, so credit card had to be punched in manually. Transaction was completed.

**Q: What time of the day was it?**

**A:** Mid afternoon, it was after I came back from lunch, probably around 2:00-2:30pm.

**Q: Can you please describe him for me?**

**A:** No, the only reason I remember the transaction is because it is not something we sell a lot, but I cannot remember the customer.

**Q: What kind of credit card did he use?**

**A:** I do not remember what it was.

**Q: After reading this statement, is there anything you would like to add, change or delete?**

**A:** No

**Q: When were you informed that the transaction turned out to be fraudulent and that there was a charge back?**

**A:** On Thursday, July 23rd in the morning Bill Gillam told me about it. He also told me that police would come soon and take a witness statement from me.

Signed **Deb Chamberlain** on 27JUL09

**Witness Statement of Shannon FAIRBARN**

**Statement taken on July, 27 2009 at 7:00 pm**

**Q: I am investigating an incident that took place at the store you work in as a cashier on December 17th 2008 where a male person came in and purchased two items that you rang through. What, if anything, can you tell me about it?**

**A:** He had a slip of paper that had a door order on it and a generator. I remember this because I only had 2 generators come through my side all winter. I also remember that Jack, who works at the service counter, came up with him when he bought these 2 items. He first gave me a charge card that would not go through. He then gave me another card that would not swipe no matter what method I used (paper, plastic bag, rubbing the card on fabric) so I hit the F11 option on the screen + typed in the card's number which was approved. I then printed out his invoice that would allow him to enter the yard to get his door + Jack helped him out with his generator.

**Q: Can you please describe him for me please?**

**A:** I cannot remember him because I see too many people and it has been a long time.

**Q: What kind of credit cards did he use?**

**A:** I believe it was a VISA and a MasterCard credit cards.

**Q: Do you remember the time of the day you rang the transaction through?**

**A:** Around noon, because the other cashier left for lunch at this time. She always leaves for lunch at noon in winter time.

**Q: After reading this statement is there anything you would like to add, change or delete?**

**A:** No

**Q: When were you informed that the transaction turned out to be fraudulent and that there was a charge back?**

**A:** It was Thursday July 23rd. I was called at 11:30 saying that there was something they (the store-but it was Jen that called -Jen Watson), but I told her that I was coming in at noon to work. She told me to see her as soon as I came in. This is when she told me about the December incident + asked what I knew. The reason for the call is that Thursdays are usually my days off but I had switched with another cashier to have a different day off. (Monday for Thursday switch)

Signed **Shannon FAIRBARN** on 27JUL09

**Date: Thursday 30 July 2009**

**Statement taken by: Detective Jeff Smith #176**

**Kingston City Police**

**Fraud Section**

**Criminal Investigation Division**

**Statement taken at Police Headquarters**

**705 Division Street**

**Kingston Ont K7K 4C2**

This is a statement of Raoul S. Mohammed (DOB: 11 April 1963) - Unit 6 - 98 Thomas Street, Kingston Ontario K7K 1C3. This statement involves information pertaining to the unauthorized use of his MasterCard acct # 5446 1228 8684 9622 between December 2008 and January 2009.

**Q: Do you still own the credit card (MasterCard # 5191 2300 3778 7026)?**

**A:** At the time that I reported it to the police upon the direction of MasterCard I still had the card, but MasterCard instructed me to destroy the card. It was a joint account with my wife - she had her own card - mine was destroyed.

I don't have it now. I cancelled my card around January 15th 2009. Kingston police took the MasterCard till sometime in January 2009. I reported the incident to D/Cst. Jeff Smith of the Kingston City fraud section.

**Q: When did you notice your MasterCard was breached?**

**A:** Around mid January when my wife reviewed our bill. She then called MasterCard because she didn't know about the charges.

**Q: When did you take note of the fraudulent activity of your MasterCard?**

**A:** Account statements indicate that MasterCard was used in December and January.

**Q: On how many separate occasions and where was your MasterCard fraudulently used?**

**A:** On 22 occasions - whatever you have there on the note will be accurate

**Q: What was the total cost of the fraudulent activity on your MasterCard?**

**A:** \$9,587.28

**Q: Did you authorize anyone to use your MasterCard?**

**A:** No

**Q: Can you provide the OPP with a signed written statement outlining all unauthorized usage on your MasterCard?**

**A:** Yes, the statement I provided the Kingston police has all the unauthorized transaction highlighted. This was given to D/Cst. Smith and reviewed today.

**Q: From the December 2008 MasterCard transaction report which transactions were fraudulent and which were not?**

**A:** As stated above - the ones that are highlighted are the unauthorized transactions

**Q: Is there anything else you wish to add?**

**A:** No.

To the best of my belief and knowledge this information is true

Signed **Raoul S. MOHAMMED** on 30JUL09

Signed **Det. J. SMITH** on 30JUL09

## **Crown Brief Synopsis**

### **R Vs. Conrad Peter SCHLECHTER**

**Accused:** ConradPeter SCHLECHTER(DOB: 23-Jan-1965)  
42 Kitimat Crescent, Aurora, Ontario

**OIC:** P/C Michael Jack, Badge # 12690

**Charge # 1:** Fraud Sec. 380(1) CC

**Charge # 2:** Fraud Sec. 380(1) CC

**Date / Time:** December 17th 2008, 12:05 pm and 02:27 pm.

**Location:** Chemong Home Hardware Building Center, 1699 ChemongRoad, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** On January 15, 2009 at 11:36 am Tyendingaga Police arrested Conrad SCHLECHTER for a credit card fraud at the McMurter's Home Centre on Highway 49 on the Tyendingaga Mohawk Territory . SCHLECHTER was attempting to purchase a generator with an unauthorized MasterCard credit card (# 5446 1228 8684 9622) from the McMurter's Home Centre. SCHLECHTER was later released on a PTA with an OIC Undertaking with a court date of February 19, 2009 in Belleville. SCHLECHTER'S motor vehicle, a 2000 Ford Windstar was towed from the scene for "use plates not authorized" and the Ontario license plates (BDKT557) were seized. In his motor vehicle police found an Ottawa phone book, a Newmarket phone book and a Travelodge Hotel book with more credit card numbers written on pieces of paper as well as multiple hotel receipts. From the dates and locations of the transactions the police believed that the incident was only a part of a bigger credit card scamming operation.

**SYNOPSIS:** On December 17, 2008 the accused, Conrad Peter SCHLECHTER, attended Chemong Home Hardware Building Center and fraudulently purchased a total of three items in two separate transactions. In the first transaction at 12:05 pm the accused purchased a 32" French door worth \$129.99 and an All Power America 3500W 6.5HP generator worth \$499.99. In the second transaction at 02:27 pm the accused purchased a Black & Decker Tool Kit worth \$549.99. Both transactions were charged on a MasterCard credit card number 5191-2300-3778-7026 by manually keying the number in. The charges were subsequently reversed.

The MasterCard credit card number 5191-2300-3778-7026 came back registered to Raoul MOHAMMED of Kingston.

From the copy of the MasterCard credit card (number 5191-2300-3778-7026) transaction report that was obtained from the MasterCard security department it was determined that there were a total of 22 separate unauthorized transactions starting on December 16, 2008 and culminating on December 31, 2008 for the total cost of CA \$9,587.28. Only two of those transactions were rang through at the Chemong Home Hardware Building Centre.

In April/May 2009 D/Cst. Dawson of Peterborough County O.P.P. received information from a confidential informant that the perpetrator responsible for a series of credit card frauds is Conrad SCHLECHTER (1965-01-23). SCHLECHTER goes around using fraudulent credit cards to purchase goods from businesses. The transactions are generally manually keyed. SCHLECHTER seems to target predominantly hardware stores and make purchases of goods under \$5,000 per transaction.

In April/May 2009, due to SCHLECHTER having criminal records of fraudulent activity, a photo line-up was assembled by the O.P.P. forensic Identification Section in Orillia for suspect identification purposes.

On May 8, 2009 at 04:40 pm the eye-witness, Jack STAMPLECOSKI attended Peterborough County O.P.P. for the eye-witness identification photo line-up procedure. The procedure was administered by D/Cst. Dawson and witnessed by P/C Jack. The procedure was video and audio recorded. Upon viewing the said photo line-ups



STAMPLECOSKI positively identified Conrad SCHLECHTER (1965-01-23) as the male person whom he serviced on December 17 2008 at the Chemong Home Hardware Building Centre.

On May 27, 2009 D/Cst. Dawson attended the Summit Motel in an attempt to arrest SCHLECHTER with negative results as SCHLECHTER was no longer there.

On July 27, 2009 P/C Jack interviewed the cashiers, Shannon FAIRBARN and Deborah CHAMBERLAIN, who rang the two fraudulent transactions through and witnessed SCHLECHTER use fraudulent MasterCard credit card to pay for the purchases. Though the cashiers were not able to describe the accused due to the 7 months time period from the date of the offense, they were able to recall the details of the transactions, such as the items purchased and the fact that the transactions were rang through by manually keying the credit card number in.

On July 30, 2009 D/Cst Jeff SMITH (badge 176) of the Kingston City Police, Fraud Section, Criminal Investigation Division, interviewed the owner of the Master Card credit card - Raoul Richard Sahip MOHAMMED - in reference to the unauthorized usage of his MasterCard credit card in December 2008.

Police have grounds to believe that SCHLECHTER is only a part of a bigger credit card scamming operation. The total scope of the scamming operations is still unknown. SCHLECHTER lives a mobile life-style with transient stays in various hotels and motels. His current whereabouts are unknown. Therefore, grounds exist for requesting a warrant for his arrest.

#### **TO DO:**

Contact BMO MasterCard

Phone: 416-232-8317 (Michelle SMITH)

Find out if the breach of the card was a part of a bigger compromise.

Inquire if all the twenty two fraudulent charges have been reversed.

Inquire if other police services have been contacted in relation to this fraud.

Find out who else has been notified of the fraudulent transactions.

Find out if MasterCard will want restitution for the chargeback transactions from SCHLECHTER.

BMO MasterCard Security Bureau

Phone: 1-800-321-8041

Fax: 1-866-890-8849

BMO Corporate Security (Randy ROTH):

Phone: 416-232-8002

Fax # 416-232-8490

Request a transaction history report from the time the card was compromised until it was cancelled.

Contact Tyendinaga First Nations Police

Phone: 613-967-3888 (Cst Jason BRANT and Cst Sam MARACLE)

Jason BRANT Cell: 613-813-9018

Email: Jason.Brant@ontario.ca

Contact Napanee OPP Court Officer and get a court date.

Phone: 613-354-3369

Contact Sherry JANK of the PLCPS.

Advise her of the investigation.

Get a confirmation SCHLECHTER's last known residence/place of stay was attended and he was not there.

Get a warrant for SCHLECHTER's arrest.

## Crown Brief Synopsis

**Accused persons:** Colin HENDERSON (young person)  
Adam VOLLICK (young person)  
Daniel CARRANZA (young person)  
Brendon GERELUS (adult)

**OIC:** P/C Michael JACK, Badge # 12690

**Date / Time:** August 19, 2009 between 22:00 hrs and 22:40 hrs

**Location:** Young's Point Junior Public School located at 2725 Chalmers Ave in Young's Point, Smith-Ennismore-Lakefield Twp, Peterborough County.

On August 6, 2009 at approximately 22:14 hrs Peterborough County OPP received a report of a break and enter in progress at the Young's Point Junior Public School located at 2725 Chalmers Ave in Young's Point, Smith-Ennismore-Lakefield Twp, Peterborough County. At approximately 22:30 hrs police arrived and at approximately 22:40 hrs police approached the school building on foot and observed 4 male youths on the roof of the school building. Police kept an observation on the males for approximately 5 minutes during which time loud voices along with a banging sound and at one point a sound of breaking glass were clearly heard. Upon spotting the police and despite clear and loud orders to stop, the 4 suspects took off and fled on foot in all directions. After a short pursue, all 4 accused were apprehended by the police short distance away from the school site.

At approximately 22:41 hrs, PC D'AMICO, PC MORAN, and PC MACARTHUR apprehended and arrested the first accused person, Colin HENDERSON. HENDERSON attempted to flee from police through a school parking lot and was apprehended and arrested in a nearby wooded area. During the arrest HENDERSON actively resisted by not showing his hands despite being repeatedly told by the officers to show his hands. Subsequent to the arrest, HENDERSON was searched and was found to be in possession of a marijuana cigarette. HENDERSON was advised of the reason for his arrest, was read his Rights to Counsel and a Young person caution and was provided with the 1-800 legal aid number. HENDERSON stated he understood and did not wish to speak with lawyer. HENDERSON was transported to the Peterborough County OPP detachment, where he declined to speak with a lawyer, but wished to speak with his mother, Fiona HENDERSON. On August 7, 2009, at approximately 00:50 am HENDERSON was afforded privacy to speak with his mother on the phone and was then lodged in the cells until paper work was completed. At approximately 03:30 hrs a cautioned video/audio recorded statement was taken from HENDERSON by PC JACK and at 04:15 hrs HENDERSON was released into the custody of his mother on a Promise to Appear with an OIC Undertaking and with the first court date of September 21, 2009. A notice to parent was served to his mother.

At approximately 23:00 hrs, PC FILMAN apprehended and arrested the second accused person, Adam VOLLICK. VOLLICK attempted to evade police by hiding in the waters of Katchewanooka Lake. VOLLICK was located fully submerged with the exception of his head beside a dock in the backyard of a residence on Wilson Rd. Subsequent to the arrest, VOLLICK was advised of the reason for his arrest, was read his Rights to Counsel and a Young person caution and was provided with the 1-800 legal aid number. VOLLICK stated he understood and at that time he was unsure of talking to a lawyer. VOLLICK was transported to the Peterborough County OPP detachment, where he declined to speak with a lawyer, but wished to speak with his mother. On August 7, 2009, at approximately 01:00 am VOLLICK was afforded privacy to speak with his mother on the phone and was then lodged in the cells until paper work was completed. At approximately 03:00 hrs a cautioned video/audio recorded statement was taken from VOLLICK by PC JACK. At 03:40 hrs VOLLICK was released into the custody of his mother on a Promise to Appear with an OIC Undertaking with the first court date of September 21, 2009. A notice to parent was served to his mother.

Police located the third accused person, Brendon GERELUS. GERELUS attempted to evade police by hiding in his trailer at the Ringtail Trailer Park located at 2045 Young's Point Road. At approximately 23:11 hrs GERELUS was advised of the reason for his arrest, read his Rights to Counsel and an Adult person caution and provided with the 1-800 legal aid number. GERELUS stated he understood and wished to speak with a Duty Counsel. GERELUS was transported to the Peterborough County OPP detachment, where he wished to speak with a lawyer. On August 7, 2009, at approximately 01:03 am GERELUS was afforded privacy to speak with a Duty Counsel on the phone and was then lodged in the cells until paper work was completed. At approximately 05:20

a cautioned video/audio recorded statement was taken from GERELUS by PC JACK and at 05:47 hrs GERELUS was released on a Promise to Appear with an OIC Undertaking with the first court date of September 24, 2009. GERELUS was picked up by his uncle.

At approximately 23:20 hrs, PC LAPERLE and PC JACK apprehended and arrested the fourth accused person, Daniel CARRANZA. CARRANZA attempted to evade police by hiding on the roof of the school building. CARRANZA came down voluntarily and was arrested by PC JACK. CARRANZA was advised of the reason for his arrest, was read his Rights to Counsel and a Young person caution and was provided with the 1-800 legal aid number. CARRANZA stated he understood and did not wish to speak with lawyer. CARRANZA was transported to the Peterborough County OPP detachment, where he declined to speak with a lawyer, but wished to speak with his mother, Jessie CARRANZA. On August 7, 2009, at approximately 01:10 am CARRANZA was afforded privacy to speak with his mother on the phone and was then lodged in the cells until paper work was completed. At approximately 04:30 a cautioned video/audio recorded statement was taken from CARRANZA by PC JACK. At 05:05 CARRANZA was released into the custody of his mother on a Promise to Appear with an OIC Undertaking with the first court date of September 21, 2009. A notice to parent was served to his mother.

As a result of the investigation, it was determined that the accused persons gained entry through a window at the East side of the portable type extension of the school building, which was found pushed inward allowing access to the room. Once inside the building, the accused moved around, which activated the alarm. A total of 3 motion sensors were triggered. At 22:19 hrs a motion sensor was triggered in the library. At 22:21 hrs a motion sensor was triggered in the gym/storage room. At 22:24 hrs a motion sensor was triggered in the office. The school had been closed for 4 years and most of the interior had been cleaned out and removed and at the time of the event the school was vacant. The accused might have been responsible for pulling numerous radiator covers away from the walls thus exposing the internal radiator parts, opening multiple cupboards and various electrical panels and damaging some tables and a cart. The accused exited through the door on the West side of the portable type extension of the school building, which was found open with no signs of forced entry and appeared to have been opened from inside. At this point nothing was taken from the school. The accused smashed 3 windows in total on the outside of the school building by throwing rocks. The accused climbed on the roof of the school building where they removed a concrete chimney section from the center of the roof. They carried it to the roof edge and threw it down. While being thrown from the roof, the concrete chimney section severed an electrical cable running from the rooftop to a nearby utility pole and subsequently shattered on the ground.

Total value of the damage to the school property is currently unknown. The school is seeking monetary restitution for the damages caused.

## **CROWN BRIEF SYNOPSIS**

Regina vs. BARRETT, Kevin; DOB 14 June 1960

Operation of a Motor Vehicle with Over 80 milligrams of alcohol in 100 milliliters of blood  
section 253 (b) of the Criminal Code

OIC - Michael Jack # 12690

**ACCUSED:** BARRETT, Kevin; DOB 14 June 1960

**VEHICLE:** 1994 Oldsmobile bearing Ontario License Plate BFCS 403 registered to the accused.

**LOCATION OF OFFENCE:** County Road 18 just north of County Road 1 in Smith-Ennismore-Lakefield Twp, County of Peterborough.

**TIME AND DATE OF OFFENCE:** April 10, 2009; approximately 23:20 hrs.

**HISTORY:** On the 10th of April, 2009 at around 23:16 PC Rusaw was approached by a male driver in Bridgenorth to report a possible drunk driver south bound going through Bridgenorth on County Road 18. On April 10 2009 PC Jack and PC Filman were on general duty patrol operating a fully marked police vehicle. PC Filman was the driver, while PC JACK was the front seat passenger. At 23:18 hrs the officers were driving north bound on County Road 18 (Chemong Road) just north of County Road 1 (Lindsay Road) in Smith-Ennismore-Lakefield Twp, County of Peterborough when a radio call was received from PC Rusaw advising of a traffic complaint. The description of the vehicle was given to police - a dark coloured Oldsmobile had been observed traveling south bound on County Road 18 from Bridgenorth towards Peterborough while reportedly driving erratically and swerving in the lane.

### **Charge: Operation of a Motor Vehicle with Over 80 milligrams of alcohol in 100 milliliters of blood section 253 (b) of the Criminal Code**

At 23:19 hrs PC Jack and PC Filman observed a red Oldsmobile matching the description traveling south bound on County Road 18 at a high rate of speed. PC Filman performed an emergency U-turn and proceeded after the vehicle. It appeared that the vehicle was traveling at the speed of over 120 kph. However, PC Filman was unable to obtain sufficiently long tracking history of the vehicle's speed on the Radar as the vehicle slowed down due to another vehicle being ahead of it. At this time, the police vehicle caught up with the red Oldsmobile and PC Jack and PC Filman observed the vehicle swerving in the lane, crossing into the road shoulder with both passenger side wheels and crossing the centre lane with both driver side wheels and traveling in the opposite lane for up to 2-3 seconds at least 3 times. PC Filman activated the emergency lights on the police vehicle and conducted a traffic stop of the vehicle on the south bound shoulder of County Road 18 approximately 300 meters south of County Road 1. PC Jack noted the vehicle was a red Oldsmobile bearing Ontario License Plate BFCS 403.

At 23:21 hrs Jack approached the driver's side of the motor vehicle and advised the driver that the reason for the stop was driver's apparent erratic driving and asked the driver for his driver's license, ownership and insurance card. PC Filman was right behind PC Jack and PC Piette, who had just arrived on scene for assistance, approached the passenger's side of the vehicle.

The driver (the accused) identified himself with a valid Ontario photo driver's license as Kevin, John, Barrett, 278 Reid Street Lower, Peterborough, ON K9J 3R1 date of birth 14JUN1960 with driver's license number B0665-43356-00614 Class GM2.

The accused stated that he was driving back home from Sugarbush Crescent where he did some ceramic work at his friends' place. PC Jack asked the accused when was the last time he had a drink of alcohol. The accused

stated he had a bottle of beer at around 16:00 hrs. PC Jack noted an empty 341 ml bottle of Molson Dry beer on top of coat in the rear seat of the car and asked the accused if it was that bottle. The accused replied that it had been there for a long time, while continuing to fumble with the documents in his attempts to retrieve the right ones. It was at this time that PC Jack detected a strong odour of alcoholic beverage on the accused's breath. The accused failed to locate the vehicle ownership and surrendered only his driver's license and his vehicle insurance card. PC Jack informed the accused that he could smell the odour of alcohol on his breath.

PC Jack formed reasonable suspicion that the accused was operating a motor vehicle while consuming alcohol, and immediately read the accused a Breath Sample Demand - Approved Screening Device from the issue card in his notebook at 23:23 hrs. The accused exited the vehicle and accompanied PC Jack to the passenger's side of the police vehicle. PC Jack turned on the Approved Screening Device (ASD) 7410 GLC Serial # ARFF 0088 last calibrated on April 05 2009 by PC McNab.

At 23:26 hrs the ASD was ready and PC Jack demonstrated to the accused how to use the ASD by directly blowing into it and that it was in proper working order by displaying '000' as the result of the test.

At 23:27 hrs the accused provided 1st sample of breath by blowing directly into the ASD. The sample was provided at the rear seat of the police vehicle through the slide-on window in the separating glass wall between the front seats and the rear seat compartments. Accused sample registered "F" for fail.

At 23:29 hrs PC Jack placed the accused under arrest for operating a motor vehicle while over 80, CC.

At 23:29 PC Jack read the accused rights to counsel from the issue card in his notebook through the window.

Q: Do you understand?

A: "I do not know", "I suppose"

Q: Do you wish to call a lawyer now?

A: "I suppose"

At 23:30 PC Jack read the accused adult caution from the issue card in his notebook through the window.

Q: Do you understand?

A: "Yes"

At 23:30 hrs PC Jack read the accused Breath Sample Demand – Breathalyzer / Intoxilyzer.

Q: Do you understand?

A: "Yes"

At 23:33 hrs PC Jack had the accused step out of the police vehicle, searched the accused, and placed the accused in the rear seat of the police vehicle.

PC Filman arranged for the removal of the vehicle and PC Piette stayed at the scene to wait for the tow truck.

At 23:49 hrs PC Jack and PC Filman arrived at the Peterborough County OPP detachment. The accused was asked again if he wished to call his lawyer and he said he would like to speak with a duty counsel.

At 23:54 hrs PC Jack called Duty Counsel.

At 00:05 hrs Duty Counsel Dennison returned call.

At 00:06 hrs the accused spoke with the Duty Counsel on the phone in the sound proof booth and at 00:08 hrs informed PC Jack that he had completed the call and was satisfied. As the accused finished the phone call he dropped the phone receiver on the floor as it slipped out of his hands.

At 00:07 hrs PC Jack gave the breath technician, PC Filman, the grounds to complete the page of the breath technician notes. At 00:08 hrs PC Filman took custody of the accused to perform the breath samples into the Intoxilyzer.

At 00:18 hrs the accused provided a 1st Sample of breath into the Intoxilyzer, which registered 0.139% BAC.

At 00:38 hrs the accused provided a 2nd Sample of breath into the Intoxilyzer, which registered 0.126% BAC.

At 00:50 hrs the accused was advised of the results of his samples and lodged into the cells until the release documents could be completed.

At 02:20 hrs PC Jack released the accused on a Promise to Appear for the charges of Over 80 Section 253 (b) CC with a first appearance date of May 07 2009. The accused was served with copies of the Promise to Appear, Notice of Application for Increased Penalty, Breath results, Certificate of Qualified Breath Technician, 90 day ADSL Suspension Notice, and his driver's license was seized and returned to MTO.

The accused left the Peterborough County OPP detachment with a taxi.

Relevant Times:

Time of Incident: 23:19 hrs

Vehicle Stop: 23:20 hrs

Breath Sample Demand - Roadside Screening Device: 23:23 hrs

Registered "F" Fail: 23:28 hrs

Time of Arrest: 23:29 hrs

Rights to Counsel: 23:29 hrs

Caution: 23:30 hrs

Breath Sample Demand - Intoxilyzer: 23:30 hrs

Depart from Scene: 23:35 hrs

Arrival at Detachment: 23:49 hrs

Custody of Breath Technician: 00:08 hrs

1st Breath Sample: 139 mg of alcohol in 100 ml of blood at 00:18 hrs

2nd Breath Sample: 126 mg of alcohol in 100 ml of blood at 00:38 hrs

Time of Release: 02:20 hrs

**BENCHMARK:** No

**COMPLAINT:**

**INCIDENT LOCATION:** County Road 18 just north of County Road 1 in Smith-Ennismore-Lakefield Twp, County of Peterborough.

