

## **Public Hearing**

## **Audience publique**

### **Commissioners / Commissaires**

The Honourable / L'honorable J. Michael MacDonald,  
Chair / Président

Leanne J. Fitch (Ret. Police Chief, M.O.M)

Dr. Kim Stanton

### **VOLUME 3**

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Halifax, Nova Scotia

--- Upon commencing on Monday, February 28, 2022 at 9:34 a.m.

**REGISTRAR DARLENE SUTHERLAND:** Good morning. The proceedings of the Mass Casualty Commission are now in session with Chief Commissioner Michael MacDonald, Commissioner Leanne Fitch, and Commissioner Kim Stanton presiding.

**COMMISSIONER MacDONALD:** Good morning everyone. I want to acknowledge that we are in Mi'kma'ki, the traditional and unceded territory of the Mi'kmaq. And as we start every day, we dedicate today and every day and we will be inspired by the memory of the lives taken, their loved ones, those injured, all those most affected and those wonderful communities from which they come. This is an especially important acknowledgement today.

I offer my remarks with mixed emotions. Both emotions are profound. First, the emotion is relief, a profound sense of relief that we will be sharing with the public in our first opportunity, what happened over those horrible 13 hours in April of 2020? It won't be the final word, but it is what we understand and what we are best able to determine so far in our process, and it's so important for this moment for this to be shared with you, the public.

And it's important for two main reasons: one, without this knowledge, rumours and speculation fill the void, and without this knowledge there is no foundation upon which we can build, we can build to determine why what happened, happened, and how we can then, having learned why what happened, happened, come up with solid policy recommendations so that something like this might not happen again, and that those lives lost and that those horrific injuries to those most affected will not have been in vain.

Our second profound emotion that's mixed for us today is sadness. We know what we will be sharing, beginning today, however necessary, will cause turmoil in the hearts of those most affected. We know it will cause more suffering, more

1 horrific memories to emerge. I'm not going to even try to pretend that I can understand  
2 the boundless pain and suffering that has been endured by the loved ones, their  
3 extended families.

4                   And if you look at our, at our background image, you will see a  
5 ripple, the ripple effect of what happened during those 13 hours. The ripple, as I said,  
6 the immediate impact to those affected, the loved ones, families, friends, neighbours,  
7 communities. And the witnesses, the witnesses who are not Participants who will be  
8 themselves, many of them, hearing this for the first time will be reliving and reimagining  
9 this for the first time since those events, and we've contacted them all. We've contacted  
10 them all to let them know that this will now be public and that there are supports  
11 available for them. And of course, I remind all of you that there are supports available  
12 for all of you as well.

13                   And our website is designed so that there's a quick exit button if  
14 you're feeling overwhelmed and, of course, these will all be recorded and you can -- you  
15 can follow at your own pace.

16                   The ripple extends to the past victims of crime throughout the  
17 country and what they may be feeling, to other communities just like these wonderful  
18 communities. And this morning, we will begin with Portapique.

19                   You know, we talk about those moments we remember, those  
20 moments in history that we remember and, of course, this is one of them. And it's not  
21 just one of those moments for Nova Scotian's; it's one of those moments for Canadians.  
22 What were you doing? We remember.

23                   But it's worse than that. It's way worse than that. It's not a  
24 moment. It's 13 hours. What were you doing during those 13 horrendous hours?

25                   I'd like to acknowledge the Counsel for the Participants here today.  
26 It hasn't been easy for you. It hasn't been easy for you when you consider the volume  
27 of material that you've had to go through, and I spoke about that last week, but it's not  
28 just the volume of the material. It's the nature of the material. And you've done a

1 wonderful job, and I'm sure you've had many arduous days and nights, particularly  
2 difficult for smaller firms, but you've done all a wonderful job doing that.

3                   We hope the Foundational Documents that we prepared helped  
4 you go through that enormous volume of materials which wasn't given to us in a way  
5 that was organized the way one might like it, through nobody's fault, but nonetheless, a  
6 huge volume of material that we've -- that you've had to go through. And as I said, we  
7 hope the Foundational Documents helped in terms of our organization of them and  
8 linking to the relevant sources. But I just want to say, you sure helped us. You sure  
9 helped us complete the picture that the public will now see today.

10                   You helped us make them ready for public. And we're not asking  
11 you to endorse them. The investigation continues, the -- your work continues, your  
12 review of them continues and we encourage you to help us make the factual foundation  
13 even better as we go forward.

14                   As we continue to investigate, as you continue to digest all these  
15 materials, we will hear from you. We'll hear from you specifically in a couple of days  
16 dealing with the Portapique documents, what's missing, what are the gaps and are there  
17 meaningful factual disputes that ought to be explored even further so that our factual  
18 foundation can be solid.

19                   But I do want to acknowledge and thank counsel because I know it  
20 hasn't been -- it just could not be an easy retainer.

21                   And I'm going to -- I understand there were some weather and  
22 traffic issues and not everyone is here yet, but I'm just going to, according to my  
23 understanding -- and unfortunately, we don't have the camera angles to highlight all of  
24 you in the video, but just wanted to acknowledge first law firms for the family, and I'll do  
25 it in alphabetical order.

26                   The law firm of Burchell MacDougall, Stephen Topshee, Linda  
27 Hupman and James Russell. From the law firm of Lenehan Musgrave, LLP, Jane  
28 Lenehan. From MDW Law, Tara Miller, Alix Dugout. From Patterson Law, Robert

1 Pineo, Sandra McCulloch, Grace MacCormick, Michael Scott, Matthew MacLellan,  
2 Anthony Scott, and Natasha Schigas. From Wells, Lamey, Bryson, Schnare & Mailman,  
3 Joshua Bryson and Erin Wagner.

4 Representing the Attorney General of Canada, Lori Ward, Patricia  
5 McPhee, Heidi Collicutt.

6 Representing the Attorney General of Nova Scotia, Ed Gores,  
7 Samantha Parris, Jeff Waugh.

8 Representing the National Police Federation, Nijhawan McMillan  
9 Petrunia, Nasha Nijhawan, Kelly McMillan.

10 And I apologize if I have missed anyone.

11 I'd like to take a few minutes as well, ladies and gentlemen, to  
12 address the media. Your job has not been easy. Your job will not be easy, and I  
13 commend you.

14 We are so fortunate in this country to have an independent  
15 mainstream media. And members of the media, you will have a challenge. You will  
16 have a challenge to balance how much detail to include, how much of this difficult detail  
17 to include and how much to exclude in your reporting, and those are things that folks  
18 can likely never agree on, but you're independent and you will make your wise choices.

19 So to the legal counsel and to the media and to our own team, let  
20 us remember, yes, our tasks are challenging. We are the lucky ones. Let us always  
21 remember that we are on the fortunate side of this equation.

22 You know, we're going through a tough time in our history. COVID  
23 has denied the families the ability to grieve the way they should be able to. People are  
24 exhausted throughout the country with a sense of unease and uncertainty, but it is  
25 looking up.

26 If you look at what's going on in Ukraine and the brave people  
27 fighting for the democracy that we are so fortunate to enjoy, and there are so many  
28 Ukraine Canadians, Ukraine is such an important country to Canada.



1                   So as we begin today with the mixed emotions of relief and  
2 sadness, perhaps this can be a new chapter going forward. There will be more  
3 Foundational Documents. There's a very large, complex Foundational Document called  
4 Command Decisions. I looked at them all last week. I won't repeat them now. And a  
5 Foundational Document involving public communications.

6                   And I just want you to know that they are being worked on now, so  
7 this is an iterative process, so they're being finalized now and we ask for everyone's  
8 patience. You know, the information is still coming in and they're being worked on, so  
9 like all inquiries, there will be -- it will be inevitable that we will have to adjust our  
10 schedule accordingly, but our number one priority was to get the facts, as best we know  
11 them now, to you, the public. And that's what we will begin to do.