**HISTORY:** On the 10th of April, 2009 at around 23:16 PC Rusaw was approached by a male driver in Bridgenorth to report a possible drunk driver south bound going through Bridgenorth on County Road 18. On April 10 2009 PC Jack and PC Filman were on general duty patrol operating a fully marked police vehicle. PC Filman was the driver, while PC JACK was the front seat passenger. At 2318 hrs the officers were driving north bound on County Road 18 (Chemong Road) just north of County Road 1 (Lindsay Road) in Smith-Ennismore-Lakefield Twp, County of Peterborough when a radio call was received from PC Rusaw advising of a traffic complaint. The description of the vehicle was given to police - a dark colored Oldsmobile had been observed traveling south bound on County Road 18 from Bridgenorth towards Peterborough while reportedly driving erratically and swerving in the lane.

**INVESTIGATION:** At 2319 hrs PC Jack and PC Filman observed a red Oldsmobile matching the description traveling south bound on County Road 18 at a high rate of speed. PC Filman performed an emergency U-turn and proceeded after the vehicle. It appeared that the vehicle was traveling at the speed of over 120 kph. However, PC Filman was unable to obtain sufficiently long tracking history of the vehicle's speed on the Radar as the vehicle slowed down due to another vehicle being ahead of it. At this time, the police vehicle caught up with the red Oldsmobile and PC Jack and PC Filman observed the vehicle swerving in the lane, crossing into the road shoulder with both passenger side wheels and crossing the centre lane with both driver side wheels and traveling in the opposite lane for up to 2-3 seconds at least 3 times. PC Filman activated the emergency lights on the police vehicle and conducted a traffic stop of the vehicle on the south bound shoulder of County Road 18 approximately 300 meters south of County Road 1. PC Jack noted the vehicle was a red Oldsmobile bearing Ontario License Plate BFCS 403.

At 2321 hrs Jack approached the driver's side of the motor vehicle and advised the driver that the reason for the stop was driver's apparent erratic driving and asked the driver for his driver's license, ownership, and insurance. PC Filman was right behind PC Jack and PC Piette, who had just arrived on scene for assistance, approached the passenger's side of the vehicle.

The driver (the accused) identified himself with a valid Ontario Photo Driver's License as Kevin, John, Barrett, 278 Reid Street Lower, Peterborough, ON K9J 3R1 date of birth 14JUN1960 with drivers License number B0665-43356-00614 Class GM2.

The accused stated that he was driving back home from Sugarbush Crescent where he did some ceramic work at his friends' place. PC Jack asked the accused when was the last time he had a drink of alcohol. The accused stated he had a bottle of beer at around 1600 hrs. PC Jack noted an empty 341 ml bottle of Molson Dry beer on top of coat in the rear seat of the car and asked the accused if it was that bottle. The accused replied that it had been there for a long time, while continuing to fumble with the documents in his attempts to retrieve the right ones. It was at this time that PC Jack detected a strong odor of alcoholic beverage on the accused's breath. The accused failed to locate the vehicle ownership and surrendered only his driver's license and his vehicle insurance slip. PC Jack informed the accused that he could smell the odor of alcohol on his breath.

PC Jack formed reasonable suspicion that the accused was operating a motor vehicle while consuming alcohol, and immediately read the accused a Breath Sample Demand - Approved Screening Device from the issue card in his notebook at 2323 hrs. The accused exited the vehicle and accompanied PC Jack to the passenger's side of the police vehicle. PC Jack turned on the Approved Screening Device (ASD) 7410 GLC Serial # ARFF 0088 last calibrated on April 05 2009 by PC McNab.

At 2326 hrs the ASD was ready and PC Jack demonstrated to the accused how to use the ASD by directly blowing into it and that it was in proper working order by displaying '000' as the result of the test.

At 2327 hrs the accused provided 1st sample of breath by blowing directly into the ASD. The sample was provided at the rear seat of the police vehicle through the slide-on window in the separating glass wall between the front seat and the rear seat compartments. Accused sample registered "F" for fail.

At 2329 hrs PC Jack placed the accused under arrest for operating a motor vehicle while over 80, CC.

At 2329 PC Jack read the accused rights to counsel from the issue card in his notebook through the window.

Q: Do you understand? A: "I do not know", "I suppose"

Q: Do you wish to call a lawyer now? A: "I suppose"

At 2330 PC Jack read the accused adult caution from the issue card in his notebook through the window.

Q: Do you understand? A: "Yes"

At 2330 hrs PC Jack read the accused Breath Sample Demand – Breathalyzer / Intoxilyzer.

Q: Do you understand? A: "Yes"

At 2333 hrs PC Jack had the accused step out of the police vehicle, searched the accused, and placed the accused in the rear seat of the police vehicle.

PC Filman arranged for the removal of the vehicle and PC Piette stayed at the scene to wait for the tow truck.

At 2349 hrs PC Jack and PC Filman arrived at the Peterborough County OPP detachment. The accused was asked again if he wished to call his lawyer and he said he would like to speak with a duty counsel.

At 2354 hrs PC Jack called Duty Counsel.

At 0005 hrs Duty Counsel Dennison returned call.

At 0006 hrs the accused spoke with the Duty Counsel on the phone in the sound proof booth and at 0008 hrs informed PC Jack that he had completed the call and was satisfied. As the accused finished the phone call he dropped the phone receiver on the floor as it slipped out of his hands.

At 0007 hrs PC Jack gave the breath technician, PC Filman, the grounds to complete the page of the breath technician notes. At 0008 hrs PC Filman took custody of the accused to perform the breath samples into the Intoxilizer.

At 0018 hrs the accused provided a 1st Sample of breath into the Intoxilizer, which registered 0.139 % bac. At 0038 hrs the accused provided a 2nd Sample of breath into the Intoxilizer, which registered 0.126 % bac.

At 0050 hrs the accused was advised of the results of his samples and lodged into the cells until the release documents could be completed.

At 0220 hrs PC Jack released the accused on a Promise to Appear for the charges of Over 80 Section 253 (b) CC with a first appearance date of May 07 2009. The accused was served with copies of the Promise to Appear, Notice of Increase Penalty, Breath results, Certificate of Qualified Breath Technician, 90 day ADSL Suspension Notice, and his driver's license was seized.

The accused left the Peterborough County OPP detachment with a taxi.

**SUSPECTS:** BARRETT, Kevin; DOB 14 June 1960.

**WITNESSES:** PC Filman, PC Piette, PC Rusaw.



**CHARGES:** Operation of a Motor Vehicle with Over 80 milligrams of alcohol in 100 milliliters of blood section 253 (b) of the Criminal Code

**PROPERTY:** N/A

**VEHICLES:** 1994 Omobile, red in color, bearing Ontario License Plate BFCS 403,

**SUPPORT UNITS:** N/A

**CPIC:** Accused added to CPIC as charged.

**NOTIFICATION:** 90 day ADSL Suspension Notice was faxed to MTO and to suspension control centre.

**DISTRIBUTION:** Detachment level.

**FOLLOW-UP:** N/A

## **Crown Brief Synopsis**

### **R Vs. David Allan CORBIN**

**Accused:**        **David Allan CORBIN** (DOB: 09-Jul-1958)  
92 Hammersmith Ave Lower, Toronto Ontario M4E 2W4

**OIC:**             P/C Michael Jack, Badge # 12690

**Charge # 1:**     Exceed 80 Milligrams Blood Alcohol Content. Sec. 253(1)(b) CC

**Charge # 2:**     Disobey stop sign – fail to stop. Sec. 136(1)(a) HTA

**Charge # 3:**     Speeding 120 km/hr in an 80 km/hr zone. Sec. 128 HTA

**Charge # 4:**     Fail to surrender insurance card. Sec. 3(1) CAIA

**Date / Time:**    Monday, July 6<sup>th</sup> 2009, 03:38am

**Location:**        0 County Road 1, Smith-Ennismore-Lakefield Twp., Peterborough County.

On the 6th of July 2009 complainant Connie CAREW contacted the OPP to report a suspected impaired driver traveling from Fowlers Corners to the village of Buckhorn. The suspect had spoken to the complainant at the Coffee time looking for directions, the complainant made observations that the suspect was possibly impaired by alcohol and contacted the OPP. The complainant advised that the suspect was driving a white Jeep Cherokee with florescent tape on the back, last observed eastbound on County Rd. 1 (Lindsay Rd.) which is in the township of Smith Ennismore Lakefield.

At 3:38am PC JACK observed the suspect vehicle eastbound on County Rd 1 on the west side of Fife's Bay Rd. PC JACK noted that the vehicle had only one functioning headlight and florescent tape on the back. After the suspect vehicle crossed paths with the police cruiser, PC JACK performed a u-turn and proceeded after the suspect vehicle. As PC JACK followed the vehicle in attempts to catch up with it he observed the vehicle to proceed through the intersection of Fife's Bay Rd and Lindsay Rd without slowing or making any apparent attempts to stop at all, even though this intersection is a signed 4-way stop with a red blinking light.

Once beyond that intersection PC JACK followed the suspect at a safe and constant distance for approximately one minute, during this following time PC JACK established a tracking history that the vehicle was traveling at a minimum of 120 km/h. The vehicle was subsequently pulled over 150m west of Chemong Rd. on County Rd. 1

The driver was advised by PC JACK that he had been pulled over for one headlight lit, for disobeying the stop sign, and for exceeding the posted speed limit. The driver admitted to not stopping at the stop sign, however, did not advise of the reason why. When asked to surrender his driver's license, vehicle ownership and insurance the driver advised P/C Jack that he was not sure he had the documents with him. The driver searched around the vehicle cabin and subsequently located and surrendered to P/C Jack a brown document holder which contained the vehicle ownership, vehicle insurance card that expired in January 2009, and a valid Ontario photo driver's license. This driver's license identified the driver as David Allan CORBIN, 92 Hammersmith Ave Lower, Toronto ON, M4E 2W4, 09 July 1958. The vehicle was registered to Handan (Michele) DORALP (DOB: 17-Jun-1955), which CORBIN stated was his girlfriend.

While speaking with the driver (the accused) P/C Jack detected the odour of alcoholic beverage on his breath. The accused stated that he had two beers a few hours ago thus admitting consumption, the accused's speech was also noted to be slurred. Having a reasonable suspicion that the accused was operating a motor vehicle with alcohol in his body PC Jack read the accused a Breath Sample Demand – Approved Screening Device from the issue card in his notebook.

The accused subsequently provided a suitable sample of his breath at 3:54am directly into Approved Screening Device (ASD) 7410 GLC Serial # ARFE 0035 last calibrated on June 28 2009 by P/C Postma, badge 7876. This sample was analyzed and the ASD digitally displayed an "F" indicating a fail (the driver's blood alcohol content was more than 100mgs of alcohol in 100ml of blood). PC JACK advised the accused that he was under arrest for operating a motor vehicle with more than 80mgs of alcohol in 100ml of blood. PC JACK read the accused the Breath Sample Demand – Breathalyzer/Intoxilyzer Test at that time.

After returning to detachment PC Jack read the accused right to counsel followed by a charter caution from the issue card in his notebook to which the accused replied he understood at 04:30am. The accused was provided with a phone call to the lawyer of his choice. This lawyer was an estate lawyer and provided numbers for two criminal lawyers. These lawyers were unavailable but messages were left for them, the accused spoke with a duty counsel lawyer and advised that he was satisfied with the advice the duty counsel lawyer had provided.

Custody was then turned over to PC FILMAN a qualified breath technician. The accused provided two suitable samples directly into the Intoxilyzer 5000c which had the following results:

**Test # 1: 142mgs of alcohol in 100ml of blood.**

**Test # 2: 139mgs of alcohol in 100ml of blood.**

Custody was returned to PC JACK after the tests were completed, the accused was lodged into a holding cell to be released when sober.

At 09:25 am PC FOSTER released the accused on a Promise To Appear for the charge of Over 80 Section 253(1)(b) CC with a first appearance date of July 30<sup>th</sup> 2009.

Upon the release, the accused was served with copies of the Promise To Appear, Breath results, Notice of Application for Increased Penalty, Intoxilyzer's calibration and diagnostic tests, ADLS Notice, and his driver's license was seized and returned to MTO. The accused left the detachment with a Taxi.

### **Relevant Times**

03:38 am Time of Incident  
03:39 am Vehicle Stop  
03:44 am Breath Sample Demand- Approved Screening Device  
03:52 am Registered "F" Fail  
03:56 am Breath Sample Demand – Breathalyzer/Intoxilyzer  
04:15 am Depart from Scene  
04:27 am Arrival at Detachment  
04:30 am Rights to Counsel and Charter Caution  
04:37 am Duty Counsel called  
04:46 am Call to Lawyer concluded  
04:59 am Duty Counsel called back  
05:07 am Call to Duty Counsel concluded  
05:04 am Grounds provided to Breath Tech  
05:05 am Turned custody over to Breath Tech  
05:15 am 1st Breath Sample: 0.142 % BAC  
05:38 am 2nd Breath Sample: 0.139 % BAC  
05:40 am Returned Custody  
05:42 am Lodged in Cells  
09:25 am Released on PTA

**BENCHMARK:** No

**COMPLAINT:** On Monday, July 6, 2009 David Allan Corbin was driving his girlfriend's 1991 American Motors Jeep, white in color, bearing Ontario License plate 215SSZ and was traveling eastbound on Highway 7. At approximately 03:25 Mr. Corbin stopped at the Coffee Time at Fowlers Corners located at the intersection of Highway 7 and County Road 26 to buy coffee and to ask for directions to Buckhorn Lake. The complainant, who works at the Coffee Time establishment as a counter person, Connie CAREW, suspected that Mr. Corbin was operating his motor vehicle in an impaired state and contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Centre (PCC). The complainant described the suspect vehicle as a white Jeep with fluorescent stripes on the rear. The complainant described the driver as a white male wearing a white jacket. The complainant advised that the white Jeep was last seen at 03:28 am heading eastbound on Lindsay Road from Highway 7 towards Bridgenorth.

**INCIDENT LOCATION:** 0 County Road 1 (Lindsay Road), Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Monday, June 6, 2009 at 03:30 am P/C Jack responded to the traffic complaint from Bridgenorth. On Monday, June 6, 2009 at 03:37 am Mr. Corbin was traveling eastbound on County Road 1; in the Township of Smith-Ennismore-Lakefield; in the County of Peterborough. Corbin was still driving white Jeep. At this time P/C Jack was westbound on County Road 1 in a fully marked police cruiser 1-168 looking for the suspect vehicle. At 03:38 am P/C Jack spotted a white Jeep just west of Fifes Bay Road on County Road 1. The white Jeep matched the description of the suspect vehicle reportedly operated by an impaired driver based on the dispatched 911 call. The white Jeep had only one headlight lamp lit. P/C Jack conducted a U-turn and proceeded after the suspect vehicle in the eastbound direction on County Road 1. At this time P/C Jack observed fluorescent stripes on the rear of the white Jeep confirming that it was the suspect vehicle that was called in as an impaired driver through 911. At approximately 03:38 am P/C Jack observed the white Jeep disobey the stop sign. The white Jeep neither slowed down nor attempted to stop at the all-way stop intersection of Fifes Bay Road and County Road 1. The Jeep continued heading eastbound on County Road 1 and shortly after passing the intersection Jeep's passenger side tires came onto and run over the eastbound shoulder of County Road 1. The Jeep then swerved back onto the roadway. P/C Jack proceeded after the Jeep and advised Smith Falls PCC that the suspect vehicle had been located and was followed. While attempting to catch up with the Jeep, P/C Jack observed the Jeep travel at a high rate of speed, higher than the posted speed limit of 80 km/hr. P/C Jack caught up with the Jeep and followed it for approximately 1 minute at a safe distance with no other eastbound traffic between the two vehicles to establish a tracking history noting that the Jeep was traveling at the speed of at least 120 km/hr.

At 03:39 am P/C Jack activated the emergency lights on the cruiser and stopped the white Jeep on the eastbound shoulder of County Road 1 approximately 150 meters west of the Chemong Road, exactly where P/C Jack intended to do so. P/C Jack observed a lone occupant seated in the driver's seat of the Jeep. P/C Jack approached the Jeep on the driver's side and once at the driver's side window P/C Jack advised the driver of the reasons for the stop – for having only one headlight lit, for disobeying the stop sign, and for exceeding the posted speed limit. The driver admitted to not stopping at the stop sign, however, did not advise of the reason why. When asked to surrender his driver's license, vehicle ownership and insurance the driver advised P/C Jack that he was not sure he had the documents with him. The driver searched around the vehicle cabin and subsequently located and surrendered to P/C Jack a brown document holder which contained the vehicle documents and a valid Ontario photo driver's license.

The driver (the accused) identified himself with a valid photo Ontario driver's license as David Allan Corbin, 92 Hammersmith Ave Lower, Toronto ON, M4E 2W4, date of birth being 09 July 1958 with the driver's license number being C6562-15605-80709, Class G. The photo of the Driver's License matched the male driver in the white Jeep. This came back registered to Handan (Michele) Doralp (DOB: 17-Jun-1955)

At 03:42 am P/C Jack advised the accused that his vehicle insurance card expired in January 2009, to which the accused replied it was his girlfriend's vehicle and that she had forgotten to replace the old insurance card with a new one. At this time P/C Jack detected the odor of alcoholic beverage on the accused's breath. P/C Jack took

a quick look into the vehicle, partially to see if there was any alcohol clearly in sight, but mainly to observe for any threats or concerns. Nothing of concern was detected in plain view.

At 03:43 am P/C Jack asked the accused if he had consumed any alcoholic beverages in the last 8 hours to which the accused replied that he had two beers a few hours ago thus admitting consumption. The accused's speech was slurry.

At 03:44 am P/C Jack formed the grounds that the accused was operating motor vehicle while consuming alcohol and immediately read the accused a Breath Sample Demand – Approved Screening Device from the issue card in his notebook.

The accused exited the vehicle and accompanied P/C Jack to the police cruiser where he was placed in the rear seat. P/C Jack turned on the Approved Screening Device (ASD) 7410 GLC Serial # ARFE 0035 last calibrated on June 28 2009 by P/C Postma, badge 7876.

At 03:46 am the ASD was ready and P/C Jack demonstrated to the accused how to properly use the ASD by providing a breath sample directly into the ASD and registering .000. In the first two attempts the accused failed to provide a proper sample of his breath into the ASD. His first two breath samples were intermittent and the ASD did not register a breath sample. During the first unsuccessful attempt, the accused dropped the plastic mouth piece on the floor, which had to be replaced. In the third attempt at 03:54 am the accused provided 1st proper sample of his breath directly into the ASD. The breath sample was provided from the rear seat of the cruiser and registered "F" for fail.

At 03:56 am P/C JACK advised the accused that he was under arrest for operating a motor vehicle with more than 80mgs of alcohol in 100ml of blood and read the accused Breath Sample Demand – Breathalyzer/Intoxilyzer Test from the issue card in his notebook, to which the accused agreed. At this time, the accused advised P/C Jack that he had only three beers to drink. The accused had been co-operative throughout the entire time, but was visibly upset.

At 03:57 am P/C Jack requested the dispatcher to notify an Intoxilyzer technician at the detachment, call a tow service to the scene and requested to dispatch an officer to assist with the tow.

At 04:01 am P/C Jack accompanied the accused to his vehicle to allow him to pick his wallet up and at 04:04 am frisk searched the accused and logged the accused in the rear seat of the cruiser.

At 04:12 am A/Sgt. Syvret arrived on scene to stand by the vehicle until a tow truck arrived. A/Sgt. Syvret had no contact with the accused. At 04:15 am P/C Jack left the scene and transported the accused to the Peterborough County O.P.P. detachment arriving at 04:27 am.

At 04:30 am P/C Jack read the accused right to counsel followed by a charter caution from the issue card in his notebook to which the accused replied he understood.

At 04:31 am P/C Jack asked the accused if he wished to call a lawyer then, to which the accused replied he did and requested that officers contact his second cousin, Barry Corbin, from Toronto. No phone number or any other contact information was provided. The accused also wished to speak with a Duty Counsel and requested that they be contacted.

At 04:35 am while P/C Jack was attempting to locate a phone number for the requested lawyer, P/C Filman placed a call to Duty Counsel and left a message requesting a call be returned to the Peterborough County O.P.P. detachment.

At 04:46 am the accused was afforded privacy and spoke on the phone with Barry Corbin. It turned out that Barry Corbin was a real-estate lawyer, not a criminal one, and he was not the accused's second cousin. However, Barry Corbin advised the accused of two other lawyers, the contact information for which was provided to and recorded by P/C Filman.

At 04:52 am P/C Filman placed phone calls to both lawyers with negative results and left messages to both. The accused was informed that the lawyers contacted appeared to not be available at that time.

At 04:59 am Duty Counsel, Ruderman, called back and the accused was afforded privacy on the phone with the Duty Counsel. At 05:03 am the accused concluded his conversation on the phone with Duty Counsel and advised P/C Jack that he was satisfied with the call.

At 05:04 am P/C Jack provided grounds to the qualified Intoxilyzer technician, P/C Filman, to complete the page of the breath technician notes and at 05:05 am turned custody of the accused over to P/C Filman for the purpose of obtaining two suitable samples of his breath into the Intoxilyzer.

At 05:40 am P/C Filman returned custody of the accused to P/C Jack and advised P/C Jack of the breath results as follows:

**Test # 1: 142mgs of alcohol in 100ml of blood.**

**Test # 2: 139mgs of alcohol in 100ml of blood.**

At 05:42 am the accused was advised of the results of his breath samples and lodged into the cells until he sobered up and until the release documents could be completed.

#### Relevant Times

03:38 am Time of Incident  
03:39 am Vehicle Stop  
03:44 am Breath Sample Demand- Approved Screening Device  
03:52 am Registered "F" Fail  
03:56 am Breath Sample Demand – Breathalyzer/Intoxilyzer  
04:15 am Depart from Scene  
04:27 am Arrival at Detachment  
04:30 am Rights to Counsel and Charter Caution  
04:37 am Duty Counsel called  
04:46 am Call to Lawyer concluded  
04:59 am Duty Counsel called back  
05:07 am Call to Duty Counsel concluded  
05:04 am Grounds provided to Breath Tech  
05:05 am Turned custody over to Breath Tech  
05:15 am 1st Breath Sample: 0.142 % BAC  
05:38 am 2nd Breath Sample: 0.139 % BAC  
05:40 am Returned Custody  
05:42 am Lodged in Cells  
09:25 am Released on PTA

**WITNESSES:** Connie CAREW (DOB: 1969-Oct-03). On July 10 at 00:30 am P/C Jack attended CAREW's place of employment, Coffee Time at Fowlers Corners located at the intersection of Highway 7 and County Road 26 and obtained a signed written statement from the complainant to 911, Connie CAREW.

**ACCUSED:** David Allan Corbin, 92 Hammersmith Ave Lower, Toronto ON, M4E 2W4, date of birth being 09 July 1958, DL: C6562-15605-80709, Class G.

**CHARGES:**

**Charge # 1:** Exceed 80 Milligrams Blood Alcohol Content. Sec. 253(1)(b) CC

**Charge # 2:** Disobey stop sign – fail to stop. Sec. 136(1)(a) HTA

**Charge # 3:** Speeding 120 km/hr in an 80 km/hr zone. Sec. 128 HTA

**Charge # 4:** Fail to surrender insurance card. Sec. 3(1) CAIA

**COURT DATE:** First appearance date of Thursday July 30th, 2009 at 09:00 am at the Peterborough Court House, 70 Simcoe Street, Peterborough, Ontario.

**A.D.L.S.:** A copy of the ADLS was faxed to the MTO Suspension Control and the accused's driver's license was seized and returned to MTO.

**RELEASE:** At 09:25 am P/C Foster released the accused on a Promise To Appear for the charge of Over 80 Section 253(1)(b) CC. Upon the release, the accused was served with copies of the Promise To Appear, Breath results, Notice of Application for Increased Penalty, Intoxilyzer's calibration and diagnostic tests, ADLS Notice. The accused left the detachment with a Taxi.

**PROPERTY:** N/A

**VEHICLE INVOLVED:** 1991 American Motors Jeep, white in color, Ontario license plate 215SSZ. The vehicle was towed by Ennismore towing to Ennismore towing garage in Ennismore. CORBIN was notified of the location and given business card to Ennismore towing.

**SUPPORT UNITS:** N/A

**CPIC:** David Allan CORBIN added to CPIC as charged.

**NOTIFICATION:** Sgt Flindall through Niche.

**DISTRIBUTION:** Detachment level.

**FOLLOW-UP:** N/A

**Witness Statement of Connie Carew**

**Statement taken on July 10, 2009 at 01:00 am**

**Question: Can you tell me why you called 911 on July 6, 2009 at 03:28 am?**

**Answer:** There was a male person at the Coffee Time Fowlers Corners buying coffee. He was not sure where he was going and he asked for directions to Buckhorn Lake. He had slurred speech and he appeared to be impaired. I had a friend who got killed by a drunk driver 10 years ago and I have zero tolerance for drinking and driving.

**Question: What made you believe the Driver was impaired?**

**Answer:** First, I noticed his speech was slurred when he spoke to me. Then, after I gave him directions, he was supposed to make a left-hand turn onto the Lindsay Road, but instead he made a right-hand turn onto the Lindsay Road. He then made a U-turn and was traveling for a short while in the oncoming-traffic lane until he slowly drifted back into the right (eastbound) lane. Then I called 911.

**Question: What vehicle type was the Driver driving?**

**Answer:** White Jeep of some kind with reflected tapes on the rear.

**Question: What was the last known direction of the white Jeep that you observed?**

**Answer:** Eastbound on Lindsay Road.

**Question: Is there anything you want to add, delete, or change?**

**Answer:** No

Signed by Connie CAREW on 10-Jul-2009

Witnessed by P/C Jack



**\*\*\* SYNOPSIS \*\*\***

On the 6th day of August 2009 PC JACK was performing R.I.D.E. at the intersection of Peterborough County Road 29 and Woodland Drive in the Township of Smith-Ennismore-Lakefield. At the time there was a fully marked police cruiser at the north bound side of the intersection. The intersection is controlled by a red flashing light, which at the time was not obstructed from any direction. The weather was clear and roads were bare and dry.

At 02:16 am a Grey Dodge Spirit was approaching the R.I.D.E. program northbound on County Road 29. The vehicle slowed down, pulled over on the north bound shoulder approximately 100 meters south of the intersection, and turned its head lights off. At that time, there was a Peterborough Community Police Service cruiser traveling in the south bound direction on County Road 29. As the cruiser stopped at the intersection and the officers exchanged greetings, the Grey Dodge Spirit performed a U-turn and, while its headlights still off, and started traveling south bound in an attempt to evade the police. PC JACK advised PC MCCULLUM to proceed after the Grey Dodge Spirit and to pull it over and immediately re-entered his vehicle, performed a U-turn and followed the motor vehicle as it continued south bound on Water Street. Both cruisers activated their emergency lights, PC JACK being the second cruiser behind the Dodge, and the Dodge came to a gradual stop on the south bound shoulder of Water Street. PC JACK approached the driver side of the vehicle and found only one occupant being the male driver. PC MCCULLUM asked the driver why he was evading police, at which time the driver said, "I am not saying anything". Immediately PC JACK could detect the odor of an alcoholic beverage on the driver breath and noted that the driver's face was flash red. PC JACK asked the driver if he had been consuming alcohol, to which the driver replied, "I had a few", thus admitting to the consumption of alcohol and further stated that his driver's license was under suspension. PC JACK requested the driver to turn the engine off, get the keys out of the ignition, and to step out of the vehicle. The driver complied, unfastened his seatbelt, and slowly exited the vehicle. At this point PC JACK noted the driver was very slow in his movements and was slightly unsteady on his feet.

At 02:20 am PC JACK formed the grounds to believe that the driver was impaired by alcohol and advised the driver that he was under arrest for operating a motor vehicle while being impaired by alcohol.

At 02:21 am the accused was handcuffed behind his back and frisk searched before being placed in the rear of vehicle 1-136. The accused identified himself with a photo Ontario Driver's License # T0202-72295-90808 as TAIT, STEPHEN DOB: 1959-Aug-08 of Lakefield, Ontario.

At 02:25 am PC JACK read the accused Rights to Counsel from the service issue card in the notebook, to which TAIT said he understood and wished to speak with a lawyer. TAIT said, "I will say no more." At 02:26 am PC JACK read TAIT Charter Caution from the service issue card in the notebook, to which TAIT stated he had nothing to say.

At 02:26 am PC JACK read TAIT Breath Sample Demand - Breathalyzer/Intoxilyzer Test from the service issue card in the notebook, to which TAIT replied, "Yes".

At 02:28 am PC JACK asked TAIT if he had a lawyer in mind which he replied, "Yes, David O'NEIL". PC JACK advised TAIT that a phone call to his lawyer would be arranged as soon as they arrived at the detachment.

At 02:29 am PC CROWDER and PC MACARTHUR arrived on scene and remained at the scene to await a tow truck.

At 02:30 am PC JACK cleared the scene and transported TAIT to the Peterborough County OPP detachment.

At 02:39 am PC JACK arrived at the Peterborough County Detachment, and TAIT was escorted into the booking area.

At 02:42 am TAIT wished to speak with his lawyer, David O'NEIL. At 02:45 am PC JACK placed two phone calls on behalf of TAIT at his request to his lawyer David O'NEIL, one to his office - message was left, one to his

potential home number - no answer at the phone. At 02:49 am TAIT was advised of the results and wished to speak with a duty counsel. At 02:50 am PC JACK placed a call to Duty Counsel on behalf of TAIT at his request.

At 03:00 am Duty Counsel PORTEOUS returned the call and TAIT was given an opportunity to speak with her in a private room at 03:03 am. After the call was completed at 03:08 am PC JACK asked TAIT if he was satisfied with a call, to which TAIT replied he was.

At 03:08 am PC JACK turned over custody to a qualified Breath Technician PC FILMAN after giving his grounds for the arrest of TAIT to him.

A CPIC check of Stephen TAIT revealed that he is currently before the courts for Impaired driving and Over 80 with an offence date of the 22nd of March 2009. Also TAIT's driver's license was cancelled due to reinstatement fee not paid with suspension number 9915018.

At 03:44 am PC FILMAN turned over custody to PC JACK and advised him of the results which were as follows:

***Test #1 162mgs of alcohol in 100ml of blood which was recorded at 03:10 am (according to the intoxilyzer internal clock)***

***Test #2 155mgs of alcohol in 100ml of blood which was recorded at 03:31 am (according to the intoxilyzer internal clock)***

At 03:45 am TAIT was lodged into cell #2 and held for a bail hearing.

The vehicle operated by TAIT was a Grey Dodge Spirit owned and registered to him, Ontario license plate BBCF674.

At 05:55 am TAIT was served with copies of the Breath results, Intoxilyzer's calibration and diagnostic tests, ADLS Notice, and his driver's license was seized and returned to MTO. Notice of Application for Increased Penalty was not served at the time and was served on TAIT personally at a later date.

### **Relevant Times**

02:16 am Time of Incident  
02:18 am Vehicle Stop  
02:20 am Grounds for Impaired and Arrest  
02:25 am Rights to Counsel  
02:26 am Charter Caution  
02:27 am Breath Sample Demand - Breathalyzer/Intoxilyzer Test  
02:30 am Depart from Scene  
02:39 am Arrival at Detachment  
02:50 am Called Duty Counsel  
03:00 am Duty Counsel called back  
03:03 am Grounds provided to Breath Tech  
03:08 am Call to Duty Counsel concluded  
03:08 am Turned custody over to Breath Tech  
03:10 am 1st Breath Sample: 0.162 % BAC  
03:31 am 2nd Breath Sample: 0.155 % BAC  
03:44 am Returned Custody  
03:45 am Lodged in Cells  
05:55 am Served with Breath results, Intoxilyzer's calibration and diagnostic tests, ADLS Notice.

## **Crown Brief Synopsis**

### **R vs. Ian ETHERINGTON**

**Accused:** Ian ETHERINGTON (DOB: 13-Aug-1955)  
3305 Berrie Rd, Lakefield R1 ON K0L 2H0

**OIC:** P/C Michael Jack, Badge # 12690

**Charge # 1:** Impaired Operation of motor vehicle. Sec. 253(1)(a) CC

**Charge # 2:** Exceed 80 Milligrams Blood Alcohol Content. Sec. 253(1)(b) CC

**Charge # 3:** Driving motor vehicle with open container of liquor. Sec. 32(1) LLA

**Charge # 4:** Drive motor vehicle – no currently validated permit. Sec. 7(1)(a) HTA

**Charge # 5:** Operate motor vehicle without insurance Sec. 2(1)(a) CAIA

**Date / Time:** Thursday, August 20, 2009, 11:25 am

**Location:** Selwyn Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

On the 20<sup>th</sup> of August 2009 at 10:51 am complainant George HUTCHISON contacted the OPP to report a possibly impaired driver. The complainant observed the suspect vehicle being driven all over the road while following it from Selwyn road to the village of Bridgenorth where the suspect pulled into the Bridgenorth liquor store parking lot. The complainant advised that the suspect was driving a Red Toyota pickup truck with DTW being the last 3 digits of the licence plate.

At 11:22 am, PC JACK observed the suspect pickup truck travelling northbound on Selwyn Road at a high rate of speed. PC JACK noted the last 3 digits of the suspect vehicle licence plate being 0TW, however, no radar reading was obtained. After the suspect vehicle crossed paths with the police cruiser PC JACK performed a U-turn and proceeded after the suspect vehicle. As PC JACK followed the vehicle in attempts to catch up with it he observed the vehicle to slow down just before the 12 line of Smith. At that time PC JACK activated police cruiser emergency lights, however, the suspect vehicle failed to stop right away and PC JACK had to use police cruiser siren intermittently 3-4 times to attract the driver's attention. The vehicle turned left at the intersection onto the County Road 23 and was subsequently pulled over on the northbound gravel portion of County Road 23 (Buckhorn Road) approximately 70m north of Selwyn Road. The driver stepped out of the vehicle, then got back in, and started to drive forward into the parking lot of the Selwyn Esso gas station. PC JACK observed the driver to be very slow in his movements and confused.

At this point, an Anishinabek Police Service marked cruiser was pulling out onto the County Road 23, from the Esso gas station parking lot. PC JACK recognized the Anishinabek Police Service officer as Sgt. KIM COPPAWAY. Sgt. COPPAWAY reversed his cruiser and blocked the suspect driver from moving any further.

At 11:25 am, Sgt. COPPAWAY and PC JACK approached the driver's side of the pickup truck and PC JACK asked the driver to shut the engine off and remove the keys from the ignition. The driver fumbled with the keys in the ignition and failed to shut the engine off and remove the keys. Sgt. COPPAWAY reached into the truck window and shut the engine off. At this point PC JACK detected strong odour of alcohol emanating from the driver's facial area. PC JACK asked the driver for his driver's licence, ownership, and insurance. The driver appeared incoherent and failed to surrender the requested documents. PC JACK requested the driver to step out of the truck, to which the driver complied. PC JACK noticed that the driver was unsteady on his feet and looked very confused. PC JACK asked the driver if he had anything to drink that day, to which the driver replied he did not. At this point, PC JACK observed an open 750ml bottle of Wild Turkey liquor on the passenger seat with the cork cap on the seat. A short conversation with the driver revealed that the driver was on stress

medication, was working at the Caza berry farm and was travelling from Bridgenorth. Throughout the conversation, the driver was very slow and incoherent in answering the questions. Sgt COPPAWAY asked the driver if he had a drink from the bottle on the seat, to which the driver replied he did, thus admitting consumption.

At 11:29 am PC JACK formed the grounds to believe that the driver was impaired by alcohol and advised the driver (the accused) that he was under arrest for operating a motor vehicle while being impaired by alcohol. The accused was handcuffed behind his back and frisk searched before being placed in the rear of police cruiser 1-192. The accused identified himself with a valid photo Ontario Driver's License # E8240-35365-50813 as ETHERINGTON, Ian date of birth: 13-Aug-1955 of 3305 Berrie Rd, Lakefield R1 ON K0L 2H0.

The vehicle operated by ETHERINGTON was a 2004 Toyota Tundra red in color registered to him, Ontario license plate 1970TW. His license permit expired on 13-Aug-2009 and his insurance card expired on 06-Aug-2008.

At 11:30 am PC JACK read the accused Rights to Counsel from the service issue card in the notebook twice, to which ETHERINGTON said he understood and when asked if he wished to speak with a lawyer, ETHERINGTON replied, "Possibly".

At 11:32 am PC JACK read ETHERINGTON Charter Caution from the service issue card in the notebook twice, to which ETHERINGTON stated he understood and had nothing to say.

At 11:33 am PC JACK read ETHERINGTON Breath Sample Demand - Breathalyzer/Intoxilyzer Test from the service issue card in the notebook, to which ETHERINGTON replied, "Yes".

At 11:37 am PC Jack seized the 750ml bottle of Wild Turkey liquor from the pickup truck.

At 11:40 am PC JACK cleared the scene and transported ETHERINGTON to the Peterborough County OPP detachment. Sgt COPPAWAY remained at the scene and secured the pickup truck at Bell's Towing compound. While being transported, ETHERINGTON kept saying, "I am sorry".

At 12:00 pm PC JACK arrived at the Peterborough County Detachment, and ETHERINGTON was escorted into the booking area. At the detachment ETHERINGTON wished to speak with his family lawyer, Michael DWYER.

At 12:05 pm PC JACK placed a phone call on behalf of ETHERINGTON at his request to his lawyer Michael DWYER, and was advised by DWYER's secretary that DWYER was on lunch, returning at 02:00 pm and that DWYER was not a criminal lawyer.

At 12:07 pm ETHERINGTON was advised of the results and wished to speak with a Duty Counsel.

At 12:08 pm PC JACK placed a call to Duty Counsel on behalf of ETHERINGTON at his request.

At 12:35 pm Duty Counsel Susan PORTEOUS returned the call and ETHERINGTON was given an opportunity to speak with her in a private room at 12:37 pm. After the call was completed at 12:41 pm PC JACK asked ETHERINGTON if he was satisfied with a call, to which ETHERINGTON replied, "Yes, I was told not to say anything."

At 12:42 pm PC JACK turned over custody to a qualified Breath Technician PC BRISCOE after giving his grounds for the arrest of ETHERINGTON to him.

At 01:10 pm PC BRISCOE turned over custody to PC JACK and advised him of the results which were as follows:

***Test #1 272mgs of alcohol in 100ml of blood which was recorded at 12:46 pm (according to the intoxilyzer internal clock)***

***Test #2 256mgs of alcohol in 100ml of blood which was recorded at 13:07 pm (according to the intoxilyzer internal clock)***

At 01:15 pm ETHERINGTON was lodged into a holding cell # 2 to be released when sober.

A CPIC check of Ian ETHERINGTON revealed that he did not have a criminal record.

At 08:08 pm PC JACK released ETHERINGTON on a Promise To Appear for the charges of Impaired Operation of Motor Vehicle 253(1)(a) CC and Exceed 80 Milligrams Blood Alcohol Content 253(1)(b) CC, with a first appearance date of September 24 2009. Upon the release, ETHERINGTON was served with copies of the Promise to Appear, 3 Part III summons for 3 provincial statutes offences, Certificate of a Qualified Technician, ADLS Notice, and his driver's license was seized and returned to MTO. The accused left the detachment with his two sons, Brad and West ETHERINGTON. Intoxilyzer's calibration and diagnostic tests and copies of the Breath results were not disclosed to ETHERINGTON at the time of the release as they accidentally fell off from the paper folder and were found by PC JACK in the printer room area at 10:20 pm.

**Relevant Times**

11:22 am Time of Incident  
11:25 am Vehicle Stop  
11:29 am Grounds for Impaired and Arrest  
11:30 am Rights to Counsel  
11:32 am Charter Caution  
11:33 am Breath Sample Demand - Breathalyzer/Intoxilyzer Test  
11:40 am Depart from Scene  
12:00 pm Arrival at Detachment  
12:08 pm Called Duty Counsel  
12:12 pm Grounds provided to Breath Tech  
12:37 pm Duty Counsel called back  
12:41 pm Call to Duty Counsel concluded  
12:42 pm Turned custody over to Breath Tech  
12:46 pm 1st Breath Sample: 0.272 % BAC  
01:07 pm 2nd Breath Sample: 0.256 % BAC  
01:10 pm Returned Custody  
01:15 pm Lodged in Cells  
08:08 pm Released on PTA

## **Crown Brief Synopsis**

### **R vs. Trevor William Andrew SWEETLAND**

**Accused:** TrevorWilliam Andrew SWEETLAND(DOB: 20-Apr-1992)  
2647 Lambs Road, Bowmanville ON L1C 3K5

**OIC:** P/C Michael Jack, Badge # 12690

**Charge # 1:** Impaired Care and Control of Motor Vehicle. Sec. 253(1)(a) CC

**Charge # 2:** Exceed 80 Milligrams Blood Alcohol Content. Sec. 253(1)(b) CC

**Date / Time:** Tuesday, November 10, 2009, 3:55 am

**Location:** Highway115,Cavan-Monaghan Twp., Peterborough County.

On the 10th day of November 2009 Peterborough County O.P.P. officers, PC POSTMA, PC A. KNIER, PC ROBERTSON, and PC JACK were performing R.I.D.E. on Highway 115, south of the Airport Road, in the Township of Cavan-Monaghan, County of Peterborough. At the time there were two fully marked and one unmarked police cruisers parked on both shoulders of the south bound lane of Highway 115. The marked cruisers had rear emergency lights activated. The weather was clear and roads were bare and dry.

At 3:55am PC A. KNIER observed a motor vehicle approaching the R.I.D.E. program southbound on Highway 115. Approximately 250 meters north of the R.I.D.E. checkpoint the motor vehicle slowed down and pulled over to the left shoulder and turned its head lights off. PC A. KNIER immediately advised PC ROBERTSON and PC JACK, who were seated in the unmarked cruiser at the time. PC ROBERTSON and PC JACK immediately drove back to the Airport road and back on the Highway 115 and pulled in behind the parked motor vehicle.

The motor vehicle was a 1988 Black Ford Mustang, Ontario license plate AYRW489, registered to Tracy SWEETLAND.

PC JACK approached the passenger side of the vehicle while PC ROBERTSON approached the driver side. The officers found only one occupant being the male driver (the accused). PC JACK asked the accused to roll the passenger side window down, to which the accused complied. PC JACK asked the accused why he pulled over and turned the head lights off. The accused advised that he was waiting for his friend. The accused responses were extremely slow. PC JACK requested the accused to surrender his driver's license. The accused fumbled with the documents and eventually produced his driver's license card. PC ROBERTSON requested the accused to step out of the vehicle, to which the accused complied. PC JACK walked around the vehicle and watched the accused step out of the vehicle. PC JACK observed the accused was unsteady on his feet and almost fell over while exiting from the vehicle. The accused's eyes were bloodshot and glossy, eye pupils were dilated and his face was flash red. Immediately PC JACK detected an odor of an alcoholic beverage on the accused's breath.

At approximately 4:00am PC JACK asked the accused if he had consumed any alcoholic beverages in the past 8 hours, to which the accused did not reply. At this time PC JACK formed the grounds to believe that the accused was impaired by alcohol and asked the accused one more time if there was any alcohol in his system, to which the accused replied, "I had a couple of beers", thus admitting to the consumption of alcohol. When questioned where he consumed alcohol, the accused advised it was in Peterborough at Fleming College at his friend's party.

At 4:02am PC JACK placed the accused under arrest for impaired operation of motor vehicle and handcuffed him to the rear. At 4:05am the accused was frisk searched and placed in the rear of the unmarked cruiser 1-331. The accused identified himself with a valid photo Ontario Driver's License # S9583-75099-20420, **Class G2**, as SWEETLAND, Trevor William Andrew DOB: 1992-04-20 of Bowmanville, Ontario.

At 4:05am PC JACK read the accused his Rights to Counsel from the service issue card in the notebook, to which the accused said he understood and did not wish to speak with a lawyer. At 4:06am PC JACK read accused Young Person Charter Caution from the service issue card in the notebook. The accused appeared very confused and PC JACK asked if he understood what had just been read to him. The accused said "Yes." At 4:07am PC JACK read the accused Sample Demand - Breathalyzer/Intoxilyzer Test from the service issue card in the notebook. The accused did not appear to understand what was read to him so PC JACK read the Sample Demand - Breathalyzer/Intoxilyzer Test a total of three times until the accused understood.

At 4:08am PC JACK and PC ROBERTSON cleared the scene and transported the accused to the Peterborough County O.P.P. detachment. PC A. KNIER remained at the scene to await a tow truck.

At 4:15am officers arrived at the Peterborough County O.P.P. Detachment and the accused was escorted into the booking area. At the detachment the accused was asked again if he wished to speak with a lawyer. Despite numerous attempts by officers to explain to the accused his rights to legal advice from any lawyer he wished to speak with or to a free legal advice from a Duty Counsel, the accused failed to make a decision if he wanted to speak with a lawyer or not. At 4:30am the accused wished to speak with his mother, Tracy SWEETLAND. Phone calls were placed and a message was left for Tracy SWEETLAND to call Peterborough County O.P.P. At 4:36am PC JACK explained to the accused what Duty Counsel is and offered him to speak with a Duty Counsel again, to which the accused stated he did not wish to speak with a lawyer.

At 4:38am PC JACK turned over custody to a qualified Breath Technician PC PITTS after providing his grounds for the arrest of the accused to him.

At 5:12am PC PITTS turned over custody to PC JACK and advised him of the results which were as follows:

***Test #1 146mgs of alcohol in 100ml of blood which was recorded at 4:46 am***

***Test #2 138mgs of alcohol in 100ml of blood which was recorded at 5:10 am***

At 5:40am Tracy SWEETLAND called back and advised she was coming to Peterborough County O.P.P. Detachment to pick up her son.

At 5:45am the accused was lodged into cell Y.O. until his mother arrived.

At 7:00am the accused was released into the custody of his mother on a Promise to Appear with the first court date of December 14, 2009. Copies of the Breath results, Intoxilyzer's calibration and diagnostic tests, ADLS Notice, and a notice to parent were served to his mother.

The accused driver's license was seized and returned to MTO.

### **Relevant Times**

3:55am Time of Incident  
4:00am Grounds for Impaired  
4:02am Arrest  
4:05am Rights to Counsel  
4:06am Charter Caution  
4:07am Breath Sample Demand - Breathalyzer/Intoxilyzer Test  
4:08am Depart from Scene  
4:15am Arrival at Detachment  
4:17am Lawyer?  
4:20am Duty Counsel?  
4:30am Message left for mother to call back  
4:36am Duty Counsel?  
4:37am Grounds provided to Breath Tech  
4:38am Turned custody over to Breath Tech

4:46am 1st Breath Sample: 0.162 % BAC  
5:10am 2nd Breath Sample: 0.155 % BAC  
5:12am Returned Custody  
5:45am Lodged in Cells  
7:00am Served with documents and released



**Crown Brief Synopsis**  
**R. vs. STILLMAN**  
**Sec 264.1(1)(b) C.C. - Utter Threats to Damage Property**

**HISTORY:** The accused Robert STILLMAN has been renting two bays in a complex on 2504 Base Line in Otonabee-South-Monaghan Twp. from Joseph BARBER and Randy BARBER since June 1st, 2008. At the end of January 2009 STILLMAN informed BARBER brothers that he was moving out at the end of February thus giving them a month notice for the termination of the rent. Randy BARBER spoke with STILLMAN a week later and advised him that since STILLMAN owed them money for hydro he should vacate the premises a week before the end of February to compensate for the debt and that he should also clean the place from the chemical spills and 45 gallon drums he stored in as the place he had been renting was very contaminated and BARBER brothers were not willing to incur the cost for cleaning his mess and disposing off of his chemicals. According to BARBER brothers STILLMAN was supposed to get everything done and move out by February 19. On Thursday, 19 February, 2009 sometime in the afternoon Randy BARBER called STILLMAN and left a message for him regarding the move out. Since STILLMAN did not follow up with their agreement BARBERs blocked the access to the STILLMAN's bays by positioning motor vehicles in front of the entrance doors.

**INVESTIGATION:** On Thursday 19 February, 2009 sometime afternoon Brenda STILLMAN, who is a wife of Robert STILLMAN, was spotted by Randy BARBER on their property at the above incident location. Randy BARBER asked Brenda STILLMAN to get off the property. Brenda STILLMAN complied and left. At approximately 17:44 hrs Robert STILLMAN drove to the Pine Crest Golf Course, which is located right across the road from the incident location, where he approached the BARBER brothers in an aggressive manner and demanded the following: "I want you two guys go back to the place, open it up, move the vehicles, so I can take my property. If you do not do that, I will smash the doors open, take my property, and burn the place down." According to the BARBER brothers STILLMAN was very direct and threatening. BARBERs called OPP and stayed on the line with the dispatcher while STILLMAN was still there. STILLMAN then left towards Keene. At approximately 18:00 hrs BARBERs drove to the incident location and blocked the entrance to the property gates with their motor vehicle.