12                   We wanted to do that in the fall. We wanted to do that in January.  
13 The volume of material and the factual matrix was just too complex. But here we are.  
14 And the journey continues.

15                   We will complete the factual foundation. We will then look at why it  
16 happened, Phase 2, and then we will come up with recommendations.  
17 Recommendations for policy changes to keep us all safer.

18                   So the factual foundation is so so important, but for us, it's the  
19 beginning. So while we all have to remain independent as an inquiry, as a media, as an  
20 institution, as lawyers, perhaps even though we have to remain independent within our  
21 spheres, we could perhaps best honour the memories of those lives taken, those loved  
22 ones, those injured, and those communities, as much as we can, take this journey  
23 together.

24                   Thank you very much and I would now like to call upon senior  
25 counsel Roger Burrill, who will begin to explain to the public the events in Portapique on  
26 April 18<sup>th</sup> and 19<sup>th</sup>. Thank you.

27 **--- PRESENTATION BY MR. ROGER BURRILL:**

28 **MR. ROGER BURRILL:** Commissioners, Participants, Nova

1 Scotians, and Canadians, no doubt it has been a long, difficult time for Nova Scotians  
2 since April of 2020.

3 We, as Commissioner MacDonald pointed out, have been living  
4 with the impact and the effects of a global pandemic and all the uncertainty associated  
5 there with, but also the ongoing lingering effects of the mass casualty are ever present  
6 for Nova Scotians. Ever present in the minds of Nova Scotians. And no doubt, in the  
7 minds of Canadians.

8 It has been difficult for Nova Scotians. It has been especially  
9 difficult for families and for those most affected by the mass casualty events.

10 There is no doubt a natural inclination to want to know information,  
11 to try to understand that information, and try to make sense of all of the information. In  
12 short, it is a human instinct to want to have the answers.

13 The following presentation to introduce the foundational document  
14 entitled "Portapique: April 18<sup>th</sup>-19<sup>th</sup>, 2020" will attempt to do and provide as many  
15 answers as we can.

16 I underline as we can. And we'll speak about that in a few  
17 moments, because it's always impossible to know everything. It is not impossible to do  
18 your best and try to understand and know everything.

19 It will be a difficult undertaking for any human endeavour to know  
20 everything.

21 But you need to know that the document that will be presented here  
22 has been created as a result of an extensive review of subpoenaed materials within the  
23 possession now of the Mass Casualty Commission. It's the result of independent  
24 investigations and inquiries by Mass Casualty Commission's teams of investigators. It  
25 is the result of consultation with Participants who have provided information and access  
26 to information. It is also the result of information that has been provided by Nova  
27 Scotians.

28 So while it may be imperfect, it is, at this stage, the best efforts to

1 present to you information as of February 28<sup>th</sup>, 2022.

2                   You need to know that this is going to be a lengthy presentation.  
3 I'm afraid I'm going to be with you probably all day. But more importantly, it is a detailed  
4 investigation. And even more importantly, it's a disturbing presentation.

5                   Perhaps as a result of some of the commentary today, there will be  
6 more questions raised, leading to more answers. More answers is a good thing. This is  
7 an effort to provide information that is important to Nova Scotians who have waited a  
8 great deal of time. It is also an effort to provide information that is so fundamentally  
9 important to the work of the Mass Casualty Commission, as outlined in the Orders in  
10 Council in October of 2020.

11                   As indicated, this is not the final word. We do not state that what is  
12 found in the Foundational Documents present unquestioned fact. It is the best  
13 information known and may result in more information being provided.

14                   This particular presentation will do our best, or my best, to provide  
15 a chronological narrative of the early hours of what took place in Portapique. It's an  
16 attempt, as best we can, to reconstruct the events in Portapique. It is an exercise in  
17 fitting hundreds, if not thousands, of pieces of information to construct a narrative. It is,  
18 of course, a reconstruction of a narrative.

19                   There is, I will admit, unfortunately, an inexactitude to the  
20 information presented today in some areas. This cannot be helped. It will cause some  
21 stress, some consternation. It will raise questions. All that is a good thing.

22                   Quick note of explanation at the front end. We will use -- I will use  
23 the expression "perpetrator". I will not use the proper name. This is a conscious  
24 choice. It's a bit awkward in terms of oral discussion, but it is a decision that has been  
25 made. People may agree or disagree. That's the decision that's been made by the  
26 Mass Casualty Commission in terms of addressing terminology.

27                   Final word of introduction. You will not enjoy this presentation. It's  
28 exhausting. It's hard. It has difficult, disturbing details. And it's not designed as a

1 tribute to the lost loved ones in the Portapique event. It is designed to put a light on  
2 information that explains what happens.

3                   And I said a final word. Lawyers always have a final, final word.  
4 That is, in keeping with the mandate of the Mass Casualty Commission, and with  
5 respect for the privacy and dignity of those who have suffered and are most affected,  
6 we're not going to be playing 9-1-1 excerpts that will portray people at their most  
7 vulnerable. We will not display graphic crime scene information. We will not display  
8 police investigative graphic information. Every attempt has been made to be respectful  
9 and honourable to those who have experienced such loss.

10                   So I turn now to the Registrar. Madam Registrar, I move to mark  
11 and tender into these proceedings the foundational document entitled "Portapique: April  
12 18<sup>th</sup>-19<sup>th</sup>, 2020".

13                   **REGISTRAR DARLENE SUTHERLAND:** Thank you, Mr. Burrill.  
14 That will be marked Exhibit 3 in the proceeding.

15 **--- EXHIBIT No. 3:**

16                   Portapique: April 18-19, 2020

17                   **MR. ROGER BURRILL:** Exhibit 3. Thank you, Madam Registrar.

18                   Subject matter of this morning's proceedings are a summary of  
19 information available to the Mass Casualty Commission regarding the events in  
20 Portapique on April 18<sup>th</sup>, 19<sup>th</sup>. It contains observations and experiences of the residents  
21 and people who were present in Portapique on April 18<sup>th</sup>, 19<sup>th</sup>, 2020.

22                   Efforts have been made to consider the movements of the  
23 perpetrator in the community. There will be discussion of timing involved here, primarily  
24 from 10:00 p.m., April 18<sup>th</sup>, to 10:45 p.m.

25                   There will also be discussion to set context a little bit before 10:00  
26 p.m., and also after 10:45. It's very difficult to isolate time to that 45 minutes that were  
27 so fundamentally awful.

28                   During that 45 minutes, I will submit to you that there was much

1 mayhem on a large geographic area, there were no video cameras recording what took  
2 place, and there are difficult facts to reconcile in terms of all the information.

3 This presentation contains details of the murders of Greg Blair, of  
4 Jamie Blair, of Lisa McCully, of Aaron Tuck, Jolene Oliver, Emily Tuck, Peter Bond, Joy  
5 Bond, Frank Gulenchyn, Dawn Gulenchyn, John Zahl, Joanne Thomas and Corrie  
6 Ellison, all who died on April 18th, 2020.

7 I repeat, the information will not provide -- I will not be providing  
8 graphic crime scenes analysis, there will not be 9-1-1 transmissions played for you  
9 today. As indicated, the attempt is to be as honourable and respectful as we can.

10 Commissioners, I wish to present the Foundational Document,  
11 Portapique April 18th-19th.

12 Well, with any good narrative, you need to have a sense of place,  
13 you need to know where you are, and for those of us in the room it perhaps may not be  
14 all that difficult to know where we are. This is Nova Scotia, our beloved Nova Scotia.  
15 For those who are perhaps watching from away, this is, I'm sure, a familiar geographical  
16 land mass to you, but this is the start, this is our home.

17 You'll see that we've indicated some places in the northeast,  
18 Sydney; Halifax in the central area; Yarmouth in the south; Amherst in the north. Of  
19 course, Nova Scotia is just simply filled with wonderful places that I haven't been able to  
20 indicate on this map.