At approximately 18:00 hrs STILLMAN called OPP and advised that he had been locked out of his own business and wanted to see the police ASAP. At 18:15 hrs PC JACK and PC FILMAN attended the incident location. Both BARBERs and both STILLMANs were present and were in separate vehicles parked on the opposite sides of the road. PC FILMAN spoke with BARBER brothers and PC JACK spoke with Robert STILLMAN. At 18:25 hrs PC FILMAN formed grounds that STILLMAN had committed an offence of Uttering Threats to Damage Property and advised PC JACK to place him under arrest. At 18:28 hrs PC JACK placed STILLMAN under arrest for Uttering Threats to Damage Property.

At 18:30 hrs STILLMAN was read his rights to counsel. He understood.

At 18:33 hrs STILLMAN was read adult caution. He understood.

Then STILLMAN was transported to Peterborough County detachment.

At 18:45 hrs STILLMAN was lodged in cell 2 in Peterborough County detachment.

At 19:03 hrs STILLMAN spoke with a duty counsel.

At 19:05 hrs STILLMAN finished speaking with a duty counsel and he was satisfied.

At 19:15 hrs STILLMAN spoke with lawyer David Ross.

At 19:30 hrs BARBER brothers attended Peterborough County detachment where KGB video statements were taken from them by PC JACK.

At 20:21 hrs STILLMAN was released on PTA with an Undertaking.

**BENCHMARK:** No

**COMPLAINT:** On 23Feb09 Peterborough County O.P.P. were contacted to advise of a neighbor dispute at 1610 9th Line of Smith.

**INCIDENT LOCATION:** McIntOSH Residence, 1610 9th Line of Smith, Township of Smith-Ennismore-Lakefield, County of Peterborough

**HISTORY:** Over the last 8 years Robert McIntOSH has been involved in several disputes with his current neighbor Wayne FALLIS. Currently Wayne FALLIS is on conditions:

- Notify Peterborough County OPP of change of Address, Occupation or Employment
- Not to attend 1610 9th Line of Smith
- Not to communicate directly or indirectly with Robert McIntOSH or any member of his family or Steven GILLINGHAM
- Keep the Peace and Be of Good Behaviour

**INVESTIGATION:** At 1039hrs PC JACK and PC FILMAN were dispatched to 1610 9th Line of Smith for a report of a neighbor dispute. Upon arrival at 1610 9th Line of Smith officers observed a truck with an excavator on it pulling out of the 1610 9th Line driveway and heading East on the 9th Line. Officers were greeted at the door by Robert McIntOSH who advised the following.

There is a long history of ongoing neighbor disputes between McIntOSH and his neighbor Wayne FALLIS. On 23Feb09 Fallis Rod Excavating Ltd. was supposed to dig a new well and decommission the old one on McIntOSH's property. Fallis Rod Excavating Ltd. is owned and operated by Rod FALLIS and Jeff FALLIS, who are brothers and distant cousins of Wayne FALLIS. However, FALLIS brothers do not associate with Wayne FALLIS in any way. As Fallis Rod Excavating Ltd. was getting ready to start the work on McIntOSH's property, and while McIntOSH was away getting coffee from Tim Hortons for the FALLIS brothers, Wayne FALLIS approached the FALLIS brothers separately, while staying on his side of the property, and spoke with them across the fence. The conversation with each brother lasted for approximately 10 minutes, after which the brothers packed their equipment up and left for good.

Upon arrival back home, McIntOSH overheard Wayne FALLIS yelling at the brothers that if they continued to do the work, they would wind up with a lawsuit in court.

On 23Feb09 at 15:40hrs PC JACK and PC FILMAN spoke with Wayne FALLIS at 1650 9th Line of Smith. Wayne FALLIS was very uncooperative and verbally aggressive.

PC JACK: "Did you approach and talk to the Fallis Rod Excavating Ltd. workers today?"

Wayne FALLIS: "I did not have any conversation with the workers".

PC JACK and PC FILMAN left at 15:45hrs as the conversation was not going very well.

On 24Feb09 PC JACK spoke with Rod and Jeff FALLIS via telephone and learned from them that they were aware about the ongoing property disputes, which had occurred over the last few years, but thought that the issues had been settled. However, upon the approach of Wayne FALLIS and knowing his character they were afraid they might end up in court for this or the other reason and lose days of work to attending courts. Wayne FALLIS talked to them about the different problems he had over the years with McIntOSH. He did not threaten FALLIS brothers in any way, but neither he was nice in his communication, nor was he very happy about FALLIS brothers doing the work. Wayne FALLIS did not attempt to communicate with McIntOSH either directly or indirectly.

PC JACK: "Why did you leave?"

Rod FALLIS: "Wayne wasn't very happy and I did not want to get in the middle of it. I want to stay away from neighbor disputes. If we did not leave, everybody would end up in court"

PC JACK: "Did he threaten you in any way?"

Rod FALLIS: "No"

PC JACK: "Are you related?"

Rod FALLIS: "Distantly, 2nd or 3rd cousins"

PC JACK: "How much money could you have earned if you did the work?"

Rod FALLIS: "Approximately \$6,000 to \$8,000 depending on the number of hours it would take to complete the work."

PC JACK: "How long would it take you to do the work?"

Rod FALLIS: "A day or a day and a half."

PC JACK: "Are you going to go back to complete the work?"

Rod FALLIS: "I am not too excited about going back."

PC JACK: "How much work time did you loose?"

Rod FALLIS: "About half-a-day?"

PC JACK: "Will you get reimbursed?"

Rod FALLIS: "No. I am just happy to be out of it."

PC JACK: "Did Wayne FALLIS ask you to tell anything to McIntOSH?"

Rod FALLIS: "No."

**BENCHMARK:** No

**COMPLAINT:** Tyler NEWTON

**INCIDENT LOCATION:** 248 Eastwood Rd, Smith-Ennismore-Lakefield Township.

**HISTORY:** There is a long ongoing history of trespassing, thefts from unlocked motor vehicles, and acts of vandalism in the neighborhood.

**INVESTIGATION:** On Friday the 27th of March 2009 at 06:18 hrs Tyler NEWTON called Peterborough County O.P.P. advising that his iPod player and a winter jacket had been stolen from his truck in his driveway when it had been left unlocked. The vehicle was entered sometime overnight.

At 07:35 hrs PC JACK contacted the complainant and spoke on the phone with Shelly NEWTON. Shelly is the mother of Tyler NEWTON, who had left for work at the time. PC JACK advised Shelly NEWTON that he would be coming over to their residence to collect a statement from later in the day.

At 17:35 hrs PC JACK attended at 248 Eastwood Rd. and spoke with Shelly NEWTON as Tyler NEWTON was still at work at the time. PC JACK obtained the details of the stolen property. Shelly NEWTON advised PC JACK about a number of previous incidents at their residence location and provided a name of a suspect - Mark NEWMAN. Shelly further advised PC JACK that at least on one instance approximately two years ago her daughter - Emily - observed Mark NEWMAN walking driveway to driveway in their neighborhood attempting to open vehicles parked in the driveways. That event took place on a weekday during daytime when Mark NEWTON should have been at school.

A through Niche check by PC JACK revealed that despite his young age, Mark NEWMAN has a long history of alcohol and controlled substances abuse, mischief to property, family disputes, and theft under.

There is currently no evidence to directly link Mark to the theft. The investigation is ongoing.

Related incident: SP09060496

**SUSPECTS:**

Mark NEWMAN

Date of Birth: 14 Jun 1992

Address: 1132 Fairbairn Street, Smith Ennismore Lakefield Township.

Phone Number: (705) 748-4545

**WITNESSES:** N/A

**CHARGES:** N/A

**STOLEN PROPERTY:**

One iPod shuffle (second generation) silver and white in color. Unknown serial number.

One standard winter jacket, grey in color with some red panel inserts.

**VEHICLES:**

**SUPPORT UNITS:** N/A

**CPIC:** \*\*\*NOT ON FILE\*\*\*

**NOTIFICATION:** Sgt. Flindall

**DISTRIBUTION:** N/A

**FOLLOW-UP:** To contact Mark NEWMAN's parents for further investigation.

**BENCHMARK:** No

**COMPLAINT:** The complainant, who is the owner of Pizza Villa in Bridgenorth, Kosta BOYZINELOS, reports that over the past three weeks there have been numerous phone calls made to his business phone 705-292-5050. The calls were harassing in nature and were made during the busy business hours. BOYZINELOS staff was intimidated and irritated by the calls. The voices on the other end sounded like teenage voices. The complainant obtained two phone numbers on call display. The complainant wished the police to look into it and stop the phone calls.

**INCIDENT LOCATION:** Pizza Villa at 846 Ward St, Bridgenorth, Smith-Ennismore-Lakefield Twp., Peterborough County.

**INVESTIGATION:** On April, 26th, 2009 at 14:20 hrs PC Jack attended the above address and spoke with Kosta BOYZINELOS. PC Jack obtained from the complainant two phone numbers from which repeated harassing phone calls were made: 705-931-7791 and 705-313-0636.

PC Jack attempted to call both numbers - 705-931-7791 and 705-313-0636 - from Peterborough County Detachment with negative results. The calls went to voice recordings with greeting messages that appeared to be that of young teenagers.

PC Jack conducted a Canada 411 & Niche check for both phone numbers with negative results.

PC Jack called Bell Corporate Security and obtained the service provider info for the numbers.

705-313-0636 came back to Rogers.

705-931-7791 came back to Virgin Mobility.

PC Jack called Rogers and obtained subscriber info for 705-313-0636. The subscriber is Debbie King of 234 Woodward Ave, Peterborough.

PC Jack faxed a request to Virgin Mobile as per their subscriber information release policy and obtained subscriber info for 705-931-7791. The subscriber is Jeremy HENNESSY. The subscriber is a prepaid subscriber. No other info on the subscriber was provided.

PC Jack consulted with D/Cst. Gray and was advised to try calling local schools and see if they have a student by name Jeremy HENNESSY. Following is the list of schools in the Peterborough area: Adam Scott, Crestwood, St. Peters, P.C.V.S., Thomas A. Stewart, Kener Collegiate, Chemong Public.

PC Jack contacted Adam Scott C.V.I. and Intermediate School, 175 Langton Street Peterborough, 705-743-7373 and learned that they had a student by name Jeremy HENNESSY (DOB: 20-Jun-94) and obtained his mother's (Karen FISHER) phone numbers. Work: 705-748-2337 x.261, Home: 705-748-4879, Cell: 705-930-4879 and his residence address: Maitland Ave, Peterborough.

On Friday, May 1st, 2009 at 15:00 hrs PC Jack spoke with FISHER on the phone and confirmed with her that her son, Jeremy HENNESSY, had a cellular phone and that the number was 705-931-7791. PC Jack advised FISHER that a series of harassing phone calls have been made from her son's cellular phone. PC Jack also advised FISHER that a number of attempts were made to call Jeremy on his cellular phone and that two messages were left for him to call Peterborough County O.P.P. and that he never called back. PC Jack asked FISHER to speak with her son and call PC Jack back.

On Monday, May 4th, 2009 at 22:30 hrs PC Jack spoke with FISHER on the phone. FISHER advised PC Jack that she had spoken with her son and that he admitted that he and his friend were making harassing phone calls to various local businesses, primarily Pizza Villa and Pizza Hut, and that he was scared that police were onto them. HENNESSY has since stopped making the calls. PC Jack advised FISHER that police did not want to lay

charges but requested that HENNESSY attends Pizza Villa in Bridgenorth and apologizes before the owner and once PC Jack has heard from the owner that Jeremy HENNESSY had attended and apologized, PC Jack would deem the matter resolved. PC Jack provided FISHER with the Pizza Villa address info. FISHER was very happy with the proposed extrajudicial measure and thanked PC Jack for the assistance.

PC Jack informed the complainant about the results of the investigation and steps taken to remedy the issue. The complainant was very happy and thanked police for the effort.

On Thursday, May 15th, 2009 at 19:50 hrs PC Jack attended Pizza Villa and witnessed the apology letter written by Jeremy HENNESSY that was addressed to the complainant. The complainant was satisfied with the letter. PC Jack phoned HENNESSY's mother, FISHER, thanked her for the cooperation and informed her that the matter was closed.

No further action is required.

**SUSPECTS:** Jeremy HENNESSY.

**WITNESSES:** N/A

**PROPERTY:** N/A

**CPIC:** N/A

**SUPPORT UNITS:** N/A

**NOTIFICATIONS:** Sgt. Flindall

**DISTRIBUTION:** N/A

**FOLLOW UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, April 26th, 2009, the complainant, Cheryl BADHAM, contacted Peterborough County O.P.P. with regards to a theft of her personal belongings from the residence at 286 Lindsay Road.

**INCIDENT LOCATION:** 286 Lindsay Road (County Road 1), Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Sometime between April 19th and April 26th the suspect, Lesley PEACE, entered the house at 286 Lindsay Road and removed some of the belongings of her friend, David EDWARDES-EVANS, who is currently in custody in Central East Correctional Centre in Lindsay. The house was co-owned by EDWARDES-EVANS and BADHAM and has been for sale with the expected closure date of April 30th, 2009. The history of disputes and accusations between EDWARDES-EVANS, BADHAM, PEACE, and other parties is lengthy. See related Niche occurrence reports for background info. Since the house is about to change owners for good, EDWARDES-EVANS asked PEACE to attend the residence to collect some of his personal belongings for safe keeping. EDWARDES-EVANS advised PEACE that she had his power of attorney to enter the house.

**INVESTIGATION:** At 15:15 hrs PC Jack attended the above address and spoke with the complainant. The complainant advised PC Jack of the situation and provided a written statement in which she advised that she did not mind PEACE collecting EDWARDES-EVANS personal belongings but wanted to have her personal belongings returned, namely her pictures. The pictures were originally stored in a Rubbermaid container in a shed behind the house. PC Jack inspected the backyard on the North side of the house and discovered a small stand-alone shed. The shed has been left unlocked for an unknown length of time and, potentially, anyone could have gained access to it and to the property stored in it. The complainant advised PC Jack that EDWARDES-EVANS' other girlfriend, Kelly, could have taken the pictures. The complainant further advised PC Jack that EDWARDES-EVANS is a very manipulative person and that PEACE most likely did not have his power of attorney to enter the house and to collect his personal belongings.

On Tuesday, April 28th, 2009 at 11:00 hrs PC Jack spoke with PEACE on the phone and was advised that she had attended the residence at 286 Lindsay Road a number of times and had removed some of the EDWARDES-EVANS personal belongings. However, she knew nothing about BADHAM's Rubbermaid container with BADHAM's personal pictures in it. PEACE further advised PC Jack she had EDWARDES-EVANS' power of attorney to collect his property and that she had filed a complaint of theft of EDWARDES-EVANS' property from the above residence on April 18th, 2009 (SP09078535). PEACE advised that BADHAM had no right to be at the above residence and had no right to remove flat screen TV and furniture from the residence as they belonged to EDWARDES-EVANS. PC Jack asked PEACE to prepare a list of items she believed were unlawfully removed from the residence and produce a copy of the power of attorney allowing her to collect property from the above residence on behalf of EDWARDES-EVANS.

On Wednesday, April 29th at 09:20 hrs PC Jack called EDWARDES-EVANS's lawyer Jim HAURANEY at 705-748-2333 to inquire who had the power of attorney to enter the above residence and to remove property from it. PC Jack was advised that HAURANEY was on vacation until May 11th and that his assistant would return a phone call when she is back in the office.

The house was sold on April 30th, 2009.

On May 1st, 2009 the complainant advised PC Jack that she was very happy the sale of the house closed and that she did not want to pursue the theft matter any further. She was ecstatic and when asked what she wished the police to do with the written statement she provided to PC Jack regarding the alleged theft of her personal belongings, she said: "Burn it! I do not care anymore."

On Monday, May 4th PC Jack retrieved a message from his voice mail left by HAURANEY's assistant Joleen (from 705-748-2333) advising that they had on file a valid copy of EDWARDES-EVANS power of attorney for his property and directions for PEACE to go into the above residence to retrieve EDWARDES-EVANS property.

On Monday, May 4th PC Jack called PEACE to advise her of the situation and that what she did was legal and she was no longer a suspect in the committal of the theft. Both the complainant and PEACE were advised that

from that point on, any arguments/litigations regarding the ownership of the matrimonial property should be dealt through civil courts.

No further action at the time.

**SUSPECTS:** N/A

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** NFA

**BENCHMARK:** No

**COMPLAINT:** On Wednesday, April 28th 2009 at 11:08 hrs the complainant, James SINCLAIR, contacted Peterborough County O.P.P. a break and enter at his seasonal residence after the fact. The complainant advised that he had just arrived at his cottage to find the porch door and porch window damaged.

**INCIDENT LOCATION:** 1165 Connaught Drive, Ennismore, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** The complainant and his wife reside in the City of Peterborough over the winter and at their cottage in Ennismore over the summer. The complainant last attended the incident location around mid November 2008.

**INVESTIGATION:** On Wednesday, April 28th 2009 at 13:50 hrs PC Jack attended the above address. The complainant met PC Jack on the porch on the south side of the building and indicated the attempted points of entry into the cottage - the porch door and the porch window. Upon the inspection of the property PC Jack noted a minor, yet visible, damage to the wooden door frame and the external wooden window frame. The porch door has two locks. The lower lock was pried open with a pry bar; the upper lock, while slightly damaged, held the door locked. There was also an attempt to gain access to the cottage through the porch window, as indicated by the chipped off wood of the external wooden window frame. No footprints, tire tracks or break and enter tools were detected at the scene. No entry was gained and nothing appeared to be missing from the cottage at the time of the inspection.

At the time of the initial police investigation there were no known witnesses and no suspects to the break and enter.

**SUSPECTS:** None

**WITNESSES:** None

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** D/Cst Jim Evans, Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A



**BENCHMARK:** No

**COMPLAINT:** On Thursday, April 30th 2009 at 10:00 hrs the complainant, Annette TARGOWSKI, called Peterborough County O.P.P. to report that she had been yelled at in an inappropriate manner by her neighbor while walking her dogs along the road in their neighborhood.

**INCIDENT LOCATION:** Perdue Road, Ennismore, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Thursday, April 30th 2009 at 10:35 hrs PC Jack spoke with the complainant on the phone and was advised that she had been yelled at by her neighbor, who resides at 241 McClennan Drive. The complainant acknowledged that the matter was not urgent but wanted to report the incident for police information. PC Jack asked the complainant to prepare a written statement of what had transpired and advised that he would collect it from her on Monday, May 5th 2009.

On Monday, May 4th, 2009 at 19:05 hrs PC Jack attended at 290 McClennan Drive. There was no answer at the door. PC Jack called both of the complaint's phone numbers with negative results. A voice message was left and a business card was left in the door.

At 19:15 hrs PC Jack attended at 241 McClennan Drive and spoke with O'REILY. O'REILY advised PC Jack that on Thursday, April 30th 2009 he was driving in his vehicle on Perdue Road when he observed the complainant walking her dogs without a leash in the middle of the road. The complainant then walked in the middle of the road and flagged O'REILY down and told O'REILY he was speeding. O'REILY responded by saying "Have you bumped your head? It is you who speeds all the time" and continued on his way. O'REILY advised PC Jack that approximately 6 weeks ago, the complainant almost ran over his son when he and his neighbor, Suzie Snowpack, were strolling along the McClennan Drive and his son was in a children's four-wheeler. O'REILY further advised PC Jack that on Sunday, May 4th, 2009 at approximately 10:00 hrs when taking garbage onto the McClennan Drive he observed and subsequently collected approximately 40-50 roofing nails scattered on the pavement right in front of his driveway. PC Jack advised O'REILY to watch his language as it may be interpreted as uttering threats, which is a criminal offence.

On Monday, May 5th, 2009 at 21:30 hrs PC Jack attended at 290 McClennan Drive and spoke with Annette TARGOWSKI and her husband Mark TAGROWSKI. PC Jack obtained a signed written statement from Annette TARGOWSKI, the contents of which roughly matched the story line told to PC Jack by O'REILY, with the exception of the swearing. PC Jack advised the complainant that O'REILY had been spoken to with regards to the incident and cautioned. PC Jack advised TARGOWSKI that there would be a report on file and provided them with the incident number. TARGOWSKI were satisfied and thanked police for assistance. No further action is required at the time.

**SUSPECTS:** N/A

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Thursday, May 9th 2009, the complainant Michael Alan JACOBS contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Center (PCC) to report a theft of his knapsack, which contained a bottle of methadone prescribed to him in it, earlier that day from his manager's truck in the North Kawartha Twp., Peterborough County. JACOBS requested to be contacted by an officer.

**INCIDENT LOCATION:** Julian Lake area, North Kawartha Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Thursday, May 9th 2009 at 18:30 hrs PC Jack spoke with the complainant on the phone. The complainant advised PC Jack that he and his manager were working north of Burleigh Falls near Julian Lake on that day. They traveled from place to place in the manager's truck, Green 1998 Toyota Tacoma, bearing Ontario marker 4505 TY. The truck was left unlocked whenever they stepped out to work outside. At the end of the day, the complainant noticed his knapsack missing. The complainant was not sure if the knapsack was lost or stolen, however, he was concerned that if someone uses the methadone, he might get in trouble as his name was written on the prescription attached to the bottle. The complainant wished to report the incident for police information only. No further police action is required.

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES/SUSPECTS:** Green 1998 Toyota Tacoma, truck 4505 TY; RO: FLEGUEL, JOHN, B; (DOB: 1951-Feb-23)

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, May 10th 2009, the complainant Joshi RABI contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Center to report a theft of gas earlier that day from the Esso Gas station at 779 Highway 7 in the Otonabee-South-Monaghan Twp., Peterborough County.

**INCIDENT LOCATION:** 779 Highway 7, Otonabee-South-Monaghan Twp., Peterborough County.

**HISTORY:** Joshi RABI works as a gas attendant at the Esso Gas station at 779 Highway 7 in the Otonabee-South-Monaghan Twp., Peterborough County. On Sunday, May 10th 2009, at approximately 07:45 hrs the complainant observed a 2008 Lexus SUV, black in color, bearing Ontario license plates AFWZ 234, pulling into the Esso gas station, taking \$49.79 worth of gas and leaving without paying for it. The complainant observed a male driver and a female passenger in the SUV. Both male and female described as in their late 30's, early 40's. While the male pumped gas, the female went into the Country Style coffee shop and came back after approximately two minutes. The parties then left without paying for the gas.

**INVESTIGATION:** On Sunday, May 10th 2009, PC Jack was asked to investigate the incident by PC Mathers and was provided with the above information and the phone number of the neighbors of the registered owner of the vehicle bearing the above license plate numbers, Alison JACKSON of Richmond Hill. At 22:15 hrs PC Jack spoke with JACKSON's neighbors on the phone and asked them to take a message for JACKSON to contact PC Jack at Peterborough County O.P.P.

On Wednesday, May 13th 2009 at 17:30 hrs PC Jack spoke with JACKSON on the phone and advised her of the incident. JACKSON stated that to the best of her knowledge they had paid for gas in full, but advised PC Jack that she was going to look into it. JACKSON was provided with the phone number of the complainant and advised to call the Esso gas station to resolve the issue.

On Monday, May 18th 2009 PC Jack retrieved a message from the complainant who stated that the JACKSON returned and paid for the gas in full.

No further police action is required.

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES/SUSPECTS:** Black 2008 Lexus SUV, AFWZ 234. RO: Holly JACKSON (DOB: 1975-Dec-26)

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, May 10th 2009, the complainant, David RAMSAY, contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Center with regards to a theft of his property from his seasonal residence at 30 Fire Route 74 in Galway-Cavendish-Harvey Twp. The complainant wished to speak with an officer.

**INCIDENT LOCATION:** Lot 30, Fire Route 74, Galway-Cavendish-Harvey Twp. Peterborough County.

**HISTORY:** A verbal agreement was made between RAMSAY and Rob REED for REED to remove RAMSAY's trailer at the incident location at no cost to the RAMSAY.

**INVESTIGATION:** At 21:45 hrs PC Jack spoke with the complainant on the phone. The complainant advised PC Jack that on April 14th, 2009 he made a verbal agreement with Rob REED to remove the complainant's old trailer from the Pigeon Lake Camping Resort at no cost in exchange for the removal service. On May 5th 2009 REED called the complainant from the resort to inquire why there was no refrigerator in the trailer. The complainant advised REED that there was not supposed to be a refrigerator in the trailer. However, upon arriving at their property, the complainant's wife discovered missing items from their property that were not supposed to be touched.

PC Jack asked the complainant to write a statement of what he believes transpired, list the items stolen, and fax it to Peterborough County Detachment attention PC Jack. The complainant advised PC Jack that he is blind and that he will have his wife do that. PC Jack spoke with the complainant's wife on the phone and she advised she would do that first thing on Monday morning.

At 21:55 hrs PC Jack called the suspect, Rob REED at 1-800-393-7149, and left a message to call PC Jack at Peterborough County O.P.P. Detachment.

On Wednesday, May 13th 2009 at 17:45 hrs PC Jack called REED at 1-800-393-7149 and advised REED of the reason for the phone call. REED stated that the call was breaking down and shortly thereafter the line went dead. PC Jack called the number 4 times, but did not get through and left yet another message for REED to call PC Jack back at Peterborough County O.P.P. Detachment.

On Thursday, May 16th 2009 PC Jack spoke with REED and advised him of the complaint. REED admitted to taking the refrigerator from the complainant's property as he believed it was included in the deal. REED advised PC Jack that he had not taken anything else and knew nothing about the rest of the complainant's property claimed to be stolen. REED was advised to call the complainant and attempt to resolve the issue.

On Thursday, May 21st 2009 the complainant faxed PC Jack a copy of the receipt for the refrigerator, purchased 5.5 years ago from the Future Shop that was allegedly taken by REED from the incident location.

On Friday, May 22nd 2009 at 12:10 PC Jack spoke with both the complainant and REED on the phone in an attempt to facilitate the resolution of the issue. REED agreed to reimburse the complainant for the refrigerator taking into consideration that it was 5.5 years old.

At 13:50 PC Jack spoke with the complainant on the phone and was advised that REED agreed to refund the complainant for the refrigerator at the rate of CA \$250 by mailing the complainant a cheque. The complainant agreed and deemed the matter to be resolved

No further police action is required at the time.

**SUSPECTS:** Rob REED of 14 Tudor Place, Keswick, ON L4P 3N7

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:**

LG refrigerator

Tarp and rope around refrigerator

Lawnmower  
Wheelbarrow  
Exterior ladder  
Wooden steps from deck  
Pole saw.

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Monday, May 18th 2009, the complainant Vera LITZEN contacted Peterborough County OPP via Smith Falls PCC to report a theft of GPS from her daughter's van at 309 Gifford Drive, Ennismore, Peterborough County. LITZEN requested to be contacted by an officer.

**INCIDENT LOCATION:** 309 Gifford Drive, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Vera and Terry LITZEN reside permanently in Dundas. They stay at their cottage in Ennismore periodically over the summer time.

**INVESTIGATION:** On Monday, May 18th 2009, at 13:38 hrs PC Jack attended the incident location. The reported theft took place some time overnight on Saturday, May 15th 2009 from an unlocked motor vehicle that was parked in the driveway at the incident location. Unknown person(s) entered and removed GPS and loose change. The complainant advised PC Jack that she had learned from their neighbors there had recently been other thefts from motor vehicles in the neighborhood. The complainant had no suspects in mind.

**WITNESSES:** None

**CHARGES:** None

**PROPERTY:** Magellan Roadmate GPS system, model 1412.

**VEHICLES:** Vehicle from which property was stolen: Grey Toyota RV4, AEYC527.

**SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche, D/Cst. Jim Evans, PC Bates.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, May 24th, 2009 at 0940 hrs the complainants, Saida ODENOVA and Robert BARR, independently, contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Center (PCC) to report a neighbor dispute over an irrigation line running through their properties. Both parties requested to be contacted by an officer.

**INCIDENT LOCATION:** 15 George St., Buckhorn, Galway-Cavendish-Harvey Twp., Peterborough County.

**HISTORY:** ODENOVA resides at 15 George St., BARR resides at 20 George St. BARR had a water irrigation pipe (that supply water to irrigate his lawn) in place for approximately 50 years. The line traditionally ran from Buckhorn Lake through a waterfront parcel of land that belongs to the owners of the house at 15 George St. The line was not buried and simply rested on the ground. The previous owners did not have a problem with the line running through their property in this manner. In 2008 the house at 15 George St. changed hands and new owners wished the line to be removed from their waterfront parcel of land. A registered letter was sent by ODENOVA's lawyer to BARR on September 23rd, 2008. BARR failed to remove the irrigation line.

On Sunday, May 24th, 2009 ODENOVA removed the irrigation pipe from the lake, rolled it neatly beside her parcel of land and left it there. BARR got very upset about it, attended 15 George St. and spoke with ODENOVA, in what was passed down to PC Jack, as impolite and inappropriate manner. ODENOVA asked BARR to leave her property. Independently of each other, both parties called O.P.P. to report the incident.

**INVESTIGATION:** On Sunday, May 24th, 2009 at 13:40 hrs PC Jack attended 15 and 20 George St. and spoke with both complainants independently. ODENOVA provided PC Jack with a copy of the registered letter sent to BARR last year by her lawyer, Jack McVicar re: Illegal Water Line and advised that she would not have had a problem with BARR's water irrigation pipe running through her property had he treated her nicely. Apparently BARR did not welcome his new neighbors when they moved in 2008, however, it is only a hearsay. BARR advised PC Jack that he was humiliated by the way ODENOVA treated him. Both parties were advised the issue was civil in nature and should be disputed in civil courts.

No further police action was required at the time.

**SUSPECTS:** N/A

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, May 24th, 2009 at 14:50 hrs the complainant, Gary MCELHONE contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Center (PCC) to report indecent behavior exhibited by his neighbor. The complainant requested to be contacted by an officer.

**INCIDENT LOCATION:** Pinewood Cres., Galway-Cavendish-Harvey Twp., Peterborough County.

**HISTORY:** On Sunday, May 24th, 2009 at approx 14:00 hrs Gary MCELHONE was operating his ATV on the Pinewood Cr. when his neighbor, Kenneth MURRAY, "gave him a finger and then mooned him" (removed his pants and exposed his bare buttocks to MCELHONE). MURRAY then stood upright and motioned with his arm for MCELHONE to proceed down the road. MCELHONE turned around, went home, and called police.

**INVESTIGATION:** On Sunday, May 24th, 2009 at 15:15 hrs PC Jack attended 4 Pinewood Cr. and spoke with the complainant. The complainant advised PC Jack of the incident and further advised that on occasion MURRAY parks his car in MCELHONE's cul-de-sac and spins the tires to irritate MCELHONE and other neighbors. MCELHONE advised that he used to be friendly with MURRAY, but approx 7 years ago he terminated the friendship because "MURRAY drinks too much and gets stupid."

MCELHONE lives in Toronto, but over the weekends stays at 4 Pinewood Cr, while his other neighbor friend keeps an eye on his property. MCELHONE did not want to press any charges, however, wished MURRAY to be cautioned by police.

At 15:35 hrs PC Jack attended 716 Alpine Lake Road and spoke with the suspect, Kenneth MURRAY. MURRAY was very confrontational and uncooperative. MURRAY advised PC Jack that he had done nothing of a kind and that it is MCELHONE who drives his ATV too fast and without having proper safety equipment on. PC Jack cautioned MURRAY that he may be charged with a criminal offence should he engage in indecent exhibition / acts in the future.

No further police action was required at the time.

**SUSPECTS:** N/A

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Thursday, May 28th, 2009 at 14:40 hrs the complainant, Helen CURTIN contacted Peterborough County O.P.P. via Peterborough Lakefield Community Police Service to report that her friend, Susan CUMMING, had called her from her residence sounding lost and incomprehensible. CURTIN was concerned for the CUMMING's well-being and required police assistance with the matter.

**INCIDENT LOCATION:** 923 Jones Beach Rd., Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Susan CUMMING has a lengthy history of MHA issues and alcoholism. See related Niche occurrences.

**INVESTIGATION:** On Thursday, May 28th, 2009 at approx 15:10 hrs P/C Jack and P/C Filman arrived on scene and discovered Susan CUMMING crawling on the floor in the living room. CUMMING appeared to be disoriented and could not walk or talk. CUMMING crawled on her butt around the room and despite numerous attempts by officers to speak with her to find out what had happened and/or what she had consumed/taken, CUMMING would not disclose any of the particulars of what transpired earlier that day. EMS was called to attend the scene. While waiting for EMS, officers located an empty bottle of vodka behind the couch in the living room. Then she uttered in a barely comprehensible manner: "Get the fuck out of my house" and "I just want to be alone for a while".

At 15:25 hrs EMS arrived on scene. CUMMING became very agitated and refused to cooperate. CUMMING was handcuffed to the stretcher and transported to the Peterborough Regional Health Centre.

At 17:50 hrs CUMMING's blood samples were taken and it was determined that CUMMING's BAC was at least five times the legal limit (plasma reading 101). CUMMING was remanded at the hospital overnight for observation.

No further police action was required at the time.

**SUSPECTS:** N/A

**WITNESSES:** Helen CURTIN (1940-Jun-02)

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** EMS paramedics Bruce SAMON (Badge: 98932) and Alisha BARRETT (Badge: 15445)

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A



**BENCHMARK:** No

**COMPLAINT:** N/A

**INCIDENT LOCATION:** 751 Hatton Ave. Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Numerous thefts from unlocked vehicles in the township. See related Niche occurrences.

**INVESTIGATION:** On Saturday, June 6th 2009 at 04:10 hrs, while patrolling the Bridgenorth area, P/C Jack came across a motor vehicle with the driver's door open parked in the driveway of 751 Hatton Ave. P/C Jack woke the owners of the vehicle up and advised them of the situation. Upon the inspection of the vehicle it was discovered that the vehicle was entered, rifled through, and an iPod with an elastic arm band was missing from the glove compartment.

**WITNESSES:** None

**CHARGES:** None

**PROPERTY:** iPod Nano 4GB Silver, S/N: 75815YVBYOP

**VEHICLES:** N/A

**SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche, D/Cst. Jim Evans, B platoon.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** Canvass surrounding neighbors.

**BENCHMARK:** No

**INCIDENT LOCATION:** 223 Grove Ave, Smith-Ennismore-Lakefield Twp., Peterborough County.

**COMPLAINT:** On Wednesday, 10 June 2009 at approximately 20:20 hrs the complainant, Karen KAYE, called Smith Falls PCC to report that her son, Matthew KAYE, was missing. Karen advised that Matthew had a drug problem and was very depressed. He was supposed to get into a program, but was currently on conditions, one of which was to reside with his surety, Karen KAYE, and abide by curfew between 20:00 hrs and 6:00 hrs. Karen KAYE advised that Matthew had never gone missing before and that he was very upset the night before and was possibly suicidal. Karen's husband (Mathew's father) Ron KAYE had dropped Matthew off in Peterborough City downtown sometime afternoon that date and he had not been seen or heard of since then. Karen KAYE provided basic descriptors of Mathew.

At approximately 20:51 hrs Matthew KAYE called home and advised his mother that he was on Chemong Road in Peterborough City and was heading home on foot. Karen KAYE drove out in her truck to pick him up and bring him home.

**HISTORY:** On 03 June 2009, Matthew KAYE was arrested and charged by Peterborough Lakefield Police Service with Party to the offence of robbery with violence, Section 21(2) & Section 344(b) CC, (PB09010701). Pending the outcome of the matter, KAYE was released via a Recognizance by Peterborough Ontario Court of Justice. Upon being released, Matthew KAYE was given conditions including, but not limited to,

RESIDE WITH YOUR SURETY

ABIDE BY A CURFEW AT YOUR RESIDENCE BETWEEN THE HOURS OF 8PM & 6AM UNLESS IN THE DIRECT COMPANY OF YOUR SURETY OR YOUR FATHER

Matthew KAYE surety is his mother Karen KAYE.

**INVESTIGATION:** On Wednesday, 10 June 2009 at approximately 23:00 hrs P/C Jack attended 223 Grove Ave. P/C Jack was greeted at the door by Ron KAYE. At about the same time, Karen KAYE, pulled into the driveway in her White 2006 Ford truck, 6676XD, bringing her son, Matthew KAYE, home.

P/C Jack interviewed Matthew in the presence of his parents. All parties were receptive and understanding of police presence. Matthew advised P/C Jack that he had been picked up by his friend, Shaun MCLENAN, in Peterborough City downtown sometime afternoon earlier that day after which they drove to their friends. At approximately 18:00 hrs, when they were traveling northbound on Highway 7 their car overheated and broke down near Springville in the Cavan-Millbrook-North Monaghan Twp. Neither party had a mobile phone with them. Matthew left his friend behind with the broken car and headed towards Peterborough on foot. He subsequently placed a phone call from a pay phone to his mother and advised her of his predicament and his location.

It was explained to Karen KAYE, Ron KAYE, and Matthew KAYE that given the facts provided by Matthew and his attempts to contact his parents as soon as he realized he was not going to make it home in time, P/C Jack did not have reasonable grounds to believe that Matthew's actions constituted a deliberate breach of his conditions.

In the presence of his parents, and what appeared to be an unpleasant surprise to them, Matthew advised P/C Jack he had been on Oxycodone for six years and was in the process of getting into the treatment program at Canadian Addiction Withdrawal Hospital (C.A.W.H.) in Toronto. He had already been screened by Evelyn NEILAS (416-535-8501 ext.7039) and was awaiting a call back with the date he could start the program.

P/C Jack advised all parties they needed to attend Peterborough Courts and have the Recognizance conditions amended so Matthew KAYE can leave for treatment at Toronto Canadian Addiction Withdrawal Hospital.

P/C Jack obtained a verbal commitment from KAYE family that from that moment on, Matthew was always going to be in the presence of at least one of his parents until the beginning of the treatment program and that P/C Jack was going to be kept informed of further developments.

No grounds for a breach.

**WITNESSES:** Shaun MCLENAN – a possible witness to the car breakdown. No other info available.

**CHARGES:** None

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUSPECTS:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** Check on Matthew KAYE

**NOTIFICATION:** Sgt. Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** Follow up with KAYE family next week

**BENCHMARK:** No

**COMPLAINT:** On Saturday, June 13th 2009 at 09:30 hrs the complainant/victim, Chris RIDPATH, contacted Peterborough County OPP via Smith Falls PCC to report property damage to his motor vehicle. RIDPATH wished to speak with an officer.

**INCIDENT LOCATION:** Ridpath's Art Supplies at 3363 Lakefield Rd., Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** RIDPATH is the registered owner of the Red 2007 Ford Mustang. On Thursday, June 11th 2009 RIDPATH parked his car at the incident location with "For Sale" signs attached on the car's windows. On Saturday, June 13th 2009, at approximately 08:30 hrs, RIDPATH received a phone call from Mr. Hopkins (the owner of Hopkins Motors) advising him of the damage to his car. Hopkins observed the damage when he passed by the parked car earlier in the morning. RIDPATH attended the incident location, assessed the damage, and called police.

**INVESTIGATION:** On Saturday, June 13th 2009 at 10:30 hrs P/C Jack attended incident location, visually examined the scene of crime, and spoke with the complainant. RIDPATH advised P/C Jack of the situation and further advised P/C Jack that after he had spoken with neighbors, he learned of recent acts of vandalism in the area over the past 4 weeks, i.e. graffiti painting on 3 buildings and signs, neighbor's doors broken down, etc.

A visual examination of the damaged car revealed the following:

2 marks on the front window shield.

3 dents on the driver's side fender and hood.

2 dents on the passenger side door frame and roof frame.

Passenger side window smashed with a padding brick; the brick is inside the car.

One padding brick located on the ground approximately 10 feet away on the east side of the car.

It appeared that the first padding brick was thrown into the windshield. The windshield withstood the impact and the brick bounced off of it leaving 2 marks on the windshield and causing 3 dents on the driver's side fender and hood. The brick came to rest on the ground approximately 10 feet away on the east side of the car. The second brick must have been thrown into the passenger's side window, smashing it, scattering the glass around, and coming to rest inside the car.

At the time of the inspection, nothing appeared to be stolen from the car.

Ident and SOCO officers were contacted with negative results due to their unavailability. P/C Jack advised RIDPATH to car-sit until the night shift officers report for duty and a SOCO P/C Donnelly attends the scene to document the damage.

P/C Jack canvassed surrounding neighbors, but no other entries or attempts were reported as well as no one reported hearing any alarm or broken glass at the reported time.

**WITNESSES:** None

**CHARGES:** None yet

**PROPERTY:** Damage to car is estimated at \$3,500.

**VEHICLES:** Red 2007 Ford Mustang; VIN: 1ZVFT80NX75221613; License plate AZYN123; Dollar value: CA \$35,000

**SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

## **Mischief**

3363 County Rd 29, Smith-Ennismore-Lakefield Township

Drew Ridpath is the registered owner of the Red 2007 Ford Mustang. On Thursday, June 11th 2009 Drew parked his car at the above location with "For Sale" signs attached on the car's windows. On Saturday, June 13th 2009, at approximately 08:30 hrs, Drew received a phone call from Mr. Hopkins advising him of damage to his car. Drew contacted police and PC Jack attended the scene.

SOCO PC Donnelly was requested by PC Jack to attend and take photographs of the damage to motor vehicle. It appeared that 2 bricks were thrown at the Mustang and 1 brick landed in the vehicle on the passenger side floor. Photographs were taken of damage to driver side hood area, windshield, and passenger door window. Both bricks were obtained from scene by PC Donnelly and lodged in property vault #1 to be examined by IDENT as per PC Jack for fingerprints

Seal # 2K95765

Requisition # 007205-09

Mischief @ 3363 County Rd 29, Smith-Ennismore-Lakefield Township

Moved the bricks (seal # 2K95765) from property vault #1 into the custody of IDENT for examination.

Estimated completion date for the IDENT examination is June 30th 2009.

## **Supplementary Report - OPP Forensic Identification Services (Peterborough)**

I/C Heath Crichton #11063

On Tuesday June 16, 2009 at 1310hrs P/C JACK attended OPP Forensic Identification Services (Peterborough) and submitted two bricks for the current incident for examination.

I/C CRICHTON treated the exhibits in a cyanoacrolate fuming chamber. The bricks were then examined using a Polilight PL500 Forensic Light Source at 450nm with amber goggles. No fingerprints were found.

The exhibits were sealed in a box using CFS Seals #2B29291 and 2B29292 and returned to P/C JACK on Thursday August 13, 2009.

On August 13th 2009 at 11:30 hrs I/C Chrichton returned the two bricks in a sealed package to PC Jack for disposal. No fingerprints were found. At 11:45 PC Jack disposed of the bricks.

**BENCHMARK:** No

**COMPLAINT:** On Saturday, June 20th 2009, at 06:45 hrs the complainant, Linda SCOTT, contacted Peterborough County OPP via Smith Falls PCC to report a theft of money and a GPS Navigation system from two motor vehicles parked in her seasonal residence driveway. SCOTT wished to speak with an officer.

**INCIDENT LOCATION:** 363 Lindsay Rd., Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Thefts from numerous unlocked vehicles in area. See related occurrences. The complainant and her husband left their vehicles, parked in their driveway, unlocked over night. Unknown person(s) entered the vehicles, rifled through the contents and took loose change in the amount of CA \$3 between the two vehicles and the complainant's purse. The complainant permanently resides at the incident location. The complainant's neighbors have had thefts from unlocked vehicles parked in their driveways in the past.

**INVESTIGATION:** On Saturday, June 20th 2009, at 06:47 hrs P/C Jack spoke with the complainant on the phone. The complainant advised P/C Jack that their vehicles must have been entered sometime overnight between the hours of 22:30 hrs and 06:30 hrs. P/C Jack and P/C Filman canvassed surrounding neighbors. The purse was located at 08:27 hrs and returned to the complainant by P/C Filman (see SP09133122). Other vehicles in the immediate neighborhood were entered overnight. See related occurrences.

**WITNESSES:** None

**CHARGES:** None

**PROPERTY:** CA \$3

**VEHICLES:** N/A

**SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche, B platoon.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Saturday, June 20th 2009, at 07:50 hrs the complainant, Heidy JORGENSEN contacted Peterborough County OPP via Smith Falls PCC to request police assistance to stand by keep the peace while she retrieves her property from the Ring Tail Trailer Park at 2045 Young's Point Road.

**INCIDENT LOCATION:** Ring Tail Trailer Park, 2045 County Road 25 (aka Young's Point Road), Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** See SP09126699. The owners of the Ring Tail Trailer Park seized JORGENSEN's trailer and wooden deck until all outstanding lot fees were paid by JORGENSEN.

**INVESTIGATION:** On Saturday, June 20th 2009, at 13:30 hrs P/C Jack attended the incident location and stood by to keep peace until JORGENSEN retrieved her property from the camp grounds. The owners of the camp were advised that they had no authority to hold JORGENSEN's property for ransom as doing so constituted theft under the Criminal Code of Canada. The owners were further advised that the matter is civil in nature and should be disputed in civil courts. P/C Jack witnessed the complainant and the owners exchange their up-to-date personal information for civil litigation purposes.

No further police action was required with respect to property dispute. See officer notes for details

**WITNESSES:** None

**CHARGES:** None

**PROPERTY:** Trailer, wooden deck (5 pieces.)

**VEHICLES:** N/A

**SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Sunday, June 21st, 2009 at 11:46 hrs the complainant, Sandy MONAGHAN, contacted Peterborough County O.P.P. via Smith Falls PCC to request police assistance.

**INCIDENT LOCATION:** 753 Lindsay Rd. Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** On Sunday, June 14th, 2009 William BERTRAND, who is the husband of Sandy MONAGHAN, was arrested and charged by Peterborough County OPP with an assault of his 10 year old step daughter, Anniesha COCHRANE-MONAGHAN. Pending the outcome of the matter, William BERTRAND was released via a Recognizance by Peterborough Ontario Court of Justice. Upon being released, William BERTRAND was given conditions including, but not limited to,

RESIDE WITH SURETY (LINDA LANTEIGNE).

NOT CONTACT ANNIESHA COCHRANE-MONAGHAN & STAY AWAY FROM HER RESIDENCE, WORK, SCHOOL, CHURCH.

STAY AWAY FROM 753 LINDSAY RD. SMITH-ENNISMORE-LAKEFIELD TWP. ONT.

See Niche occurrence SP09127603.

BERTRAND is the registered owner of the Chrysler, Ontario marker AFDJ928.

**INVESTIGATION:** On Sunday morning, June 21st, 2009, BERTRAND had his friend, Robert CARTER, attend the incident location to pick up BERTRAND's car. MONAGHAN objected, stating that this is the only means of transportation she has and called police. At approximately 12:00 hrs P/C Jack attended the incident location and advised CARTER that he could not tow the car. P/C Jack clarified to CARTER that though the car was registered to BERTRAND, it was part of the matrimonial possession and should be disputed in civil courts. CARTER left the scene and P/C Jack drove to Bridgenorth ESO to complete the investigation. While P/C Jack was enroute to Bridgenorth ESO, MONAGHAN called her brother-in-law, Robert HAGGERMAN, who is also a BERTRAND's friend and upon hearing a voice on the other side of the line she thought was HAGGERMAN stated, "Tell this piece of shit...". It turned out that BERTRAND was visiting at HAGGERMAN's and picked up the phone at the time MONAGHAN called. The parties started yelling at each other. MONAGHAN got emotional, hung up on BERTRAND, and called 911.

At this point in time, the incident escalated from police assistance to a verbal domestic violence incident.

At 13:05 P/C Jack spoke on the phone, from Bridgenorth ESO, with William BERTRAND and was advised of the incident. P/C Jack advised BERTRAND that the car would remain in MONAGHAN's use as it was part of the matrimonial possession. BERTRAND advised P/C Jack that he was going to cancel the insurance on the car and he was going to attempt to remove the plates from the car when it is off the property at the incident location. P/C Jack advised BERTRAND that should he do that, he can get in trouble under CAIA for owner permit to operate motor vehicle, no insurance, as he is still the registered owner and advised BERTRAND to seek legal aid.

At 14:30 hrs P/C Jack attended at the incident location again and spoke with MONAGHAN. MONAGHAN advised P/C Jack of her phone conversation with her husband and the reason for dialing 911. The investigation revealed that the incident was not criminal in nature. P/C Jack interviewed MONAGHAN at the scene and completed a DVSR.

No further police action was required at the time.

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A



**BENCHMARK:** No

**COMPLAINT:** On Tuesday, June 23, 2009, the complainant Melanie HENDREN, contacted Peterborough County O.P.P. via Smith Falls PCC to report a theft of a TV set and a laptop from her residence. HENDREN requested police to attend.

**INCIDENT LOCATION:** 3590 County Road 36, Galway-Cavendish-Harvey Twp., Peterborough County.

**HISTORY:** On Tuesday, June 23, 2009 HENDREN left her residence at approximately 08:15 hrs. Upon returning home at approximately 17:20 hrs she noticed that her two dogs were in the living room. When HENDREN came to the mudroom entrance she noticed that only the screen door was shut, which is not standard for them, and that the kitchen door was wide open. They always lock up the dogs in the kitchen area of their home so the dogs have free range of one room only. The dog gate, leading to the living room, was wide open. As HENDREN entered into the kitchen and down the hallway to their living room, she noticed the TV and her laptop were missing.

HENDREN's husband, arrived home at approximately 17:35 hrs. Further inspection of the house revealed that *the correct* remote control for the TV was missing.

At approximately 17:41 hrs HENDRENS called police and were advised by the dispatcher not to disturb too much in the area until police have arrived. HENDRENS conducted a quick search around the house and the only things that went missing were their TV and laptop.

HENDRENS' camera was right beside the laptop and was not taken. Jewelry in the bedroom on the dresser was not touched. Husband's tools upstairs were not touched.

HENDRENS do not normally lock their kitchen door as they lock their dogs in the kitchen. HENDRENS rationale has been that no one would think of entering a house with two dogs inside (one being 50 lbs and the other 90 lbs.)