21 Commissioner MacDonald said to you a week ago that he was a  
22 proud Nova Scotian from Sydney, Nova Scotia in the northeast. My roots are from the  
23 southwest, Yarmouth County. Both of us are proud Nova Scotians, both of us are a  
24 long way from Portapique, but both of us were shaken by the details of what took place  
25 on April 18th and 19th, as all Nova Scotians were.

26 Point out to you a little closer in geography, the three counties that  
27 will be reviewed over the next coming weeks and months. Nova Scotia is divided  
28 geographically into 18 counties, and it was the sort of rural governance system for

1 years, if not decades. It's been refined a little bit, this is not a governance lesson, but I  
2 just wanted to give you a sense of what we're talking about here, central and northern  
3 Nova Scotia. These were the scenes of the mass casualty.

4 I'm going to hone in a little bit more here. I'm going to take you to  
5 an area of specific geography that gets us closer to what happened in Portapique. I  
6 always knew this area as the Parrsboro Shore. I understand it goes by a number of  
7 names, but this is an area that I was familiar with as the Parrsboro Shore.

8 Here are some geographical locations for you: Parrsboro in the  
9 west, Truro in the east. Parrsboro is a small locality, like 12, 1,300 people. I may be off  
10 on my numbers there, a thousand-odd people. Truro in the east is a town, municipality  
11 town of about 12, 13,000 people. You'll see where we've identified Portapique in the  
12 central with a dot. Also identified Five Islands. Nova Scotians will know that's a place  
13 of some historical and cultural significance. Parrsboro/Truro are about 90 kilometres  
14 away from each other. Portapique is roughly in the middle, a little bit closer to Truro,  
15 about 33, 34 kilometres from Truro. You'll see the description of Bass River and Great  
16 Village there. Those two places will be important at least for the narrative as it  
17 emerges. But this gives you a sense of the area that we're talking about.

18 Moving again, as we do with these geographical reviews, to give  
19 you a better sense of what are we talking about specifically, and this is the Portapique  
20 area. You can notice, if you look at the slide, the first thing I notice is of course the  
21 Portapique River, which is to the west of the area of Portapique. There's two  
22 geographical areas that have been identified for you here, Five Houses to the west,  
23 that's a location that you'll hear about in the narrative over the next few weeks; and  
24 Highland Village in the east. These are very small localities, often residences -- few  
25 residents, summer residents there in -- over the summer periods, obviously. A beautiful  
26 place on the Cobequid Bay. The Cobequid Bay, of course, is to the south. You will  
27 know that Cobequid Bay is an extension of the world famous Bay of Fundy. So this  
28 gives you a sense of where we are physically in terms of Portapique and the area.

1 Honing in a little bit more to give you an even more specific sense  
2 of the roads and travel ways around Portapique. And I'm going to be a little bit lengthy  
3 in this area, and perhaps a little bit tedious, but I'm doing this because everything that  
4 we describe in the geography situation here will have some bearing in the future with  
5 respect to what we hear about this incident, particularly later in this presentation.

6 So first area I have to, or sorry, travel way I have to talk about is  
7 Highway 2. Highway 2 is the spine along the Parrsboro Shore that connects all of the  
8 communities together. It is the publicly owned, signed and maintained highway in the  
9 area. I think it's generally an 80 kilometre limit -- speed limit. It obviously is a paved  
10 asphalt road with two lanes generally, but it will connect Truro in the east to Parrsboro in  
11 the west, as I had described with a number of localities connected otherwise.

12 Highway 2 actually runs from Halifax all the way up to the New  
13 Brunswick border, runs up through Bedford, up through Shubenacadie, up through  
14 Truro, along the Parrsboro Shore, then up to Springhill, up to Amherst. And it was  
15 years ago, perhaps generations ago, the regular way to travel from Nova Scotia to New  
16 Brunswick. Things have changed, obviously. But Highway 2 is important for these  
17 proceedings because of course there was a police response coming from the east on  
18 Highway 2 and coming from the west on Highway 2 that we'll talk a little bit about later.

19 The next travel way of significance for you is the Portapique Beach  
20 Road. And if you hear me say Portapique Beach Road once, you're going to hear me  
21 say it hundreds if not a thousand times, simply because it's so fundamentally important  
22 to the narrative that took place here. Portapique Beach Road extends from Highway 2  
23 down to the Cobequid Bay. It's about 1.5 kilometres long, runs north to south, and it is a  
24 scene of importance that we will talk about later.

25 The third publicly maintained and signed area that I wish to point  
26 out to you is Brown Loop. Brown Loop has just been identified on the slide, is  
27 670 metres long, it's a crescent shaped road, it runs off the highway from Highway 2.  
28 You will note that on the slide there is no connection between Brown Loop and

1 Portapique Beach Road. There was at one time, I understand from the reviewing of the  
2 information and speaking to people who are local, something called the Old Post Road  
3 that may have connected those two roads at one time. On April 18th and 19th, it's our  
4 information that Brown Loop did not extend to Portapique Beach Road.

5 So those are the publicly marked roads of importance for what's to  
6 come. I now need to speak to you about private roads, and I have indicated now that  
7 perhaps the most important one in terms of what took place on April 18th is Orchard  
8 Beach Drive.

9 Orchard Beach Drive extends from an intersection at Portapique  
10 Beach Road south towards the Cobequid Bay. It's about 1.6 kilometres, and it  
11 intersects the community of Portapique to a certain extent, runs parallel with Portapique  
12 Beach Road. You too will hear me mention Orchard Beach Drive a lot in these  
13 proceedings.

14 Cobequid Court, a scene of much misery and mayhem, located in  
15 the southern portion of Portapique, runs parallel to Orchard Beach Drive and actually  
16 extends through Portapique -- Orchard Beach Drive, about two-hundred-and-sixty-odd  
17 meters running east and west. The slide gives you a good sense of that.

18 Bay View Court is another privately owned road in Portapique.  
19 Runs north/south from Cobequid Court down to Cobequid Bay.

20 Faris Lane, F-A-R-I-S, Faris Lane runs from the southern portion of  
21 Portapique Beach Road east/west perhaps a little bit southeast northwest, along the  
22 coastline and it too is part of the private road section found within the Portapique area.

23 Portapique Crescent. I had mentioned Portapique Beach Road,  
24 Orchard Beach Drive, Portapique Crescent is also important to the narrative as it  
25 emerged on April 18<sup>th</sup>. It's indicated there on the slide. It's about 450 metres long. It is  
26 a crescent-shaped type of road. It intersects with Orchard Beach Road on two  
27 occasions, one at the northern section and at the southern section. It too will have  
28 some bearing in terms of the narrative.



1                   You will hear the expression Orchard Beach Estates. Orchard  
2 Beach Estates is an association or an amalgamation of residents on private roads that  
3 I've just indicated, and they are an association for purposes of maintenance and  
4 operational upkeep of the roads in the community and in the community.

5                   So you now have the public roads, you have identified the private  
6 roads, and now I have to identify one more significant private road that we have  
7 identified here in quotation marks as the "Blueberry Field Road". The reason that is, is  
8 because it's a road in a blueberry field and it doesn't have an official marking or name.  
9 It is actually part of a private enterprise of Blueberry Field owned by a particular owner,  
10 and its significance to the dynamic here, the narrative, because it provided a route of  
11 travel for people coming in or going out of Portapique. Blueberry Field Road is not  
12 signed. It's referred to locally by some locals in this way. It runs on the west side of the  
13 blueberry field from Brown Loop in the north down to Cobequid Court and connects with  
14 Cobequid Court in the south. This, of course, will be important for the purposes of  
15 consideration in the future.