HENDRENS suspect that it would have taken at least two people to remove the 37" flat screen TV as it not easy to maneuver by oneself. HENDRENS also suspect that either the thieves had lots of treats for HENDRENS' dogs or they knew HENDRENS' dogs well enough. It appeared that the thieves entered through the kitchen and exited through the kitchen as well.

HENDREN called their immediate neighbors, Dorothy REEVES and Katherine IRELAND, to inform them of the daytime break-in. Neither of the neighbors witnessed anything in regards to the break-in.

**INVESTIGATION:** On Tuesday, June 23, 2009 at 17:50 hrs P/C Jack attended the incident location, spoke with HENDRENS, and learned the above. Details of the stolen property were obtained and added on Niche and CPIC as stolen.

**WITNESSES:** None

**CHARGES:** None

**PROPERTY:**

- Flat screen TV, LG 37LG30, black in color, value CA \$800 + taxes, purchased on 26-Oct-2008.
- Laptop, Dell Inspiron, ruby red in color, value CA \$790 + taxes, purchased on 19-Mar-2009, small scratch on the inside by a web cam.

**VEHICLES/SUSPECTS:** None

**SUPPORT UNITS:** N/A

**CPIC:** Stolen property added under RMS property tab. Laptop added on CPIC as stolen; TV not added on CPIC as serial number is unknown.

**NOTIFICATION:** Sgt Flindall through Niche, D/Cst. Evans, P/C Klingspohn.

**DISTRIBUTION:** Detachment level.

**FOLLOW-UP:** Local pawn shops to be checked for stolen property if time allows.

On Monday, June 29th, 2009, P/C Jack called HENDREN to inquire if they were able to get the serial number for the stolen TV. HENDREN advised P/C Jack that she had called Future shop in an attempt to get the serial number with negative results. HENDREN advised P/C Jack that she had notified Dell Co. of the theft of her Laptop and that if she comes across the serial number for the TV she would let the police know.

**BENCHMARK:** No

**COMPLAINT:** On Saturday, July 4th, 2009 at 00:28 hrs the complainant, Mark DUNDAS contacted Peterborough County O.P.P. via Smith Falls PCC to report an assault on his girlfriend by two females.

**INCIDENT LOCATION:** 135 Lakeside Drive, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Extensive - read Niche entries involving the occurrence address.

**INVESTIGATION:** On Saturday, July 4th 2009 at 00:45 hrs P/C Jack attended the incident location. Upon arrival P/C Jack found a house party after the fact. There appeared to be 10-12 persons at the scene, with a few males staggering around exhibiting visible signs of impairment by alcohol. P/C Jack conducted an investigation and learned the following:

The owner of the house, Bev AMOS, held an outdoor party at her residence. At approximately midnight, a group of people attended the incident location and came down to the fire pit, including Alisha COSTAIN, Sidney MURPHY, and Craig BARKER. BARKER started saying aggravating words to Rebecca KLEY, who was sitting by the fire pit. KLEY responded in kind and COSTAIN and MURPHY jumped her and started hitting her in the face. BARKER and another unknown male jumped KLEY as well. Meghan MICHELS and Mark DUNDAS intervened in an attempt to assist KLEY and break the fight down and got involved in the fight as well. As a result of the fight, KLEY, MICHELS, and DUNDAS sustained minor physical injuries.

Mark DUNDAS - cut through the left corner of the upper lip.

Rebecca KLEY - right eyebrow swollen.

Meghan MICHELS - left eye swollen and a large bruise on the left side of the head.

The suspects departed from the scene in a Grey Buick Regal, Ontario marker BDZT 579.

At approximately 01:04 hrs P/C Briscoe and P/C Rusaw arrived on scene to back P/C Jack up.

All three victims of the assault were interviewed on scene.

Mark DUNDAS declined to provide a statement and declined to lay charges.

Rebecca KLEY provided a signed written statement, but declined to lay charges.

Meghan MICHELS provided a signed written statement and wished the charges to be laid.

Prior to officers clearing the scene it was verbally agreed between P/C Jack and the victims that Bev AMOS was going to transport the 3 victims to the Peterborough Hospital for a medical treatment and that Meghan MICHELS would attend Peterborough County O.P.P. detachment on Saturday, July 4th 2009 at 17:00 hrs to provide a cautioned audio/video recorded KGB statement.

On Saturday, July 4th 2009 MICHELS failed to attend Peterborough County OPP detachment at the agreed upon time and upon P/C Jack calling her at her residence at 19:00 hrs she advised P/C Jack that she had not gone to the hospital and that she had changed her mind and decided not to press charges and deemed the matter to be closed.

P/C Jack advised MICHELS that should she change her mind again, she can contact Peterborough County O.P.P.

No further police action is required at the time.

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Thursday, July 9th 2009 at 18:00 hrs the complainant, Julie WOODHOUSE, contacted Peterborough County O.P.P. via Smith Falls PCC to report an incident in which her neighbor, Douglas ANDERSON, took pictures of their house during day time while they were at work. WOODHOUSE wished to speak with an officer.

**INCIDENT LOCATION:** 60 Lakeshore Blvd., Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Extensive - read Niche entries with the involved parties' names.

**INVESTIGATION:** On Thursday, July 9th 2009 at 18:40 hrs P/C Jack spoke with WOODHOUSE on the phone. WOODHOUSE advised P/C Jack that their neighbor Kelly BUDNIK of 56 Lakeshore Blvd at approximately 12:30 hrs on July 9th 2009 witnessed ANDERSON with his wife standing in front of the driveways to WOODHOUSE and STANDAERT houses and pointing a small digital camera at their houses in what appeared to her the act of taking pictures of the houses. Being aware of the ongoing neighbor dispute between the involved parties, BUDNIK advised both WOODHOUSE and STANDAERT of the incident. At approximately 17:15 hrs WOODHOUSE attended ANDERSON's residence and confronted him. Apparently both parties yelled at each other. WOODHOUSE told ANDERSON that his driver's license should be taken away from him. ANDERSON admitted to WOODHOUSE to taking pictures of their property. Further, according to WOODHOUSE, ANDERSON advised WOODHOUSE that she should walk her kids by the hand across the road. Both WOODHOUSE and STANDAERT reported the incident to the police.

At 18:50 hrs P/C Jack spoke with BUDNIK on the phone and was advised of the incident.

At 19:00 hrs P/C Jack spoke with ANDERSON on the phone. ANDERSON admitted to taking pictures of WOODHOUSE's and STANDAERT's property and further advised P/C Jack that he took them because he was concerned that WOODHOUSE did not have the permit for the size of the shed and he was going to present the pictures to the township authorizes as he believed WOODHOUSE were contravening the municipal by-law. When P/C Jack asked ANDERSON why he cared about it so much, ANDESRON advised P/C Jack it was a payback to WOODHOUSE for filing a complaint against him the other day. P/C Jack advised ANDERSON that though he was not in the position to teach him how to live his life, P/C Jack believed that what ANDERSON was doing was very inappropriate and that he should not be harassing his neighbors. ANDERSON was very apologetic and advised P/C Jack that his wife had told him the same.

Due to the ongoing and ceaseless nature of the dispute between the involved neighbors the case has been brought to the attention of Sgt. Flindall for a review and respective action.

**SUSPECTS:** Douglas ANDERSON.

**WITNESSES:** Kelly BUDNIK

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Thursday, July 23rd, 2009 at approximately 13:00 hrs, the complainant, Nancy COMTOIS and her husband, Kenneth COMTOIS, walked into the Peterborough County O.P.P. detachment to report a harassing conduct by her brother, John Derek WILLIAMSON, over a period of almost two years. The complainant wished to speak with an officer.

**INCIDENT LOCATION:** 567 Lindsay Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Kenneth and Nancy COMTOIS owe John Derek WILLIAMSON, who is Nancy COMTOIS brother, approximately CA \$100,000. The money was borrowed to purchase and develop a Fife's Bay marina between the years of 1990 and 2005. COMTOIS owned and operated the marina until 2005 when the marina was lost to a power-of-sale. In the fall 2006 John WILLIAMSON signed off his mortgage on the marina thus leaving his money unsecured. On September 09, 2007 there was a fire on COMTOIS's farm and the barn where the marina equipment was stored burned down. The barn was underinsured and approximately half-a-million dollar worth of marina equipment, including all the records, were lost in the fire. The day after the fire WILLIAMSON demanded all his money back and reportedly has since been engaging in various forms of threatening and harassing conduct towards members of COMTOIS family.

**INVESTIGATION:** On Thursday, June 23rd, 2009 at approximately 13:05 hrs P/C Jack took a video/audio recorded sworn statement from Nancy and Kenneth COMTOIS. In the provided statement COMTOIS indicated all of the above. The complainant initially declined to lay charges and wished to wait for a day to attempt resolve the matter within the family. The COMTOIS left Peterborough County O.P.P. detachment at approximately 14:20 hrs.

At approximately 18:00 hrs Nancy COMTOIS, Kenneth COMTOIS, Laura COMTOIS, Amy COMTOIS, and Kelly PARSONS attended Peterborough County O.P.P. detachment and decided to go ahead with pressing the charges of Criminal Harassment against Nancy COMTOIS's brother John Derek WILLIAMSON. At this time P/C Jack obtained signed written statements from Nancy COMTOIS, Laura COMTOIS, Amy COMTOIS, and Kelly PARSONS in which they advised of their concern of the John WILLIAMSON's conduct and their fear for their safety.

On Friday, July 24th at 10:25 hrs P/C Jack spoke with Kenneth COMTOIS on the phone. Kenneth COMTOIS advised P/C Jack that they and their daughters had just received a total of 4 letters by registered mail from John WILLIAMSON. In the letter received by Nancy and Kenneth COMTOIS, there were more family pictures with Nancy and Kenneth COMTOIS faces blacked out.

At 15:09 hrs P/C Jack was able to locate John WILLIAMSON and spoke with him on the phone. P/C Jack advised WILLIAMSON of the complaint against him and requested him to attend Peterborough County O.P.P. for investigation. John WILLIAMSON advised he was going to attend in half-an-hour.

At 16:32 hrs John Derek WILLIAMSON attended Peterborough County O.P.P. detachment and was arrested for Criminal Harassment.

At 16:55 hrs P/C Jack released WILLIAMSON on a PTA with an OIC Undertaking with the first appearance date on Thursday, 27th of August, 2009 at 09:00 hrs.

At 17:03 hrs P/C Jack asked WILLIAMSON why he mailed old family pictures to COMTOIS' family members with Nancy and Kenneth COMTOIS faces blacked out. WILLIAMSON advised P/C Jack that he should have probably not done that and should have just burned them instead. WILLIAMSON refused to provide any further statements and advised P/C Jack that he would have his lawyer take a look at the charge later.

At 18:46 hrs P/C Jack and WILLIAMSON attended WILLIAMSON's residence and seized 16 registered firearms under Sec.117.04(2) CC.

WILLIAMSON was very polite and cooperative throughout all time.

**ACCUSED:** John Derek WILLIAMSON

**WITNESSES:**

COMTOIS, Kenneth

COMTOIS, Laura

COMTOIS, Amy

PARSONS, Kelly

**CHARGES:** Criminal Harassment - threatening conduct, Sec. 264(2)(d) CC

**PROPERTY:** Firearms

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** Accused added on CPIC as charged.

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

On Monday, October 12th 2009 PC Jack spoke with Nancy COMTOIS on the phone and advised her of the crown's proposition to proceed by way of requesting a peace bond against her brother John WILLIAMSON. Nancy COMTOIS sounded very happy with the proposition and advised PC Jack that so long as they got WILLIAMSON to stay away from their family it was OK with her.

HOBBINS was notified via email.

On October 30, 2009 and on October 31, 2009 PC JACK attempted to contact Nancy COMTOIS on their phone with negative results. PC JACK subsequently contacted COMTOIS' daughters, Amy COMTOIS and Kelly PARSONS and advised them of the court decision - charge withdrawn and Peace Bond imposed for 12 months. Both Amy COMTOIS and Kelly PARSONS advised PC JACK they will advise their parents immediately.

**BENCHMARK:** No

**COMPLAINT:** On Saturday, August 1st 2009 at approximately 00:57 hrs the complainant, John GUSHUE, contacted Peterborough County O.P.P. via Smith Falls PCC to report a physical altercation between two campers, with one being kicked in the head.

**INCIDENT LOCATION:** Skyline Resort and Marina, 920 Skyline Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Saturday, August 1st 2009 at approximately 01:05 hrs P/C Jack attended the incident location. Shortly thereafter P/C Filman and P/C Payne attended the incident location. At the scene the officers learned from the witnesses, who were campers at the Skyline Resort and Marina, that William STEPHENSON assaulted Sean CONNERY by kicking him in the head with his foot from behind while CONNERY was sitting by the camp fire.

CONNERY'S family and friends were sitting around the camp fire talking when STEPHENSON came up and sat down by the fire with them. STEPHENSON was asked a number of times who he was and where he was staying, to which he refused to provide meaningful answers. STEPHENSON appeared to be under the influence of an intoxicating substance and was making little sense. At some point in time, STEPHENSON got up and left, while the rest carried on with their conversation. Shortly thereafter STEPHENSON returned accompanied by William ARMSTRONG. The two stood on top of the hill behind the camp fire and were overheard talking about starting a fight. Specifically, ARMSTRONG was overheard saying, "You kick the chair from underneath one of them (Ryan CONNERY), and I'll take care of the rest of them."

STEPHENSON sat down by the fire again. Then he got up to walk away, but then walked back up behind Sean CONNERY and kicked CONNERY from behind in the side of the face and knocked him out of his chair. Then, everybody around jumped in to separate them. A short physical consensual altercation ensued involving almost all parties with no injuries to anyone, after which both STEPHENSON and ARMSTRONG left the scene.

Then CONNERY's family and friends went to the main office to see the resort manager who contacted the police.

**WITNESSES:** See Niche "Involve" tab.

**CHARGES:** Assault Sec. 266 CC

**PROPERTY:** N/A

**VEHICLES:** N/A

**ACCUSED:** William STEPHENSON (1964-Sep-12)

**SUPPORT UNITS:** N/A

**CPIC:** Accused added on CPIC as charged.

**NOTIFICATION:** Sgt Flindall through Niche.

**DISTRIBUTION:** Detachment level.

**FOLLOW-UP:** N/A

On the 1st of August 2009 at approximately 20:25 hrs William STEPHENSON attended Peterborough County O.P.P. detachment. STEPHENSON was being sought for Assault.

At 20:28 hrs P/C JACK advised STEPHENSON about the charge laid against him and at 20:30 hrs P/C JACK placed William STEPHENSON under arrest for Assault. At 20:30 hrs STEPHENSON was read his rights to counsel to which he stated he understood and refused to speak with a lawyer. At 20:31 hrs STEPHENSON was cautioned to which he stated he understood.

At 20:33 hrs P/C JACK asked STEPHENSON if he wished to make a statement. STEPHENSON declined to make a statement however advised P/C JACK that he did not remember what happened. All he remembered was that he had a few beers and was a bit tipsy when he was around the campfire and then he remembered

there were people all over him and he got punched in the ribs. STEPHENSON further advised P/C JACK that he is on medication as a result of a nervous breakdown that took place 13 years ago as a result of which he lost most of his memory and that he is a Canada pension recipient. STEPHENSON was very polite and cooperative throughout all time.

At 20:50 hrs P/C JACK released STEPHENSON on a PTA with an OIC Undertaking with the first appearance date on Thursday, 27th of August, 2009 at 09:00 hrs.

**BENCHMARK:** No

**COMPLAINT:** On Saturday, August 1st 2009 at 18:00 hrs the complainant, Julie WOODHOUSE, attended Peterborough County O.P.P. detachment to provide a Video/Audio recorded KGB statement to P/C Jack about the ongoing harassing and threatening conduct by her neighbor, Douglas ANDERSON. On Sunday, August 2nd 2009 at 18:00 hrs the complainant, Jeffery STANDAERT, attended Peterborough County O.P.P. detachment and provided a Video/Audio recorded KGB statement to P/C Jack about the ongoing harassing and threatening conduct by his neighbor, Douglas ANDERSON.

**INCIDENT LOCATION:** 59, 60, 61 Lakeshore Blvd., Emerald Island. Smith-Ennismore-Lakefield Twp., Peterborough County.

**HISTORY:** Extensive - read Niche entries with the involved parties names.

**INVESTIGATION:** Based upon the statements of both complainants, grounds exist for charging Douglas ANDERSON with ...

**ACCUSED:** Douglas ANDERSON.

**VICTIMS:** Julie WOODHOUSE and Jeff STANDAERT.

**CHARGES:** Yes

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** Will be

**NOTIFICATION:** Sgt. Flindall through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A



## **Crown Brief Synopsis**

### **R vs. ANDERSON**

**Accused:**        **Douglas ANDERSON** (DOB: 28-Sep-1932)  
65 Lakeshore Blvd. Ennismore, ON, K0L 1T0

**OIC:**                P/C Michael Jack, Badge # 12690

**Charge #1:**        Criminal Harassment – repeatedly follow Sec. 264(2)(a) CC

**Charge #2:**        Criminal Harassment – repeatedly communicate with Sec. 264(2)(b) CC

**Charge #3:**        Criminal Harassment – beset and watch complainant Sec. 264(2)(c)(i) CC

**Charge #4:**        Mischief – Interfere with any person in the lawful use, enjoyment or operation of property  
Sec. 430(1)(d) CC

**Date / Time:**      Between May 2006 and August 2009

**Location:**        59 Lakeshore Blvd., Smith-Ennismore-Lakefield Twp., Peterborough County.

### **History:**

Mr. Jeffrey Standaert and Mrs. Jennifer Standaert have resided at 59 Lakeshore Blvd. Ennismore, for 7 years. Mr. Randy Woodhouse and Mrs. Julie Woodhouse have resided at 60 Lakeshore Blvd. Ennismore, for 16 years. The accused, Mr. Douglass Anderson, has resided at 65 Lakeshore Blvd. Ennismore, for over 30 years.

To date, there have been 14 reported incidents by Peterborough County OPP involving Mr. Anderson - 10 as the complainant, 3 as a suspect, 1 as warned, and 1 reported incident by Peterborough Lakefield Community Police involving Mr. Anderson as warned. All the incidents have been related to the ongoing neighbor dispute involving Mr. Anderson and his neighbors on the Emerald Island, Smith-Ennismore-Lakefield Township.

### **Mr. Anderson's Harassing conduct towards Mr. Standaert's family**

The history of Mr. Anderson inappropriate conduct towards Mr. Standaert and his immediate family dates back to July 2002. Since May 2006 Mr. Anderson's inappropriate conduct has been continuously escalating. Mr. Anderson has been engaging in various forms of harassing and intimidating conduct towards Mr. Standaert and his immediate family members that have been causing them a great deal of concern, discomfort, and made them fear for their safety.

Since July 2002, Mr. Standaert has asked Mr. Anderson numerous times to leave them alone, but Mr. Anderson would not comply and continues to harass Mr. Standaert and his family.

Between May 2003 and September 2006, Mr. Anderson would continually go through Mr. Standaert's mail and pull out value pack coupons.

Since May 2006, Mr. Anderson has been regularly calling Mr. Standaert's place of employment during Mr. Standaert's time off and inquiring why Mr. Standaert's is not at work. Mr. Anderson has been warned by the Peterborough Lakefield Community Police to stop calling Mr. Standaert's work as he may be charged with criminal harassment. Mr. Anderson failed to comply with the warning.

In October 2006, Mr. Standaert received a mail package that had two brochures on mental illness. Mr. Standaert believes the package was delivered by Mr. Anderson.

In October 2006, Mr. Anderson called St. Clair College in Windsor, from which Mr. Standaert graduated in 1986, inquiring if Mr. Standaert was in fact a graduate of that college.

In October 2006, Mr. Anderson attended a municipal election session, when Mr. Standaert was running for counselor, and publicly accused Mr. Standaert of being a liar, slandered and humiliated him, despite being asked numerous times to cease in his verbal abuse of Mr. Standaert and leave.

In November 2006, Mr. Anderson was served with a Trespass Notice by Mr. Standaert. Mr. Anderson failed to comply with the Trespass Notice and continued trespassing on Mr. Standaert's property and the property at 61 Lakeshore Blvd.

Between May 2006 and July 2009, Mr. Anderson was observed by Mr. and Mrs. Standaert taking pictures of Mr. Standaert's property and his children on a regular basis during the summer months. When Mr. Anderson was questioned by the police why he was doing that, he replied that he was taking pictures of Mr. Standaert's house because Mr. Standaert's had a beautiful house.

In October 2006 and in March 2007, Mr. Anderson attended Mr. Standaert's property and looked in the windows of his house, thus causing disturbance and concern to Mr. Standaert's family.

Since May 2006 Mr. Anderson has been using Mr. Standaert's driveway to turn his car around on a regular basis without any apparent need or reason, thus causing disturbance to Mr. Standaert's family.

On March 26 2007, Mr. Standaert applied for a Peace Bond against Mr. Anderson. Mr. Standaert was concerned for the safety of his children as Mr. Anderson would frequently yell at them and harass them. Also, Mr. Anderson had been caught stealing minor things from neighboring properties, trespassing, looking in the windows and would not stop when he was asked to. In July 2007 the parties met in court.

- Mr. Anderson was shown Mr. Standaert's college transcripts, but refused to believe they were genuine.
- Mr. Anderson refused to sign Mr. Standaert's Peace Bond against him under the justification that he wanted to maintain neighborly conversations with Mr. Standaert.
- When the Crown asked Mr. Anderson why he would not respect Mr. Standaert's boundaries, he replied that he was doing nothing illegal and he was just being a good neighbor, to which the Crown replied to Mr. Anderson that criminally he was walking a fine line and that if Mr. Standaert took him to civil court, Mr. Anderson would lose.

In July 2008, Mr. Anderson followed Mrs. Standaert home, while she was walking her children, and harassed her by making attempts to talk to her about her husband and also accusing him of being mental.

In July 2008, Mr. Anderson was observed walking around neighborhood around midnight with his flashlight and standing in people's driveways.

On November 25 2008, Mr. Standaert's received a mail package at this place of employment with disturbing content - a prayer book with a woman's tampon. The package was delivered by hand and the handwriting on it matched that of Mrs. Anderson. Mr. Anderson was questioned by the Peterborough Lakefield Community Police and was warned.

On July 26 2009 there was a community pig roast on Lakeshore Blvd. and Mr. Anderson called police as he was not pleased with the parking of the cars on the road during the event. During the evening, when Mr. Standaert was walking to a barbeque, Mr. Anderson drove his car near Mr. Standaert, rolled down his window and said to Mr. Standaert, "You are fucking mental".

Since the summer of 2007, Mr. Anderson has been cautioned by the Peterborough County OPP at least three times and by the Peterborough Lakefield Community Police once to leave Mr. Standaert, but he continues to harass Mr. Standaert and his family.

Mr. Standaert's children are afraid of Mr. Anderson and keep their distance from him. Mr. Standaert simply wants to enjoy his property, but he can't because of Mr. Anderson continuous harassing behavior.

### **Mr. Anderson's Harassing conduct towards Mrs. Woodhouse's family**

Since the summer of 2007 Mr. Anderson has been engaging in various forms of harassing and intimidating conduct towards Mrs. Woodhouse and her immediate family members that have been causing them a great deal of concern, discomfort, and made them fear for their safety.

Mr. and Mrs. Woodhouse live on the Emerald Island. As inland owners Woodhouse have access to the waterfront properties - one area for launching boats and another area for swimming. Mr. Anderson lives directly beside the swimming area. Over the years Mr. Anderson encroached on the swimming area by planting some trees. Mr. Anderson has been frequently interfering with the lawful enjoyment of the waterfront property by his neighbors by yelling at the families to get off, scaring their children away, and also interfering with the maintenance of the property.

Mrs. Woodhouse and Mr. Standaert's children are scared of Mr. Anderson and have learned to keep their distance from him.

In the summer of 2008, Mr. Anderson took pictures of Mrs. Woodhouse and Mr. Standaert's properties while their children were playing in the yard, thus causing Woodhouses and Standaerts a great deal of concern and worry.

In the fall of 2008, Mr. Anderson approached Mrs. Woodhouse, while she was walking her children up from the bus stop, harassed her and made her very nervous by following her and continuously asking why Mr. Woodhouse was taking Mr. Standaert's side.

On July 3, 2009 at approximately 16: 30 hrs after a brief verbal confrontation with Mr. Standaert, Mr. Anderson intentionally swerved off the roadway, crossed over onto Mr. Standaert's yard and drove across Mr. Standaert's lawn with the driver side tires of his car. Mr. Anderson did that out of anger in an attempt to agitate Mr. Standaert. Mrs. Woodhouse's son was at the time standing on the Mr. Standaert's lawn and Mr. Anderson came within 10 feet of hitting Mrs. Woodhouse's son.