16                   Now, easy to have a look at maps and try to get a sense of roads,  
17 who's where and what's there, but we're of the view that it would be useful to the  
18 community, to people who are looking in on this, to get a better sense of what it's like to  
19 be on Portapique Beach Road. So the Commission arranged to have -- I always say it  
20 wrong -- GoPro footage from August of 2021 put together, so that you'll have an idea of  
21 what Portapique Beach Road looks like, what Orchard Beach Drive looks like. The  
22 footage that you're going to see will not be representative of April 18<sup>th</sup> and 19<sup>th</sup>, 2020. It  
23 won't be representative, of course, because you didn't have cameras then at the time of  
24 the incident. The Commission was able to obtain this footage in August of 2021, August  
25 23<sup>rd</sup> specifically. The foliage will be entirely different from April 18<sup>th</sup>. The lighting, of  
26 course, will be entirely different from April 18<sup>th</sup>. The climate will be different. You need  
27 to know that, and of course you know that, but the point simply being is the value of  
28 what we're going to show you now is to give you a sense of what it's like to be in

1 Portapique.

2                   So I'm going to portray for you Portapique Beach Road. From the  
3 top, at the north, at Highway 2 down through the south to Faris Lane. A word of  
4 warning here, if any of you are sensitive to jumpiness and/or lighting changes, it's a little  
5 bit difficult to watch in that regard, and I just wanted to give you a sense. It's a two-  
6 minute video, top of Portapique Beach Road to the bottom of Portapique Beach Road.

7                   **[VIDEO PLAYBACK]**

8                   So you've now travelled the lengths of Portapique Beach Road,  
9 1.5, 1.6 kilometres. You have a sense of the expanse of the road. You have a sense of  
10 the geography, the topography of the road. Now for the next little while, I'm going to  
11 break up what you've seen and try my best to give you a sense of where the important  
12 landmarks are for purposes of the narrative as it emerges.

13                   **[VIDEO PLAYBACK]**

14                   Should have done a better job of introducing that. Sorry. I'm going  
15 to do it again.

16                   **[VIDEO PLAYBACK]**

17                   You have now travelled from the top of Portapique Beach Road to  
18 33 Portapique Beach Road. You'll see the structure on the left, 33 Portapique Beach  
19 Road. You'll see the driveway in front. You've basically travelled about 160 metres  
20 from the top of the road down to 33 Portapique Beach Road. The idea is to at least give  
21 you a sense of the geography of where 33 Portapique Beach Road is. Why is that  
22 important? Well, because when the police first responded, the RCMP first responded in  
23 Portapique, they actually met witnesses and gained information right about where you're  
24 viewing here at this point outside 33 Portapique Beach Road. We've attempted in the  
25 bottom left corner to put an inset map in there, the idea simply to give you a sense  
26 generally of where you are as you're moving south along Portapique Beach Road.

27                   The next slide that I wish to speak to you about is moving from 33  
28 Portapique Beach Road to the junction of Portapique Beach Road and Orchard Beach

1 Drive. That's the area I described earlier. This is important for purposes of later  
2 describing what it was the police saw, what they didn't see, where the perpetrator was  
3 when the police first arrived in Portapique. So this is 33 Portapique Beach Road, south  
4 to the junction of Orchard Beach Road -- Drive.

5 **[VIDEO PLAYBACK]**

6 Couple things. Bit of a distance. You can also see some  
7 topographical changes and the fact that the road spins or turns a little bit. We are now  
8 at the intersection of Orchard Beach Drive and Portapique Beach Road. I propose now  
9 to travel south for about 20 more seconds to come to 121 Portapique Beach Road,  
10 which will be important again later in the narrative with respect to police movement.

11 **[VIDEO PLAYBACK]**

12 121 Portapique Beach Road on your left, the mailbox, if you can  
13 see any better than I can at stage, says 121. You will notice as you're proceeding south  
14 how you started to see the Portapique River and the Cobequid Bay to the right as you're  
15 moving towards that area.

16 One twenty-one (121) is an area where the police moved through  
17 as they were engaging in their IARD movements throughout Portapique in terms of  
18 responding to the active shooter situation. I hope I can get in some more detail about  
19 that later. I know I will.

20 Next slide will take you from 121 Portapique Beach Road to 200  
21 Portapique Beach Road. It's about a 27-second slide. It is important, of course,  
22 because 200 Portapique Beach Road was the cottage of the perpetrator. You'll notice it  
23 when we get to it to be on the right side of the road as opposed to the residence that  
24 you're now seeing on the left.

25 **[VIDEO PLAYBACK]**

26 So you've now proceeded past some residence on the left, past a  
27 graveyard on the right. And on the right-hand side of this still you'll see some rocks or  
28 boulders. Those are the boulders that are in front of the entranceway to 200 Portapique

1 Beach Road, 200 Portapique Beach Road being the cottage or the residence of the  
2 perpetrator on April 18th-19th, 2020.

3 Now I'm going to proceed from 200 Portapique Beach Road south  
4 to 293 Portapique Beach Road. Two ninety-three (293) Portapique Beach Road is an  
5 important landmark location because this was the site of the murder of John Zahl and  
6 Joanne Thomas.

7 It is about, let's see, a 30-second clip.

8 **[VIDEO PLAYBACK]**

9 August 23rd, 2021, there's a trailer in the yard. The driveway is off  
10 to the left. You will, of course, notice the Portapique River off to the right.

11 Continuing on from 293 Portapique Beach Road for five more  
12 seconds, it'll take you down to 4 Faris Lane, and that will complete, in the chunked-up  
13 section, Portapique Beach Road.

14 **[VIDEO PLAYBACK]**

15 Driveway to the left centre of the screen is 4 Faris Lane. It will be  
16 of some importance to the narrative later as we describe what happened in Portapique  
17 Beach -- sorry, in Portapique.

18 We do the same thing here. I'm going to break up Orchard Beach  
19 Drive simply because it'll give you a better sense geographically of where we are.

20 The first slide will be the duration or the length of Orchard Beach  
21 Drive. It's about two minutes, 20 seconds going from the intersection at Portapique  
22 Beach Road down to Cobequid Court.

23 **[VIDEO PLAYBACK]**

24 Orchard Beach Drive, the length of that private road, you'll notice a  
25 few differences, perhaps, from Portapique Beach Road. To me, it would appear that  
26 there's a great deal more foliage. It's a little bit more enclosed. It is, however, running  
27 parallel in a north-south direction to Portapique Beach Road on the east -- sorry, to its  
28 west.

1                   So as I said earlier, we're going to chunk it up a little bit and I hope  
2 to give you some sense of some important landmarks for purposes of the narrative.

3                   The first clip will start at the intersection of Orchard Beach Drive  
4 and go to 71 Orchard Beach Drive. Seventy-one (71) Orchard Beach Drive is an  
5 important location because it was the home of Don and Frank Gulenchyn.

6                   **[VIDEO PLAYBACK]**

7                   Seventy-one (71) Orchard Beach Drive is located or was located on  
8 the left-hand side of the slide or the still that you see here. There are still remnants of  
9 the driveway that are observable in this slide.

10                  This was the home of Don and Frank Gulenchyn that was entirely  
11 burned to the ground, and they were murdered there.

12                  Next slide, 71 Orchard Beach Drive, will take you to the northern  
13 intersection of Cobequid Crescent. The idea at this stage is to give you a sense of  
14 distances, length and positioning for purposes of later discussion.

15                  On the left is the intersection of Cobequid Court -- Cobequid  
16 Crescent. I said Cobequid Crescent. I meant Portapique Crescent. Forgive me. I told  
17 you I would get it mixed up. The names are very similar.

18                  Portapique Crescent to the left. This is the northern intersection. It,  
19 too, has some significant involvement in terms of the narrative later.

20                  Next slide or clip will be from the northern intersection of Portapique  
21 Crescent to 123 Orchard Beach Drive.

22                  **[VIDEO PLAYBACK]**

23                  One twenty-three (123) Orchard Beach Drive is a fundamentally  
24 important address in the narrative as well. It was the home of Greg and Jamie Blair,  
25 who were murdered that night. It's off to the left. You can see the driveway proceeding  
26 in that direction on the east side of Orchard Beach Drive.

27                  This is where the mayhem, it will be submitted by the Mass  
28 Casualty Commission, really commenced in terms of the violence and perpetration of

1 violence against innocent parties.

2 I'm now going to move to the next slide that takes you from 123  
3 Orchard Beach Drive to 135 Orchard Beach Drive. And this distance is important  
4 because it's not a great deal of distance.

5 **[VIDEO PLAYBACK]**

6 One twenty-three (123) and 135 were neighbours, right next door to  
7 each other, and you can see by the travelling here how short a distance it is. One thirty-  
8 five (135) actually you can see the structure in this case with the fence out in front.

9 One thirty-five (135) was the location and the residence of Lisa  
10 McCully, who was also murdered in this atrocity.

11 Then we go from 135 Orchard Beach Drive to the next physical  
12 location of significance at 136 Orchard Beach Drive; this, too, is a very quick clip.

13 **[VIDEO PLAYBACK]**

14 One thirty-six is where the gate is displayed here, the red gate.  
15 One thirty-six (136) is also referred to throughout the materials and in the narrative as  
16 the warehouse of the perpetrator.

17 So the perpetrator owned property at 136 Orchard Beach Drive  
18 across the street from 135 Orchard Beach Drive. And you can still see the fence at 135  
19 and how close it is to the gate of 136.

20 The next clip will take us from 136 Orchard Beach Drive, the  
21 warehouse, to the southern intersection of Portapique Crescent. This is a little  
22 lengthier; it's about 40 seconds in length. It will give you a sense of the geographical  
23 distances between waypoints that we'll be discussing.

24 **[VIDEO PLAYBACK]**

25 Intersection of Portapique Crescent, the southern intersection. You  
26 can see, obviously, the distance and the differences between the distances that the  
27 slides depict.

28 Now going to move from this intersection at the Portapique

1 Crescent, travelling south towards Cobequid Court.

2 **[VIDEO PLAYBACK]**

3 So this clip ends at Cobequid Court in the southern portion of  
4 Portapique. You can see ahead of you the Cobequid Bay, and that gives you a sense  
5 of the distances, the length, and the residences, and the landmarks on Portapique  
6 Beach Board, and on Orchard Beach Drive.

7 But there is a third location of significance and importance here as  
8 well, and that's Cobequid Court. And as I had said to you earlier, Cobequid Court  
9 intersects with Orchard Beach Drive, runs east and west, and propose to show you -- a  
10 little bit shorter in terms of geography, show you an immersive experience of being at  
11 the west end of Cobequid Court.

12 **[VIDEO PLAYBACK]**

13 So you've now travelled the length of the west side of Cobequid  
14 Court from the intersection towards the blue house, the Bond household at that time.  
15 Once again, I'm just going to chunk it up for you, just so that you get a sense for where  
16 we are in terms of important waypoints.

17 **[VIDEO PLAYBACK]**

18 First clip, short clip, stops at 41 Cobequid Court. Forty-one (41)  
19 Cobequid Court was the residence of Aaron Tuck, Jolene Oliver, and Emily Tuck. You'll  
20 see the driveway off to the left in the still. The driveway proceeds some 60 metres  
21 south -- or, sorry; 30 metres south to the residence that we haven't shown you here but  
22 that's the residence of the Tuck-Oliver household. And that's the driveway entrance to  
23 that location.

24 The next clip will take you from 41 Cobequid Court to 46 Cobequid  
25 Court.

26 **[VIDEO PLAYBACK]**

27 Household here of Joy and Peter Bond, 46 Cobequid Court, and  
28 you'll see how relatively close it was to the driveway at 41 Cobequid Court. That was

1 about a seven-second drive, and I simply wish to point out to you that the proximity of  
2 those two locations is perhaps important to the narrative as it emerges.

3 So I now wish, before a short break, to situate some of the  
4 landmarks that we have seen, in terms of the clips and the videos. I made reference to  
5 the fact that they'll be important to the narrative to come.

6 One twenty-three (123) Orchard Beach Drive, the residence of  
7 Greg and Jamie Blair, is situated as isolated on the slide. Greg and Jamie Blair were  
8 murdered at this location.

9 Forty-one (41) Cobequid Court, the home of Aaron Tuck, Jolene  
10 Oliver, and Emily Tuck. They were murdered at this location.

11 Forty-six (46) Cobequid Court, the home of Peter Bond and Joy  
12 Bond. They were murdered at this residence on April 18<sup>th</sup>.

13 The next location of some geographical significance to the narrative  
14 is 135 Orchard Beach Drive, the home of Lisa McCully and her two children. Lisa  
15 McCully was murdered outside this residence.

16 Seventy-one (71) Orchard Beach Drive I had described earlier as  
17 the home of Frank and Dawn Gulenchyn. Frank and Dawn Gulenchyn were murdered  
18 at this residence on April 18<sup>th</sup>, and their house was burned to the ground.

19 A few other geographic locations of significance; Portapique Beach  
20 Road and Orchard Beach Drive. The Commission will submit that the perpetrator was  
21 observed there at around 10:28 p.m. as the police were responding near 33 Portapique  
22 Beach Road.

23 Two ninety-three (293) Portapique Beach Road, the home of John  
24 Zahl and Joanne Thomas. They were murdered at this residence and the house was  
25 burned to the ground.

26 Next geographical location of significance, we are going to submit  
27 to you, is 287 Portapique Beach Road, and here I've indicated a trail or a travel-way  
28 between 293 Portapique Beach Road and 136 Orchard Beach Drive; that will be of



1 some significance to you as well.

2 One thirty-six (136) Orchard beach Drive, the warehouse. This is  
3 the location where the body of Corrie Ellison was located on the road outside the  
4 driveway.

5 Indicate for you an important geographical point of the Blueberry  
6 Road south of the intersection -- the southern point near the intersection of Cobequid  
7 Court.

8 Also suggest to you that there is significance to the southwest  
9 corner of Brown Loop, where a witness arrived at around 10:45, 10:50 to make  
10 observations or make a lack of observations.

11 These points will be coming up over and over again and please  
12 forgive me for being so, how shall I say, lengthy and tedious with respect to the  
13 geography, but the point is to give you a setting so that the narrative can become clear  
14 to you.

15 I propose, Commissioners, at this stage, perhaps a five/10-minute  
16 break, at which time I'll return to talk about timing a little bit. That will further the setting  
17 for us.

18 **COMMISSIONER MacDONALD:** Thank you very much, Mr.  
19 Burrill. We'll break for 10 minutes.

20 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The  
21 proceedings are on break for 10 minutes.

22 --- Upon breaking at 10:39 a.m.

23 --- Upon resuming at 10:56 a.m.

24 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The  
25 proceedings are again in session.

26 **COMMISSIONER MacDONALD:** Mr. Burrill?

27 **MR. ROGER BURRILL:** Thank you, Commissioner MacDonald.

28 You've heard a lengthy and ongoing geography lesson, and I

1 apologize for that, other than to say to you, it will be very important for this afternoon's  
2 discussion, and tomorrow, for you to feel comfortable in where you are in terms of what  
3 took place and the landmarks discussed.

4           The next stage of the presentation I wanted to raise with you is  
5 moving from the geographic perhaps to the temporal, or to the timing issues that  
6 emerge here with respect to the events in Portapique.

7           And the Mass Casualty Commission has gathered a great deal of  
8 information and tried their very best to synthesize them into known indicators. That is,  
9 pieces of information that we can grab on to to say, "This is what happened at such a  
10 time and at such a place, such that you can fill in that information as best you can  
11 otherwise."

12           So this particular slide indicates what we believe to be our known  
13 indicators of the perpetrator's whereabouts and movements. And they start in time  
14 chronologically from the very first 9-1-1 call at 10:01.

15           So at 10:01 on April 18<sup>th</sup>, Jamie Blair made a telephone call to 9-1-  
16 1 making a complaint of the presence of the perpetrator at her residence at 123 Orchard  
17 Beach Drive.

18           That call is a contemporaneous report of the events that were  
19 ongoing at that time. It's extremely important for purposes of situating the timing as to  
20 what took place.