On July 9, 2009 at 12:30 hrs Mr. Anderson took pictures of Standaert's and Woodhouse's houses when they were away. Later in the evening, Mrs. Woodhouse attended Mr. Anderson's residence and confronted Mr. Anderson about it. Mr. Anderson used strong language and called Mrs. Woodhouse numerous names. Mr. Anderson subsequently admitted to taking the pictures of their property and stated that he was going to present the pictures to the township as he believed that Woodhouses did not have a proper permit for the construction of the shed on their property. Mr. Anderson admitted to doing it as a payoff to Mrs. Woodhouse for filing a complaint against him when he drove across Mr. Standaert's lawn and came within 10 feet of hitting Mrs. Woodhouse's son.

In July 2009, the Smith-Ennismore-Lakefield township personnel advised Mrs. Woodhouse that they were aware of Mr. Anderson inappropriate conduct as among many other things, Mr. Anderson phoned township numerous times reporting on his neighbors, and suggested that Mrs. Woodhouse keeps her distance from him.

Reportedly, Mr. Anderson has been caught entering vacant houses in the neighborhood in the past. Mrs. Woodhouse no longer feels safe in their neighborhood. Mrs. Woodhouse feels that Mr. Anderson is unstable and after the last incident she keeps a baseball bat in her bedroom.

Hello PC Jack:

This is to acknowledge the brief you submitted for review by this office. You requested that it be considered in determining whether or not charges are justified. This brief does not constitute a Crown brief capable of doing so at this point. Consider the following:

1. the synopsis makes a series of statements of conclusion about what Mr. Anderson has done in the past.
2. the video statement summaries of Julie Woodhouse and Jeffrey Standaert are similar.

3. the witness statements provided by Mr. Standaert are either character references for him or are so vague in the incidents they describe that they can not be related to any specific allegation stated in the synopsis.

You need to define the complaint(s) of illegal behaviour and then investigate to see if you can obtain evidence that relates specifically to each of those complaints. This evidence needs to include more than just Mr. Standaert or Ms. Woodhouse. They will be viewed by the court as adversaries of Mr. Anderson and as such their evidence will be tempered, as will his, by the fact that they all have “axes to grind” in making the other side out to be the culprit.

Therefore, in addition to defining the complaint(s), you need to analyze the assertions of the complainants and identify areas where you should be able to find other evidence to confirm or refute the complaint(s).

For instance, with regard to Mr. Standaert’s statement:

1. narrow down the “one point” he saw Anderson prowling by night. There must be police records that prove the date if there was a police warning given to Anderson or to refute the allegation of Standaert if it did not happen. Get a statement from the officer involved as to all that was said and whether or not there was evidence that justified the warning. Secure all evidence/statements that can verify the incident.
2. identify who at Standaert’s place of employment received calls from Anderson, how many were made, when and what was said. Who from the PLCPS cautioned Anderson and why? Get all possible evidence /statements/records to verify the incident(s). Remember it is the repeated nature of any type of harassing conduct that makes the case. You need evidence to establish that.
3. the children should have been able to see Anderson taking pictures. While they are not truly independent, they are still witnesses. I need further information regarding the court appearance you refer to and those that were involved. Some times and dates would help. You can contact court services for a check of their records if Standaert can’t help.
4. The allegation of Anderson delivering mail to Mrs. Standaert and then attempting to force his way into the house has no flesh to the bare bones statement. Was she the only witness? What was said by both parties? Do we know why Anderson would have delivered mail to people he so obviously, on their evidence, wants to bother? Were any admissions made to others afterward that verify his visit there?
5. You need to take the same approach to each and every assertion of fact in the synopsis or in a statement made to you.

This will involve checks with the township personnel, neighbors, Standaert’s employer (MNR), other officers all with a view to corroborating any allegation that you feel constitutes an offence.

This office will be more than happy to assist prosecuting offences where a thorough investigation has been done and charges are deemed warranted, however, there is precious little in the material you have submitted that will discharge the Crown’s burden of proof at a trial. We cannot afford to waste trial time on a tag team match between the Andersons and the Standaerts and Woodhouses.

Too many allegations have flown back and forth, including the prior charging of Mr. Standaert before there was clear and cogent evidence that he had committed a criminal offence. Any charge based on his complaint now will be viewed by the Andersons, and perhaps the court, as payback.

There is a natural tendency to avoid these messy neighbour disputes in the hopes that things will calm down. That leads to a lack of thorough and corroborative police investigation and a response from the Crown that if there is no independent evidence distinguishing the good guys from the bad guys the case will go no where.

Do not suggest to the Standaerts that the Crown will not prosecute their complaints. That is not the reality of the situation. This office will prosecute any complaint, including theirs, if the investigation can be viewed as thorough and corroborative of those complaints. Without that type of investigation judges will castigate the Crown for what it did not do to assist the court in coming to conclusions beyond a reasonable doubt.

Brian Gilkinson,

Crown Attorney

**Crown Brief Synopsis**

Accused: Douglas ANDERSON (dob 28 September 1932)

Offence Date(s): 29th day of August 2009

Charges: (1) Assault CC sec 266  
(2) Mischief CC sec 430.(1)(b)

Synopsis: On Saturday August 29, 2009, while cutting the lawn on the community property adjacent to Douglas ANDERSON, Dennis LANE was approached by ANDERSON. LANE has been volunteering his services for the past three years by cutting the lawn of this property which is deeded access for all the inland residents in the Emerald Isle community. ANDERSON was attempting to say something to LANE but due to the noise of the lawn tractor and the hearing protection that he was wearing, LANE was unable to hear him. LANE, who did not want to have interaction with ANDERSON continued past him with his lawn cutting. As LANE past by ANDERSON, ANDERSON pushed LANE on the back of his left shoulder/back area in what LANE believed to be an attempt to push him off the lawn tractor while it was still running and the cutting blades engaged. LANE remained on the lawn tractor and continued back across the property to continue cutting. On his return towards ANDERSON's property, ANDERSON threw a limb from a tree in the path of LANE to prevent him from being able to complete his task. The limb was noted as being approximately 2' long and approximately 3" thick which if caught in the blades of the lawn tractor may have had pieces ejected from the chute potentially causing harm to anyone in its path. LANE again, avoided ANDERSON's attempt to obstruct him and turned again away from ANDERSON, leaving a portion uncut. LANE again continued back across the property noting that ANDERSON was returning from his boathouse with two steel 'T-posts' approximately 6' in length which ANDERSON also threw down in the path of LANE, causing further safety issues. LANE continued in the areas that he could while ANDERSON stood and watched him until he had completed cutting the lawn when he finally walked away.

Officers investigated the complaint raised by LANE and on the 19th of September 2009, attended ANDERSON's residence where he was arrested for the above noted charges. On that date, during the interaction with ANDERSON, officers observed both a tree limb and a T-post similar to LANE's description in the locations noted by LANE. ANDERSON was transported to Peterborough O.P.P. detachment where he was later released on a PTA with an OIC Undertaking.

ACCUSED: Douglas ANDERSON

DATE OF BIRTH: September 28, 1932

COUNT #1: BREACH OF UNDERTAKING

SECTION: 145(5.1) CRIMINAL CODE OF CANADA

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On September 19, 2009, the accused, ANDERSON, was entered into an Undertaking before an O.I.C.; P/C Gay as a result of being charged with an assault and mischief charge against Dennis LANE on September 19, 2009. One of the conditions imposed through being released from custody on the Undertaking was to abstain from going to 63 Lakeshore Blvd in the Township of Smith-Ennismore-Lakefield within Peterborough County.

On October 15, 2009 at approximately 6:30 p.m., Jeff STANDAERT was casually walking on Lakeshore Blvd, Township of Smith-Ennismore-Lakefield Twp. STANDAERT at this time observed a male party known to him as Douglas ANDERSON walking on the deeded lake access property - #63 Lakeshore Blvd. STANDAERT was aware that ANDERSON was recently placed on conditions as a result of being released from custody after assaulting a local neighbor, Dennis LANE. STANDAERT indicated that while ANDERSON's property is directly beside the deeded lake access property, he was at least 40 feet away from the road on the middle of the property. ANDERSON was reported to be well away from any property lines and could not be mistaken from being on his own property at this time. Once ANDERSON was observed by STANDAERT, he immediately ran back over to his residential property, indicating to STANDAERT that he realized that he was wrongfully on the access property. STANDAERT immediately contacted Dennis LANE to confirm that ANDERSON was in fact breaching his original release conditions.

C.P.I.C. Checks revealed that the ANDERSON was not meeting the conditions of his undertaking imposed on September 19, 2009 by P/C Gay. The accused, ANDERSON is to be contacted on October 16, 2009 to facilitate his arrest for the offence of Fail to comply with an undertaking before an OIC, as per section 145(5.1) of the Criminal Code of Canada.

**BENCHMARK:** No

**COMPLAINT:** On Thursday, September 10, 2009 at 09:50 hrs the complainant, Joseph BARBER, walked into the Peterborough County O.P.P. detachment to report a theft of a picture by his tenants.

**INCIDENT LOCATION:** 9094 County Road 50, Belmont-Havelock-Methuen Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** PC Jack spoke with BARBER and was advised that BARBER was renting his house at the incident location to Julie SMITH and Leslie MANN and their 3 children. Sometime at the end of July 2009, SMITH gave BARBER a 60 days notice of them vacating the house. On September 09, 2009 BARBER attended the house and found it abandoned. All his property was left in the house except for a wall picture. BARBER bought the picture in Toronto's Chinatown about 20 years ago. The picture was done in needle point, 4' x 6' in size, and was allegedly worth over \$1,000. BARBER attempted to contact SMITH and MANN on their mobile phones with negative results. BARBER did not wish charges laid but requested police to contact SMITH and MANN and have them return the picture.

At 12:50 hrs PC Jack spoke with SMITH on the phone and was advised that they vacated the house earlier due to the growing mold problem. SMITH advised PC Jack that she contacted Landlord Tenant Tribunal and was advised she could do that. SMITH further advised PC Jack that her father assisted them with the removal and transportation of their furniture from the house and that he must have by mistake took the picture along with the rest of their property. SMITH advised PC Jack she was going to contact BARBER and return the picture back to him. SMITH was very apologetic.

**SUSPECT:** Julie SMITH and Leslie MANN

**WITNESSES:** N/A

**CHARGES:** N/A

**PROPERTY:** 4' x 6' wall picture, done in needle point; alleged worth \$1,000.

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** Follow up with BARBER to ensure the picture has been returned.

On Saturday, September 19 2009 PC Jack spoke with Josef BARBER and was advised that his picture had been returned and he was satisfied. BARBER thanked police for the assistance. No further police action was required at the time.

**BENCHMARK:** No

**COMPLAINT:** On Wednesday, September 9, 2009 the complainant, Richard KAULBACK, contacted Peterborough County O.P.P. via Smith Falls PCC to report death threats. The complainant wished to speak with an officer.

**INCIDENT LOCATION:** 1249 Hiawatha Line, Otonabee-South-Monaghan Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Wednesday, September 9, 2009 at approximately 05:42 am PC Jack called KAULBACK on the phone. KAULBACK advised PC Jack that he had just got out of jail, that he was a crown witness to a rape in which Frank MCPHERSON was the accused, and that he had already told all the information to the police and was not going to tell PC Jack "shit". KAULBACK was very agitated and throughout the short conversation used strong language and yelled at PC Jack. KAULBACK hung up on PC Jack without providing any meaningful information.

At 05:50 am PC Jack called KAULBACK back and advised him that if he fails to provide the police with the information of what happened, then police cannot help him, and that hanging up the phone on the police officer will not help him. KAULBACK told PC Jack, "You are a fucking joke", but advised that the suspect's name was Frank MCPHERSON, who allegedly resides at 220 Park Place in Peterborough, and that the phone calls originated from the phone number 705-559-0220. KAULBACK wished police to attend his residence.

At 07:20 am PC Jack and PC Nie attended 1249 Hiawatha Line and spoke with KAULBACK. He promptly advised the officers that his car was stolen by Willy ANDERSON and that he wanted the officers to go to Millbrook to retrieve his car. When asked how the theft of the car was related to the death threats, KAULBACK advised the officers of the following:

- The stolen car is 1991 4-door Buick Regal, grey in color, no license plate attached.
- KAULBACK is not the registered owner of the car and has no documentation to prove who the registered owner is.
- KAULBACK sold the car to ANDERSON for \$700, of which he only received a down payment of \$200. He advised that he wrote a fake receipt to ANDERSON and wants police to get his car back.
- KAULBACK gave ANDERSON some sort of receipt with no serial number on it.
- ANDERSON wanted his money back.
- The car was parked somewhere around 34 King street in Millbrook, somewhere across the Legion.
- On Tuesday, September 08, 2009 at approximately 08:30 pm KAULBACK was riding his mountain bike on Rubige Street in Peterborough when MCPHERSON passed by him on a bicycle and uttered some threats to him.
- MCPHERSON called KAULBACK at 00:43 am and 00:46 am and told him that ANDERSON will kill him.
- KAULBACK went to bed at around 01:00 am and called police at around 04:46 am.

An examination of the KAULBACK's cell phone revealed only two incoming phone calls from the suspect's phone number (705-559-0220) at 00:43 am and 00:46 am. When questioned by officers why he waited until the morning to call the police and why he told the call taker that the last phone call from 705-559-0220 was made to his phone 10 minutes before he called the police when there clearly was no record of the phone calls except the above two on his mobile call, KAULBACK got very agitated and told the officers, "You guys do not do nothing." KAULBACK then got upset that PC Jack was wearing sunglasses and retired into his trailer. Despite the fact that PC Jack removed his sunglasses and PC Nie attempted to speak with KAULBACK while he was inside the trailer, KAULBACK stayed in the trailer and after a couple of minutes asked the officers to leave the property. KAULBACK used strong language such as, "Get the fuck out of my property", "Do not come back", "I do not want you to do anything".

At 08:10 am PC Nie and PC Jack left the scene. No further police involvement was required at the time.



**BENCHMARK:** Yes

**COMPLAINT:** On Friday, September 18, 2009 at 18:55 hrs EMS contacted Smith Falls PCC to advise of a possible VSA at the incident location and requested police to attend.

**INCIDENT LOCATION:** Dream Land Trailer park, 885 River Road, Unit #57 Asphodel-Norwood Twp., Peterborough County.

**HISTORY:** The residence at the incident location a seasonal residence owned by Dallas and Leona WYE and used primarily in the summer months. Over the winter time they stay at their daughter's place in Phoenix, Arizona.

On Friday, September 18, 2009 at around 16:00 hrs Dallas went fishing with his neighbor, Keith SINGER, in the Rice Lake. They first went out in a boat for about 10 minutes but then came back and went fishing under the bridge for about an hour. They caught a few fish and returned to their trailers.

Dallas WYE's wife, Leona WYE, stepped out to the SINGER's trailer, while Dallas WYE went back to his trailer as he needed to go for a pee. When Leona came back to their trailer, she heard moaning noise coming from the bathroom. She went in and found her husband Dallas WYE slumped over on the bathroom floor unconscious. As a result, Leona called 911 and then called Keith SINGER and Bonnie HUMBER for help. When Keith came, he pulled Dallas from the washroom and initiated CPR. Leona, in the meantime, communicated with their immediate neighbor, Bonnie HUMBER, from their trailer porch, instructing her to call the Dream Land trailer park manager, Albert CROWLEY, to come to their assistance and also to raise the gates for the ambulance. Bonnie HUMBER's trailer is located approximately 10 meters away in the N/W direction from the WYE's trailer.

At approximately 18:50 hrs Hastings Fire and Ambulance arrived and took over. After approximately half-an-hour Dallas WYE was transported to Campbellford hospital, where at 19:40 hrs he was pronounced dead by Dr. W. B. Wong. Dr. WONG advised that the cause of death was natural causes likely a massive heart attack. Dr. WONG advised that he had contacted the coroner Dr. HEARNDEN. The coroner was not attending and was not requesting a post mortem.

**INVESTIGATION:** At approximately 19:53 hrs PC NIE, PC JACK and Sgt. BUTORAC attended the scene. Fire and Ambulance had already left the scene as the deceased had already been transported to Campbellford hospital.

The trailer was a rectangular shape with a wrapped around deck. Inside the trailer there were two bedrooms on south and north sides, a kitchen on the west side end and a bathroom on the north side. There were a few scattered things on the floor in the living room.

Sgt. BUTORAC contacted D/Sgt. CONWAY who advised she would not be attending. SOCO PC ROBERTSON attended and photographed the scene. Subsequent to that, PC ROBERTSON attended Campbellford hospital and photographed the deceased.

Police learned that Dallas WYE had two strokes in the past, first in 1996 and second in 2007. After the second stroke, Dallas was diagnosed with heart problems. Dallas was prescribed with 11 different medications and had been taking them regularly. Leona was responsible for the preparation of her husband drug dosages on a daily basis.

Leona WYE stated that on the day of his death, her husband was felling fine.

At 21:55 hrs the officers left the hospital. The deceased was still in the emergency department as Leona was trying to determine whether she wanted to view the body or not. She was offered victim services, however, declined as she still had Bonnie and Albert with her for help. They were no sure what funeral arrangements they were going to make and were planning on waiting until morning to make these decisions.

**SUSPECT:** N/A

**WITNESSES:** See Involve tab.

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** PC ROBERTSON attended as SOCO.

**CPIC:** Dallas WYE is 10-60, negative CNI.

**NOTIFICATION:** SGT BUTORAC attended scene, D/SGT CONWAY phone

**DISTRIBUTION:** Detachment level

On September 18, 2009 at approximately 20:25 hours Sgt. Butorac requested that Constable Robertson attended the Dreamland Resort at 885 River Road, Asphodel-Norwood to take SOCO Photos of a sudden death scene.

Constable Robertson arrived on scene at approximately 21:00 hours and discovered that the deceased had been transported by ambulance to the Campbellford Hospital. SOCO Robertson took photographs of the sudden death scene. The deceased, Dallas Wye, was discovered by his wife in the washroom of their trailer. The trailer was neat and tidy, there was no sign of foul play. The deceased's pants were located on the bathroom floor.

Constable Robertson attended the Campbellford Hospital at approximately 21:45 hours and took photos of the deceased. The body appeared peaceful and there was no signs of trauma. Photos were taken of the deceased's back, hands and overall body.

According to the Emergency Doctor it is believed that the male died of a massive heart attack. No post mortem was ordered.

A copy of the CD was submitted to the photo lab. **Requisition #010454-09**

**BENCHMARK:** No.

**COMPLAINT:** On Friday, September 18, 2009 the complainant, Peggy SINCLAR, contacted Peterborough County O.P.P. via Smith Falls PCC to report her dissatisfaction in regards to a paving work done on her driveway by Maple Leaf Paving.

**INCIDENT LOCATION:** 2 Baker St, Norwood, Asphodel-Norwood Twp, Peterborough County.

**HISTORY:** Maple Leaf Paving has been involved in numerous fraud complaints in the surrounding areas. See related Niche occurrences.

**INVESTIGATION:** On Saturday, September 19, 2009 at 00:05 hrs PC JACK spoke with SINCLAIR on the phone and obtained the initial details of the complaint. Due to the time of the night, PC JACK asked SINCLAIR if police could come see her in the evening. SINCLAIR agreed.

On Saturday, September 19, 2009 at 20:46 hrs PC JACK and PC NIE attended at incident location and spoke with SINCLAIR regarding the complaint of her driveway and her garage floor being paved. SINCLAIR advised officers that the owner of the Maple Leaf Paving, Randy DAVIS, attended her residence sometime in the fall of 2008 offering his company services with the pavement of SINCLAIR's driveway. At that time SINCLAIR turned DAVIS offer down.

In September 2009, DAVIS attended SINCLAIR residence again offering his company's services and talked SINCLAIR into having her driveway paved and garage floor cemented. SINCLAIR paid DAVIS for the work by writing 3 cheques for a total amount of \$8,200: \$1,000 and \$3,700 for the pavement of the driveway and \$3,500 for cementing the garage floor. The cheque for \$3,500 was written to the name of Corey DAVIS, who is the son of Randy DAVIS.

After the work had been completed, SINCLAIR was extremely unsatisfied with the pavement work done on her garage floor as it was poorly done and the pavement was raised by approximately 3" thus preventing one door from being opened inside and making it difficult for SINCLAIR to walk as she has bad arthritis. Also SINCLAIR was advised by her friends and relatives that there was no need to spray her driveway with a sealant, for which DAVIS charged her \$700. SINCLAIR felt she had been victimized and defrauded of her money. SINCLAIR attempted to contact Maple Leaf Paving a few times with negative results and then contacted police.

When the officers spoke with SINCLAIR at her residence, she advised that she had gotten a call back from DAVIS earlier that day, who advised her that he was coming over on Monday, September 21 with equipment to fix her garage floor. SINCLAIR felt relieved. SINCLAIR advised officers that her two sons were coming over on Sunday, September 20 to take a look at the paving and to assist her with the resolution of the situation.

Due to the long history of a shady business by Maple Leaf Paving officers advised SINCLAIR to call police on Monday, September 21 and ask for an officer to attend to make sure Maple Leaf Paving complete the work properly.

**WITNESS STATEMENTS:** Notebook entries only.

**SUSPECTS:** Maple Leaf Paving, Randy DAVIS and Cliff JOHNSTON.

**VEHICLES:** N/A

**PROPERTY:** N/A.

**SUPPORT UNITS:** N/A.

**CPIC:** N/A.

**NOTIFICATION:** Sgt. Butorac.

**FOLLOW UP:** Wait till Wednesday September 23 to see if Maple Leaf Paving fix the problem; Notify Consumer Protection Bureau.

On Wednesday, October 7th 2009 at 08:134 hrs PC Jack and PC Stimson attended 2 Baker St. in Norwood and spoke with Peggy SINCLAIR. SINCLAIR advised officers that Maple Leaf Paving worker, Corey HOWRAN, attended her house to fix the imperfections on the garage concrete floor. The bumps were grinded down and the floor was leveled. However, the garage floor remained raised approximately 3" from the level of the driveway thus preventing the aluminum screen door, of the doorway that leads from the garage into the house, from swinging open into the garage. The aluminum screen door could not be installed back. SINCLAIR advised officers that she got an estimate after-the-fact from another paving company and was told it would have cost her \$1,740 as opposed to the \$3,500 that Maple Leaf Paving charged her for cementing the garage floor. SINCLAIR still felt she was ripped off by Maple Leaf Paving. SINCLAIR was advised that Ministry of Small Business and Consumer Services will be advised and was also advised to seek civil action against the Maple Leaf Paving and advised on how to commence the proceedings. The complainant was satisfied with the advice. No further police action was required at the time.

On Monday, October 13th 2009 PC Jack emailed Colin Mackenzie of the Ministry of Small Business and Consumer Services the following letter:

"I have recently investigated a complaint involving Maple Leaf Paving of 7 Marshall Street Milbrook. I suspect that they overcharge their customers, take advantage of senior citizens, and simply do poor job. I wonder if the Ministry of Small Business and Consumer Services has been made aware of the Maple Leaf Paving inappropriate or shady business practices. Could you please advise me if it has? Also, feel free to let me know if you require any further information in relation to the matter.

Constable Michael Jack  
Peterborough County OPP  
453 Lansdowne Street East  
705-742-0401"

The response was:

"Yes, we know all about them. Thanks for contacting me.

Randy Davis is the uncle of the owner of Maple Leaf Paving and he was working for his nephew, not sure if he is now. In one of my previous cases, some years ago Randy operated his own paving business. Randy was convicted under our Consumer Protection Act 2002 for the way he treated his customers, taking deposits and either not doing the job or doing it badly and providing a deficient contract. When somebody would question him or refuse to pay until the job was done, he would make threatening gestures towards them. As part of his conditions in his probation he was ordered by the court to take anger management training (4 weeks) in Peterborough that he did complete.

About a year ago I spoke to the nephew and told him that if he continues to operate his business the way he was doing and that he fails to provide a proper contract, then he will find himself facing charges. I sent him a copy of our Regulations that show what has to go on a contract but it seems he has not listened to some good advice.

Constable John Hobbins, works at the Peterborough court office, knows all about Randy Davis. John was very helpful with my investigations back then. He might have some more background info for you. You can mention my name when talking to John.

Dan Keere, one of our Investigators, has an ongoing investigation. I will have him contact you.

Colin  
Lead Investigator  
Consumer Protection Branch  
Ministry of Consumer Services  
5775 Yonge Street, 15th Floor  
Toronto, Ontario M7A 2E5  
416 326 8624  
Colin.Mackenzie@ontario.ca"

**BENCHMARK:** No.

**COMPLAINT:** On Thursday, September 24, 2009 the complainant, Steve RYAN, contacted Peterborough County O.P.P. via Smith Falls PCC to report that he was having problems with his brother, Gary RYAN, at his residence and that his brother was intoxicated and would not leave.

**INCIDENT LOCATION:** 920 Kelly Blvd. Smith-Ennismore-Lakefield Twp, Peterborough County.

**HISTORY:** Gary has been staying at Steve's house at the incident location for the past 8 weeks, for which he has been paying rent in the amount of \$100 a week.