21           The next locator on the slide is the GPS location of Lisa McCully.  
22 The GPS location of Lisa McCully's telephone, her cellphone, shows that at 10:13:50  
23 p.m., she was outside of her residence, in the front yard, and that the GPS signals  
24 became obstructed or scrambled in some manner with respect to how her location was  
25 being triangulated.

26           All of this information with respect to triangulation and GPS is  
27 beyond my capacity, other than to say that there are inferences that could be drawn  
28 from what happened at 10:13:50 p.m., when she -- when her phone lacked the

1 triangulation processes that it might have otherwise, that begin that she would have  
2 been out on the front yard at 10:13:50, and likely was murdered at or around that time.

3           Next key indicator of the perpetrator's whereabouts is a 9-1-1 call  
4 from four children, four children located in the residence at 135 Orchard Beach Drive.  
5 It's a telephone call that went on for about two hours, two hours and eight minutes, I  
6 believe is the number, with a call taker at the 9-1-1 center communicating with four  
7 children who were making the call from that residence.

8           The information that is provided by the children in that call is  
9 contemporaneous, reporting about what took place, and is fundamentally important to  
10 understanding what happened with respect to the perpetrator and his movements that  
11 night.

12           Fourth indicator on the slide is at 10:25 p.m. There was a 9-1-1 call  
13 from Andrew and Kate MacDonald. They were in a vehicle and made some  
14 observations of the perpetrator that night that we will discuss later in the proceedings  
15 today.

16           Next indicator, Corrie Ellison's cellphone left images and they were  
17 retrieved from his cellphone at 10:40:12. The last images were recorded on his  
18 cellphone leaving some inferences to be drawn with respect to what took place or where  
19 the perpetrator was at the time of 10:40:12.

20           And finally, Wilsons Gas Stops has a surveillance video at 10:51.  
21 Wilsons Gas Stops are located in Great Village, about 10 kilometres to the east.

22           So while I described the prior slide as being key known indicators,  
23 this slide describes key indicators relevant to the sequence of events. That is, there are  
24 a number of pieces of information that we can plug into the six other factors to get a  
25 sense of where the perpetrator was.

26           There is witnesses' recounts of Emily Tuck's cellphone, in that she  
27 sent a text at 10:03, meaning that she would have been alive at that time during the  
28 atrocities that were taking place in the northern part of Portapique at 123 Orchard

1 Beach Drive.

2 At 10:23, there are witnesses' accounts of Joanne Thomas, who  
3 resided at 293 Portapique Beach Road, sending a text to a relative in the United States,  
4 meaning that she would have been alive during the early proceedings and the rampage  
5 of the perpetrator.

6 At 10:33, we know that the first responders were at the top of  
7 Portapique Beach Road in the north end and that they began their ascent into the south  
8 on Portapique Beach Road for purposes of taking on the investigation and perhaps an  
9 attempt to neutralize the active shooter.

10 We know as well there was a 9-1-1 call of Patricia Zimmerman, a  
11 resident of Portapique present at 10:33 reporting some of her observations.

12 And finally, a 9-1-1 call from a resident, Alan Griffon at 10:39 p.m.

13 All of that information, along with the geographical information that  
14 we provided, hopefully will give you a picture. You now have a sense of space. You  
15 now have a picture, to a certain extent, of time.

16 So now I have to talk to you about the perpetrator's role and his  
17 engagement in the community of Portapique.

18 The perpetrator owned properties there, properties of some  
19 significance. I had outlined for you 200 Portapique Beach Road being what's referred to  
20 as "the cottage". You'll see the location there.

21 He owned the warehouse at 136 Orchard Beach Drive.

22 And he also owned a tract of land at 287 Portapique Beach Road,  
23 which was a wooded area.

24 For purposes of setting the context for the narrative, 200  
25 Portapique Beach Road is important, from the information that we have, on the basis  
26 that it was a residence that the perpetrator shared with Lisa Banfield. It's on the west  
27 side of Portapique Beach Road. According to the reports and information that has been  
28 provided to the Mass Casualty Commission, it was a scene of some violence before

1 10:00 p.m. on April 18<sup>th</sup>. The perpetrator resided at this location for weeks, if not a  
2 month or so prior to the mass casualty. He expressed some paranoia, perhaps that's a  
3 little strong word, but it expressed concern with respect to COVID-19. You'll recall in  
4 Nova Scotia that there was a state of emergency declared on March 20th.

5 One thirty-six (136) Orchard Beach Drive, I described earlier we  
6 drove by it on the immersive clip. This is the warehouse, a large structure owned by the  
7 perpetrator whereby he saved and maintained a series of collectibles. He was a person  
8 who collected the physical objects, motorcycles, things of that nature. It was a place  
9 that he had spent a great deal of time on in terms of maintaining and building.

10 The 136 Orchard Beach Drive warehouse has access to 200  
11 Portapique Beach Road through trails in the woods or through the roadways in the area.  
12 It, too, was a location of some physical violence that we will talk about. It is also,  
13 importantly, the location of a replica RCMP police vehicle.

14 Two eighty-seven (287) Portapique Beach Road is an oddly-  
15 shaped physical tract of land, I thought originally a triangle or an anvil shape. It's hard  
16 to describe exactly what it is, but you see how large it is.

17 It's east of Portapique Beach Road, west of Orchard Beach Drive,  
18 runs south on the east side all the way down to Cobequid Court. It runs southwest on  
19 the west side to about 293 Portapique Beach Road. The northeast corner is 136  
20 Orchard Beach Drive, and we will suggest to you that there were cut trails through that  
21 property that are of some significance in terms of the narrative. There were no  
22 structures on April 18th on that land.

23 So I'm still at the set-up stage, I'm afraid, folks, but you need to  
24 have some information with respect to prior to 10:00 p.m. And this information comes  
25 from a source called Lisa Banfield, who I described earlier as the perpetrator's partner  
26 or spouse.

27 This information is necessary to relay to you for purposes of  
28 providing context as to what happened at 10 o'clock.

1 Lisa Banfield, the partner, was picked up at 6:30 in the morning in  
2 Portapique by the Emergency Response Team. She was then removed from  
3 Portapique. She was taken to the Great Village, where the police had established a  
4 command post overnight in response to the mass casualty. She was taken to hospital  
5 in Truro and she was interviewed by police services.

6 She was interviewed on April 19th, 2020. She was interviewed on  
7 April 20th, 2020. She was interviewed on April 28th, May the 8th, July 28th, October  
8 23rd, 2020.

9 These are lengthy recorded interviews the Commission has  
10 reviewed in detail. I will reference them for purposes of context as to what took place  
11 from 10 o'clock thereafter. The information that is being provided to you with respect to  
12 this context is coming from the statements of Lisa Banfield.

13 More information with respect to Lisa Banfield's involvement in the  
14 mass casualty will be coming -- forthcoming in the Commission's inquiry, as she was  
15 prominent and will play a prominent role in some subsequent Foundational Documents.  
16 This important aspect of the Commission's work will be dealt with by other parties with  
17 respect to Ms. Banfield's situation. I'm bringing it to your attention for purposes of  
18 contextualizing what took place at 10 o'clock.

19 Lisa Banfield, in her statements, indicates that she was celebrating  
20 a 19th anniversary with the perpetrator. She says that the couple had taken a drive  
21 through various locations on the afternoon of April 18th, 2020 through northern Nova  
22 Scotia.

23 She says in her statements that they returned late in the afternoon  
24 of April 18th, 2020. She says that they shared drinks at 136 Orchard Beach Drive, the  
25 warehouse.

26 She says that they received a video call from a friend of theirs or  
27 friends of theirs in Maine, mutual funds, in which they exchanged information and  
28 pleasantries. She says that the call content was relatively benign, and then she

1 informed that the discussion changed a little bit when there was conversation or  
2 kibitzing between the perpetrator and the friend in Maine about a commitment ceremony  
3 for purposes of the next year, recognizing a 20th year of engagement between the two  
4 parties.

5 Ms. Banfield says she overheard some negativity with respect to  
6 the commitment ceremony and indicated that she thought she heard the person in  
7 Maine say, "Don't do it" or "Run away" from the relationship, something to that effect.

8 She says in her statements that this caused a dispute. She says  
9 that Ms. Banfield then left 136 Orchard Beach Drive, the warehouse, with a view to  
10 travelling through the trails to go to 200 Portapique Beach Road.

11 Necessary to point out for you the geographical proximity between  
12 200 Portapique Beach Road and 136 Orchard Beach Drive. You can see how they are  
13 relatively close in terms of the wooded area between them.

14 The Mass Casualty Commission investigators have come to a  
15 conclusion that there was a trail, a trail between those two locations. This is a rough  
16 indication of the cut trail through the woods, and that that trail led from 136 Orchard  
17 Beach Drive to 200 Portapique Beach Road.

18 Continuing on with the synopsis of the statement of Ms.  
19 Banfield, she says that after the dispute, the call ended and she left the warehouse to  
20 return to the cottage via the trail indicated. She says that she changed her mind at  
21 some point and returned to the warehouse to speak to the perpetrator.

22 She says that she apologized to the perpetrator and that the  
23 perpetrator at this stage was in a rage. She says that an argument ensued and that she  
24 decided to leave the warehouse. She says she left the warehouse, returned to the  
25 cottage and went to bed at 200 Portapique Beach Road.

26 Lisa Banfield says that, out of the blue when she was in bed, the  
27 perpetrator arrived at 200 Portapique Beach Road. Ms. Banfield says in her statements  
28 that she was dragged from her bed, she was assaulted by an enraged perpetrator.

1                   She says that she was removed from the residence, that he had a  
2 firearm in his presence and that she observed him dousing the cottage with gasoline.  
3 She says at that stage, as she was leaving forcibly with the perpetrator, that the cottage  
4 was set alight and set on fire.

5                   She says that she attempted to leave the perpetrator. She was  
6 unsuccessful in doing so because of his physical containment of her.

7                   She says that she was directed by the perpetrator along the cut trail  
8 path to the warehouse. She says that she was informed that she would be killed if she  
9 tried to run away again, but that she would live if she cooperated with the perpetrator.

10                  Lisa Banfield reports in her multiple statements that she returned to  
11 the warehouse with the perpetrator. She says that she saw the perpetrator pour  
12 gasoline on his vehicles outside of the -- outside of the warehouse.

13                  She says that she was forcibly taken inside the warehouse by an  
14 enraged perpetrator. She says that he attempted to handcuff her, discharged her -- the  
15 firearm in the presence of Ms. Banfield, and then she reports being placed in the back  
16 seat of the replica RCMP vehicle.

17                  She says at that stage that the perpetrator was obtaining and  
18 loading the firearms into the front of the vehicle. She says that the perpetrator then  
19 headed upstairs as she was detained or contained within the back seat of the vehicle.

20                  She then reports that she escaped through the divider section or  
21 what was referred to in the materials as the Silent Patrolman, a strong plexiglass divider  
22 between the front and the back seat of the replica vehicle, was able to make her way  
23 through the divider physically, go through the front seat, and then make her way out the  
24 door and then out of the warehouse into the woods in a state of panic.

25                  She says that she saw the warehouse being lit afire and that she  
26 ran in a state of terror into the woods.

27                  So that's the report of Lisa Banfield. That leads us to 10:00 p.m. At  
28 this point, there are no reports of any fatalities. We have two structures just recently lit



1 alight, on fire, 200 Portapique Beach Road, and 136 Orchard Beach Drive, and that the  
2 narrative that you have heard that I have just relayed is exclusively derived from the  
3 statements of Ms. Banfield.

4 That takes us to 10:00 p.m. You'll recall earlier where I did my best  
5 to explain the proximity between 123 Orchard Beach Drive, 135 Orchard Beach Drive  
6 and 136 Orchard Beach Drive, you'll see them delineated in the slide here.

7 At 10:01 p.m., there is a 9-1-1 call from Jamie Blair at 123 Orchard  
8 Beach Drive. I have to caution you that it's a disturbing, disturbing call. It is essentially  
9 a contemporaneous report of murder. It's bothersome, it's troublesome, and it's been  
10 very difficult to work through.

11 Ms. Blair is inside her home with her two children at 123 Orchard  
12 Beach Drive. Her husband, Greg Blair, is on the deck outside of the home, and then  
13 she reports that the perpetrator arrives in his vehicle. And we have isolated for you a  
14 small portion of that 9-1-1 call in which she says the following:

15 "My neighbour, I think he just shot my husband. He's  
16 lying on the deck. There's a police car in the fucking  
17 driveway. There's a police car, but he drives -- he's  
18 denturist and drives like a -- there is an RCMP, it's  
19 decked and labelled RCMP, but it's not a police  
20 officer." (As read)

21 So you have from the very earliest stages of the mass casualty the  
22 earliest call from the first complainant at this stage describing a great deal of information  
23 and a certain degree of tragedy and horror that she's undertaken to be watching.

24 She says later in the call that she went to check on her husband  
25 and told the call-taker that the man had left the deck and that he was coming back on  
26 the deck with a big gun. Jamie Blair then retreated to the bedroom with her two  
27 children. She had two children aged 9 and 11. She identified the man to the call-taker  
28 at this stage as Gabriel. She tells the call-taker that she's in the back room and that the

1 perpetrator's car is still there. Ten seconds later, on the 9-1-1 recording, you hear  
2 banging sounds, you hear screaming sounds, and the phone line disconnects. It's  
3 awful. Jamie Blair was shot at this time through the door of her bedroom protecting her  
4 children.

5                   The children hide on the floor between the parent's bed and the  
6 back wall. Perpetrator entered the bedroom where he had shot Jamie Blair and shot  
7 her again. The perpetrator then left the bedroom.

8                   The children, in their investigative reports and interviews with the  
9 police, tell the police that they heard the perpetrator enter the home and they heard the  
10 perpetrator shoot their pet dog and cat before he came to the bedroom. The children  
11 informed the police investigators that the perpetrator fired multiple rounds through the  
12 bedroom door from the hallway and that their mother was blocking the door when she  
13 was shot.

14                   After the homicide, the perpetrator left the residence. The children,  
15 who were at this stage behind the bed in the bedroom where their mother had just been  
16 shot, relocate to one of the elder -- the elder child's bedroom closet. They hide in the  
17 closet, not knowing what's going on. They then hear smoke alarms. They fear fire.  
18 These are 9 and 11 year old's. They get dressed and they arrange to leave the  
19 residence. On their way out of the residence, the elder child notices burning logs  
20 scattered outside the wood fireplace in the living room.

21                   5:30 a.m. when the ERT team responds to clear the residence they  
22 noticed or discovered that the gas supply in the kitchen was open and dispersing  
23 openly. The house didn't burn. It was certainly set up to, it would be suggested by the  
24 Commission here.

25                   The children describe leaving 123 Orchard Beach Drive and going  
26 through a bike path to the McCully residence to their south. They knock on the McCully  
27 residence. It's answered by the two McCully children, who were residing at that  
28 residence at that time.

1                   The Blair children, in their statements to the police, made no note of  
2 encountering Lisa McCully on their way to 135 Orchard Beach Drive. So after the  
3 shooting of Greg and Jamie Blair, you have the two Blair children witnessing the horrors  
4 of that event and then making their way through a bike trail, through the wooded divide  
5 between the two locations, and making their way to 135 Orchard Beach Drive. At some  
6 time after this incident, at around 10:05, 10:06, 10:07, the time's unclear, we have four  
7 children together at 135 Orchard Beach Drive.