**INVESTIGATION:** On Thursday, September 24, 2009 at approximately 00:40 hrs PC JACK and PC NIE attended the incident location and spoke with Steve, who met them outside the residence. Steve advised officers that his brother Gary had been causing disturbance at the residence and that there had been a physical altercation of a sort earlier in the night. Steve was very vague in his explanations of what happened and could not make up his mind as to what he wanted the police to do. Initially he advised officers that he wanted Gary out of his residence, but then changed his mind and advised officers that he was going to talk to Gary and see if he agrees to behave himself for the rest of the night. Subsequently, Steve went inside and spoke with Gary, while officers waited outside. Through the partly opened door, officers overheard the brothers arguing, with Gary being very agitated and non-cooperative and making derogatory comments to Steve. Then both Steve and Gary came to the front door and Gary immediately started swearing at officers and at his brother. Gary was agitated and appeared to be intoxicated. Gary used strong language and all attempts to reason with him and calm him down failed. When Gary turned around and went inside, officers formed the grounds for the arrest of Gary for prevent breach of peace, as leaving him in the house in his state of mind was not safe. At 01:03 Gary was placed under arrest and handcuffed to the rear. Gary was subsequently escorted outside of the residence, frisked searched and lodged in the rear of the police cruiser. Throughout the entire process, Gary continued to be agitated and kept swearing at the officers while also uttering threats to kick the officers in the head with his legs numerous times

At approximately 01:13 hrs, Matthew WRIGHT, came out and advised that he too was staying at the house at the incident location. Matthew advised officers that Gary was a good guy and that Gary had a few beers earlier in the night. Further, Matthew asked if he could be of any assistance and was advised that he could attend the detachment at around 06:30 hrs to pick Gary up, to which he advised he would.

Gary was transported to the Peterborough County O.P.P. Detachment where he was lodged in cells until sober. Gary was noted to have a small cut with dried blood above his right eye, along with a small bump (goose egg) to the same area. He declined any medical attention for this.

**WITNESS STATEMENTS:** Notebook entries only.

**ARRESTED:** Gary RYAN (DOB: 28-Jul-1956)

**VEHICLES:** N/A

**PROPERTY:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac.

**FOLLOW UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Thursday, September 24, 2009, the complainant, Janet NICHOLLS, contacted Peterborough County O.P.P. via Smith Falls Provincial Communication Centre (PCC) to report a traffic incident involving her son, Colin NICHOLLS. The complainant advised that Colin was traveling eastbound on Hwy 7 in his motor vehicle when an unknown object was thrown out of the passenger side of the truck ahead of him and hit and smashed Colin's car mirror on the passenger side. Suspect vehicle description and marker was obtained.

**INCIDENT LOCATION:** Hwy 7, Asphodel-Norwood Twp, Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Thursday, September 24, 2009, PC JACK spoke with Janet NICHOLLS and Colin NICHOLLS on the phone and learned the following:

On Thursday, September 24, 2009 Colin was traveling eastbound on Hwy 7 from Peterborough to Kingston in his 2000 white Chevrolet cavalier bearing Ontario license plate BCPP 135. Somewhere 10-15 minutes of travel time at the speed limit west of Norwood, Colin got a glimpse of an object of what appeared to be a water bottle flying from what he suspected was a truck traveling ahead of him. The object hit and smashed the passenger side mirror of his car. Colin noted the motor vehicle ahead of him to be a Dodge Ram, red in color, bearing Ontario license plate 8525VF. The driver and the number of occupants were not noted. After approximately 30 seconds of travel, Colin pulled over on the side of the Hwy 7 and contacted his mother on his cell phone, who in turn called the police to report the incident.

The suspect vehicle came back registered to Rick WALSH of Frankford and canad411 reverse lookup revealed Rick WALSH phone number: 613-398-7770.

At 22:10 hrs PC JACK spoke with WALSH on the phone in reference to the complaint. WALSH advised PC JACK that he was traveling eastbound on Hwy 7 from Peterborough to Frankford in his red Dodge Ram pickup truck bearing Ontario license plate 8525VF between the hours of 17:00 hrs and 18:00 hrs and that he was the only occupant in the vehicle. When advised of the complaint WALSH denied throwing anything outside of his pickup truck and advised PC JACK that he knew nothing about it and was surprised to hear it. WALSH further stated that he never throws anything out of his truck and that he always has a garbage bag in the rear seat to store litter, and that he did not note anything fly out of his truck during the entire time of his travel on Hwy 7. WALSH further advised PC JACK that he was being followed by a Drain Brothers Excavating Ltd. dump truck from the Reptile Zoo, located at 2206 Hwy 7, until Norwood and did not recall seeing other motor vehicle traveling behind him.

Since there were no witnesses to the event and no descriptors of the suspect driver were obtained, Colin NICHOLLS was advised that he would have to fix the damage at his own cost.

No further police action was required at the time.

**SUSPECTS/VEHICLES:** Dodge Ram, red in color, Ontario license plate 8525ZVF.

**WITNESSES:** Officer notes.

**CHARGES:** N/A

**STOLEN PROPERTY:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac through Niche RMS.

**DISTRIBUTION:** N/A

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Friday, October 2nd, 2009 at approximately 09:50 hrs the complainant, Andy SHARPE, contacted Peterborough County O.P.P. via Smith Falls PCC to report a break and enter into his shop. The complainant wished to speak with an officer.

**INCIDENT LOCATION:** 2 Mclean St, Havelock-Belmount-Methuen Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Friday, October 2nd, 2009 at 16:10 hrs PC JACK and PC NIE attended the incident location and spoke with the complainant who advised the officers that his unlocked wood shop was entered sometime overnight and a set of keys for his and his wife's trucks was stolen. The trucks were subsequently unlocked (with the stolen keys), entered and rifled through. No noise was heard overnight by the residents and no visible traces of the criminal activity were left at the scene. No suspects were identified and there were no known witnesses to the event at the time. Only the trucks' keys were stolen and nothing else appeared to be missing at the time of the initial investigation. Both the shop and the trucks were used by the owners throughout the day and therefore were contaminated. Consequently, SOCO was not requested to attend the scene. The complainant advised officers that there had been thefts from unlocked vehicles in their area approximately 3 months ago and he wished to report the incident for police information. The complainant was advised that if he noted anything else damaged or missing to contact P/C Jack.

**WITNESS STATEMENTS:** Notebook entries only.

**SUSPECTS:** N/A

**VEHICLES:** N/A

**PROPERTY:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac.

**FOLLOW UP:** N/A

**COMPLAINT:** On Friday, October 2nd, 2009 at approximately 11:50 hrs the complainant, Jeff EVANS, contacted Peterborough County O.P.P. via Smith Falls PCC to report that Chad VANDENBERG (who is EVANS' ex-common law partner's, Diane KELLY, son) was cutting and selling cedar trees from their property without his permission. Jeff EVANS requested police to attend.

**INCIDENT LOCATION:** 503 County Road 4, Douro-Dummer Twp, Peterborough County.

**HISTORY:** Jeff EVANS and Diane KELLY have been in a common law relationship for approximately 5 years and are currently going through a separation. Approximately 5 years ago Jeff and Diane jointly purchased a 35 acres farm at the incident location with Diane making a down payment of \$50,000. Chad has been residing with them permanently at the incident location. Recently, Jeff had two of his daughters from the previous marriage move in with them. Jeff has not been getting along with Chad and Diane has not been getting along with Jeff's daughters. On Thursday, October 1, 2009 the couple had a family dispute and Diane left the house to stay at her daughter's, Lori VANDENBERG, place in Norwood. Jeff in turn sent his daughters back to their mother's until things calmed down.

**INVESTIGATION:** On Friday, October 2nd, 2009 at approximately 12:15 hrs PC JACK and PC NIE arrived at the incident location and spoke with Jeff who advised officers about his situation, the separation process and the problems he was having with Chad. Chad has been cutting cedar trees and transporting them away from the property despite Jeff prohibiting him to do so. Jeff advised officers that Chad is an unreasonable young man of a very large size and that he seeks confrontation when spoken to. Jeff sought advice from the officers as to what his rights and obligations were in dealing with the matter and what appropriate courses of action were available to him to handle the situation. As the officers were finishing speaking with Jeff, Diane arrived at the incident location.

Upon seeing the police Diane alleged that Jeff assaulted her the night before. Jeff immediately denied the allegation and in turn alleged that he was assaulted by Diane the night before. The parties were immediately separated and spoken to individually. PC NIE spoke with Jeff while PC JACK spoke with Diane. Upon learning that Jeff called the police for advice only Diane changed her mind and declined to provide any further information in regards to the alleged assault. It was clear that Diane was making something up for fear that Jeff might have reported something. The parties then discussed how they were going to split the household property.

Shortly thereafter Diane's children, Lori and Chad, arrived at the incident location in their own trucks. The officers stood by to keep the peace while Diane and Chad removed their personal belongings from the house. They were assisted by Lori and Chad's girlfriend. Once the belongings were loaded in the trucks, Jeff and Diane made the following agreement in the presence of the officers:

- Diane will be residing at Lori's place in Norwood until the decision is made how to proceed with the separation and the dispute over the matrimonial property.
- Both Diane and Jeff will draft a document how they wish to split the jointly owned property.
- Diane will be advising Jeff ahead of time before she attends the incident location to collect the rest of her personal belongings.
- Chad will not cut any more cedar trees on the farm's property and will remove his pile of firewood from the property and his mechanical equipment/parts from the barn.
- Should they experience any further complications in the resolution of the matter they will call police for assistance.

**WITNESS STATEMENTS:** Notebook entries only.

**BENCHMARK:** No

**COMPLAINT:** On October 03, 2009, at approximately 02:26 hrs the complainant, Ken KING, contacted Peterborough County O.P.P. to report a break and enter to his place of employment, Havelock Tim-Br Mart. The



complainant advised that the alarm went off at approximately 01:30 hrs and upon attending the business premises he discovered that no entry had been gained. KING wished police to attend in the morning to conduct an investigation.

**INCIDENT LOCATION:** 137 County Road 46, Havelock-Belmont-Methuen Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On October 03, 2009, at approximately 09:00 hrs PC Jack and SOCO PC Robertson attended the incident location and spoke with the complainant. The investigation revealed the following:

An attempt was made by unknown parties to gain entry through the docking door on the north east side of the building. The door is a 10'x8' that slides up on the rails. The door has not been used for 4-5 years and is blocked from inside the store by a rack loaded with merchandise. The door was forced open by turning the door handle from the outside with a help of a leverage device thus breaking the door locking pins and causing damage to the door surface as a result. The door was then lifted about 1' up until it hit the trim racks thus preventing it from going up any further. The security alarm sensor, that is located in the upper right corner on the inside, was triggered and activated the alarm. No footprints, tire tracks or break and entr tools were detected at the scene. At the time of the initial police investigation there were no known witnesses to the break and enter. The complainant was advised that if he noted anything else damaged or missing to contact P/C Jack. Further to the above, it was reported after the fact that a chain with a padlock was removed using boltcutters in the lower part of the building. Nothing appeared to be missing from the compound at the time of the report.

**SUSPECTS:** None

**WITNESSES:** None

**CHARGES:** N/A

**PROPERTY:** N/A

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** D/Cst Jim Evans, Sgt. Butorac through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** November 11, 2009 at approximately 21:28 hrs the complainant, Catherine EDWARDS, contacted Peterborough County O.P.P. via Smith Falls PCC to report that her son, Joshua EDWARDS, was at their residence causing turmoil. The complainant requested police to attend.

**INCIDENT LOCATION:** 6987 Highway 7, Havelock-Belmont-Methuen Twp, Peterborough County.

**HISTORY:** On April 7, 2009 Joshua EDWARDS got out of jail, after serving a 6 month sentence, and has since resided with his grandfather, Kenneth EDWARDS, at 571 7th Line of Belmont. Kenneth is retired and lives on pension. Joshua is unemployed and lives on welfare. Both Kenneth and Joshua are alcoholics. Joshua is not welcome at his parents' residence at the incident location.

**INVESTIGATION:** On November 11, 2009 at approximately 21:55 hrs PC JACK, PC NIE, and PC STIMSON attended the incident location. The investigation revealed that Joshua and Kenneth consumed alcohol and got into a verbal argument. Joshua called his father, William EDWARDS to attend to back him up. Upon arrival, Joshua and William got into a fist-fight in which both sustained minor physical injuries. When William left, Joshua and Kenneth had a physical altercation in which Joshua hit Kenneth in the head as a retribution for continuous verbal abuse. After the altercation, Joshua had their neighbour drive him to his parents' residence where he got into the verbal argument with the rest of the family members blaming them for his misfortunes. Another brief physical altercation ensued in which Joshua was restrained by his brothers, William and John, and calmed down. Kenneth was picked up by his girlfriend, Carol PATTISON, and transported to her place at 296 Blairton Rd. for the night.

At 22:45 hrs PC JACK spoke with Carol and Kenneth on the phone. Kenneth advised that he was fine and did not wish to press charges. In his words, "Joshua is my grandson. I will not have him charged. Absolutely not!"

None of the EDWARDS family members wished Joshua charged, but wanted him off the property. At 23:02 PC JACK placed Joshua under arrest for prevent breach of peace and cuffed to the rear. Joshua was searched and placed in a cruiser. He was advised of his rights to counsel and transported to the detachment.

Joshua advised PC JACK that both he and his grandfather, Kenneth, are alcoholics.

At 23:58 hrs Joshua was lodged in cells until sober.

**SUSPECTS:** Joshua EDWARDS

**VEHICLES:** N/A

**PROPERTY:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac.

**FOLLOW UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On November 17, 2009 at approximately 20:04 hrs the complainant, Leigh BROCK, contacted Peterborough County O.P.P. via Smith Falls PCC to report that her estranged husband, Bruce SMYTH, was attempting to contact her on the phone contrary to the non-communication order that he was just placed on this date (17NOV2009). **This order was made by Justice of the Peace C. Young.** The complainant wished to speak with an officer.

**INCIDENT LOCATION:** 852 Rock St., Douro-Dummer Township, Peterborough County

**HISTORY:** Bruce is currently in custody on the Surety Revocation and Domestic Assault charge. Bruce appeared on November 17, 2009 in Peterborough court room 2 in reply to the Surety Revocation and for the charge of Domestic Assault. He was taken into custody and transported to C.E.C.C. where he would remain until November 18th, 2009 and appear in person in custody for his bail hearing.

**INVESTIGATION:** On November 17, 2009 at approximately 21:10 hrs PC JACK spoke with Leigh on the phone. Leigh advised that at 20:00 hrs Bruce placed a collect phone call from C.E.C.C. to her father's house where she currently resides and upon hearing Bruce voice (on a recording) she immediately hung up the phone and called the police.

At 23:00 hrs PC JACK and PC PIETTE attended the incident location and collected a signed written statement from Leigh as to what happened. In her statement, Leigh advised that when the phone rang, she answered the phone and an operator came on the phone and said, "Will you accept a collect call from?" and then she heard Bruce's voice say, "It's Bruce, Ted". Ted BROCK is Leigh's father and the owner of the residence Bruce called. Ted advised officers that he had spoken with an O.P.P. officer earlier in the day and was advised that there was a "gag order" prohibiting Bruce from communicating with Leigh. Ted further advised officers that he thought that Bruce was not supposed to call his house either. Ted was advised that police can only make a recommendation to the Justice of the Peace as to what conditions should be placed on the accused, but the ultimate decision lies with a Justice of the Peace. Ted and Leigh were advised that the matter will be looked into and they will be notified of the outcome of the investigation.

At 23:50 hrs PC JACK called C.E.C.C. and spoke with the manager, Mike DAVIS, who confirmed Bruce's presence at their facility and that there was a non-communication order on their system prohibiting Bruce from contacting Leigh. A copy of the warrant remanding Bruce in custody was faxed to Peterborough County O.P.P. from the C.E.C.C. due to it not being added to CPIC in Orillia. On the warrant, an order has been made for Bruce to abstain from communicating directly or indirectly with Leigh. This order was made by Justice of the Peace C. Young.

Based on the original phone conversation with Leigh when she called police at the detachment and the fact that police did not have the communication order available to them, they were going to pursue a charge under Sec. 127 CC. Although after obtaining a full signed written statement from Leigh it was learned that Bruce called asking for Leigh's father, Ted. Nothing in the order specified that Bruce was not allowed to call Ted's house; only that he was not supposed to communicate with the Leigh. Based on the obtained information, PC PITTS and PC JACK did not feel that there were sufficient grounds to proceed with laying a charge under Sec. 127 CC. Consequently, a report has been generated and forwarded to the court office. They may wish to speak with Bruce and advise him that he is treading on thin ice, due to the fact that if Leigh had accepted the call and spoke to Bruce then he would have been charged.

An e-mail was also sent to the court officers because as of 21:30 hrs on November 17, 2009 police were going to pursue a charge that has now changed and police would like the court to caution Bruce on calling Ted's residence.

**BENCHMARK:** No

**COMPLAINT:** On November 18, 2009 at approximately 10:07 hrs the complainant, Martin GAMMACK, contacted Peterborough County O.P.P. to report a break and enter to his boat house at his cottage on Stony Lake. The complainant wished to report the incident to police. The call was held over from the day shift.

**INCIDENT LOCATION:** 530 Fisher Lane, Douro-Dummer Twp., Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On November 18, 2009 at approximately 19:10 hrs PC JACK spoke with GAMMACK on the phone. GAMMACK advised PC JACK that he had discovered the break and enter to his cottage boathouse on November 15, 2009 around noon. The investigation revealed that unknown suspects gained entry by removing the glass window in the entrance door and unlocking the door from inside. Stolen property included 5 or 6 fishing rods with reels and an electric winch. Each fishing reel had the complainant's initial inscribed on the bottom, "M". There were no other identifying characteristics and no make, model and serial numbers were known to the complainant. A 15 hps Johnston outboard motor that was stored in the boat garage was not touched. The complainant advised he wished to report the incident as he felt police should know about it in case there had been other B&Es/thefts in the area.

At 03:53 hrs PC JACK and PC NIE attended the incident location and examined the scene. Officers noted the wooden frame around the glass window in the entrance door was slightly chipped. No SOCO was required, as after discovering the break and enter the complainant re-installed the glass window back in the entrance door thus contaminating it in the process. At the time of the initial police investigation there were no known witnesses to the break and enter. The complainant was advised that if he noted anything else damaged or missing to contact PC JACK.

**SUSPECTS:** U/K

**WITNESSES:** None

**CHARGES:** N/A

**PROPERTY:** 5 or 6 fishing rods with reels and an electric winch. Each fishing reel had the complainant's initial inscribed on the bottom, "M". No other identifying characteristics and no make, model and serial numbers were known to the complainant. Total value of the stolen property is estimated at \$500.00

**VEHICLES:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** D/Cst Jim Evans, Sgt. Butorac through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Tuesday, November 24th, 2009 at 09:32 hrs the complainant, Michael WELLMAN, contacted Peterborough County O.P.P. through the Smith Falls PCC to report a single motor vehicle accident - Tanker truck in the ditch - on Selwyn Road.

**INCIDENT LOCATION:** County Road 20 (Selwyn Road) Smith-Ennismore-Lakefield Township, Peterborough County.

**HISTORY:** N/A

**INVESTIGATION:** On Tuesday, November 24th, at approximately 10:15 hrs PC JACK and PC NIE attended the incident location. A tanker truck, carrying drinking water, was sitting in the E/B ditch approximately 100 meters north-east of 11th Line of Smith. The investigation revealed that the truck's right front tire blew just after the truck passed 11th Line of Smith and the truck ran off the traveled portion of the roadway and entered the E/B ditch. The truck's fuel tank got ruptured and approximately 18 gallons of diesel fuel leaked into the ditch. Due to the relatively small amount of the diesel fuel spill that was absorbed by the dry dirt there was no apparent water contamination of the nearby marshy land. Matt WHEELER of the Ministry of Environment (MOE) was notified (1-800-268-6060) and arrangements were made with the truck owner, Bruce BROCKWELL, to clean up the scene. Keith JAMIESON of Peterborough MOE was notified and was going to oversee the removal of the contaminated soil. Bill LINNEN of Peterborough County Public Works attended the scene and was going to oversee the patching of the damaged road asphalt surface.

After the crash, the driver, John LAPORTE, emptied the contents of the tank into the near-by pond to lighten the truck for the tow and at approximately 11:30 hrs the truck was pulled from the ditch by Jorgensen Towing and towed to BROCKWELL's backyard.

The owner of the residential property across the accident site, Ron FOSTER, was concerned of the contamination as his well located near the road. Ron was provided with the notified MOE personnel contact info and advised to follow up with them.

On November 25th, at 18:30 hrs PC JACK spoke with Bruce on the phone. Bruce advised he had leveled up the gravel on the shoulder and removed the contaminated soil. Bruce further advised he had been ordered to have the contaminated soil tested before it could be disposed off and that he had to report about the progress and provide soil samples to Keith. After ALL the contaminated soil has been removed, Bruce was going to cover up the site with top soil.

No further police action is required.

**WITNESSES:** Michael WELLMAN

**CHARGES:** N/A

**PROPERTY:** N/A

**SUSPECTS/VEHICLES:** Green 1989 International tank truck, Ontario license plate 9415XJ.

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Ministry of Environment, Sgt. Butorac

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**BENCHMARK:** No

**COMPLAINT:** On Tuesday, November 24, 2009 at 16:05 hrs the complainant, Jessica KUHLMORGEN-HILLE attended Peterborough County O.P.P. to report a traffic incident. PC JACK took the report.

**INCIDENT LOCATION:** Highway 7, Asphodel-Norwood Township, Peterborough County.

**HISTORY:** On Tuesday, November 24, at approximately 15:45 hrs, Jessica was travelling west on Highway 7. Jessica was operating her mother's van (Red 1998 Ford Windstar, Ontario license plate ATMK768). Jessica was the only occupant in the van. Just east of the intersection of Highway 7 and County Road 38 Jessica observed a Blue van tailgating her. At one point the Blue van bumped into Jessica's van from the rear while both vans were travelling at the posted speed limit. The Blue van subsequently passed Jessica's van on the left and sped up. Jessica then observed the Blue van was driving erratically, tailgating and passing vehicles at high rate of speed. Jessica last observed the Blue van W/B on Highway 115. Jessica attended Peterborough County O.P.P. detachment to report the incident.

**INVESTIGATION:** On Tuesday, November 24, at approximately 16:10 hrs PC JACK took the report. PC JACK examined Jessica's van; no damage was detected. The suspect Blue van was described as a commercial type, painted in light blue on the top half and in dark blue on the bottom half, tinted windows, possibly operated by a male driver, bearing license plate 5274XC.

An MTO check revealed the suspect van is a Blue 1995 Ford, Ontario license plate 5274XC that belongs to Sherry HENRY of Muncey. HENRY is currently before courts on the charge of Assault Cause Bodily Harm, Sec. 267(b) CC. However, no phone number is available on Niche. Canada411 reverse lookup came up negative as well.

On November 25, PC Jack contacted Cst. Kenny Clayton of the Middlesex Oneida police service who is the reporting officer on the charge of Assault Cause Bodily Harm, Sec. 267(b) CC by Sherry HENRY (LP09156394).

On November 27, Cst. Clayton responded with a business phone number for Sherry HENRY.

On November 27, PC Jack made an attempt to contact HENRY over the phone with negative results. A message was left for HENRY to contact PC Jack.

**WITNESSES:** Jessica KUHLMORGEN-HILLE (DOB:11982-May-15)

**CHARGES:** N/A

**PROPERTY:** N/A

**SUSPECTS/VEHICLES:** Blue Van, 1995 Ford, Ontario license plate 5274XC

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac through Niche.

**DISTRIBUTION:** Detachment level

**FOLLOW-UP:** N/A

**From:** Jack, Michael (JUS)  
**Sent:** November 25, 2009 8:21 PM  
**To:** Kenny, Clayton (JUS)  
**Cc:** Nie, Richard (JUS)  
**Subject:** Inquiry about phone number of Sherry HENRY (DOB: 1962/11/30) of Muncey

Hi,

I am investigating a traffic complaint where the suspect van was bearing license plate 5274XC (See RM09139161). An MTO check revealed the suspect van is a Blue 1995 Ford, Ontario license plate 5274XC that belongs to Sherry HENRY (DOB: 1962/11/30) of Muncey. HENRY is currently before courts on the charge of Assault Cause Bodily Harm, Sec. 267(b) CC (LP09156394), however, no phone number for her is available on Niche. I ran a Canada411 reverse lookup but it too came up with negative results. Since you were the reporting officer on her Assault case, I wonder if you have/can get HENRY's phone number for me. I'd appreciate it.

Thank you  
Cst. Michael Jack

Hi,

I do not have her personal #. She works for the Chippewa band prevention services. You should be able to reach her through the band office at 519 289 5555 during business hours. Hope this helps.

Cst. Kenny