8                   Second point that I had raised earlier with respect to timing was  
9 10:13:50. Mass Casualty Commission is of the view that Lisa McCully had left  
10 135 Orchard Beach Drive before 1 -- 1 -- 10, sorry 10:13:50, and prior to the children  
11 making the 9-1-1 call at 10:16. So it's important for placement and timing, the phone of  
12 Lisa McCully and the ability of the phone to self-locate through GPS mechanisms is  
13 such that it's around 10:13:50 or earlier that the Mass Casualty Commission believes  
14 she was murdered.

15                   The phone was discovered later under her leg the next day. We  
16 submit that it's plausible that at 10:13:50 her body obstructed the phone's GPS  
17 signalling and that she was murdered at that time or shortly before. She left  
18 135 Orchard Beach Drive sometime before that time, and before she -- as she leaves  
19 she is shot at some time and the signal is obstructed.

20                   The McCully children report being with their mother at 135 Orchard  
21 Beach Drive throughout the evening. There are two McCully children, both the same  
22 ages as the Blair children. They were with their mom. The younger child and Lisa  
23 McCully and the older child, excuse me, were in the basement. They were dealing with  
24 some mundane things late in the evening of April 18th. The younger child and Lisa  
25 McCully at around 10 o'clock or thereabouts went upstairs to go to bed, leaving the  
26 elder child in the basement below.

27                   The younger child heard some noise, according to the reports  
28 provided to the police, heard a noise or an explosion and then he saw his mother, Lisa

1 McCully, go outside to see what was happening. She goes outside, and the last  
2 instructions she gives to the younger child are, "You stay here." Lisa McCully steps  
3 outside. She was wearing her nightwear at that time. She returns in for a sweater  
4 because it's cold, and she leaves again. The older child is in her bed, the younger child  
5 is in his bed upstairs. The younger child then hears shots, and he runs down at that  
6 stage to the bedroom of the elder child. They communicate, and then decide to go  
7 upstairs. When they go upstairs, they meet the Blair children at the door.

8                   10:16 p.m. There's a 911 call from the children to the OCC, or the  
9 operational -- the Communications Centre in Truro, the 911 Centre. As I indicated  
10 earlier, at that 10:16 time period, there was an ongoing call that lasted for 2 hours with  
11 the kids and the call taker. The children make the 911 call and advise of the Blair  
12 parent's homicide, that the perpetrator has set fire to his own garage. Two minutes into  
13 the call, at 10:18:30, we see the following exchange of text that has been presented for  
14 you, OCC being the call taker. "Did you see what kind of vehicle?" AD, being one of  
15 the children, "Ah, it was a police car. I couldn't find, I couldn't find the, ah, the license."  
16 Call taker: "Oh, okay. Did you see anything else about the vehicle? You said it was a  
17 police car?" "Yes, it was." "It was?" "Just like the, um, like the police car." So you  
18 have information at 10:18:30, 2 minutes into the telephone call, after people get oriented  
19 and things get oriented, describing a police car being involved in this casualty.

20                   Three minutes into the call at 10:19:22 p.m., the children advise  
21 that their mother, Lisa McCully, is not present. They advise the call taker that she went  
22 over there, and she hasn't come back. At 10:19:22, the older children advise that the 2  
23 younger children have actually left the building and they are outside and they're not sure  
24 where they are. One of the younger children says that they went out on the ditch and  
25 the trail made -- that they had made to the Blair's location earlier, and they describe  
26 watching what they said was the perpetrator, watching him go back and forth, Gabriel in  
27 his car. They describe him going super fast on Orchard Beach Road. They use that  
28 expression, "Orchard Beach Road."

1                   At 10:21:20, the children on the advise -- on the phone, advise that  
2 shots are going off every 30 seconds. At 10:22:32, the 2 older children advise the call  
3 taker that the 2 younger children who had gone out to the trail have returned to 135  
4 Orchard Beach Drive. So at 10:22:32, we have all 4 children in the kitchen, in the  
5 middle of the house at 135. This is about six minutes into the call. The children  
6 describing a horrific scene of fire and shooting and no parents, the Blair children  
7 providing details even more specifically of the murder of their parents.

8                   10:30:12, children describe the car -- a car driving by, and they  
9 advise the call taker that it's the perpetrator, or that the perpetrator would blend in  
10 because of the car, because he has a cop car, to use the appropriate expression. I've  
11 listened to the 91 (sic) call, 11 call, I've listened to it more than once. It's alarming. I've  
12 been doing this a long time. The children's poise, their presence, their capacity, their  
13 ability to engage with the call taker is simply outstanding. They are calm, they are  
14 responsive, they are observant. They identify people, they identify places, they identify  
15 things, and they communicate with the call taker in a manner that is, as I said,  
16 outstanding. At one point, the kids express concern for elderly members of Portapique  
17 given the fires, and express concern for officer safety. I guess it's not my place to say  
18 what I think about the kids, but.

19                   You now have a sense of what took place at 123 Orchard Beach  
20 Drive and 135 Orchard Beach Drive, total horror, 4 children in a household talking to a  
21 call taker.

22                   I now need to take you to Cobequid Court, and I take you to  
23 Cobequid Court because it's part of the hypothesis of the Mass Casualty Commission,  
24 that after 123 and 135 casualties occurred, that more casualties occurred on Cobequid  
25 Court. I remind you that Cobequid Court is the home of Jolene Oliver, Aaron Tuck and  
26 Emily Tuck. 46 Cobequid Court, their home, or the residence at that time of Peter Bond  
27 and Joy Bond.

28                   This is a different aerial view of the location of the Bond and the

1 Oliver Tuck residence. You get a sense of how close they are in terms of the physical  
2 proximity, given how things are a bit stretched out in Portapique. We have little  
3 information, I am afraid. We don't have a telephone call, a 911 call from the Tuck,  
4 Oliver or Bond residence. And as much as we have worked on this file with respect to  
5 trying to obtain what took place, tremendously frustrating aspects of it is the lack of  
6 information from the south of Portapique area, Cobequid Court.

7                   We know that the Tucks and Olivers were shot and killed in the  
8 entranceway, just inside the home at 41 Cobequid Court. They were shot one after  
9 another. Aaron Tuck was shot and killed first, followed by Jolene and then Emily. We  
10 know that the Bonds were shot in the entranceway at 46 Cobequid Court. Peter Bond  
11 was shot first and Joy was shot in the living room area of that residence. The houses  
12 were close together. It would not take much time for a perpetrator to go from one  
13 residence to another. We cannot provide for you details of where the perpetrator went  
14 first, whether he went to the Tuck, Olivers or whether he went to the Bonds, but we  
15 know that -- we believe that the proximity was very close. We have information that  
16 Emily Tuck was texting to her friend at 10:03, such that she would have been alive at  
17 the time of the atrocities at 123 Orchard Beach Drive.

18                   So this is where the Mass Casualty Commission has to  
19 hypothesize, and it's something that's not irregular in courts, drawing inferences from  
20 known facts. It would be great if we had the audio and the video in a macabre sort of  
21 way because it would be so easy to provide answers to Nova Scotians, but we can't do  
22 that other than to draw pieces together. The Mass Casualty Commission presents a  
23 hypothesis that the perpetrator, after the atrocities at 123, departed from that location  
24 and headed south. We just don't know the exact movements of him, other than to say  
25 10:05 is likely the time, or thereabouts, he left the residence at 123 and about 10:20 is  
26 about the time he returned up to 71 Orchard Beach Drive, home of the Gulenchyns.  
27 That leaves a very short window of 15 minutes, given the geographical area that we're  
28 talking about here.

1                   The Commission hypothesizes that he left 123 Orchard Beach  
2 Drive and headed south, and that he attended the residences of the Tuck, Olivers and  
3 the Bonds and committed the atrocities therein in a very quick and just a sickly efficient  
4 manner. We hypothesize that he then returned north, up to Orchard Beach Drive, and  
5 at that time, it is plausible that he encountered Lisa McCully, who you will recall earlier  
6 from the telephone material extraction that had been located, was likely out on the front  
7 lawn area of 135. We would be hypothesizing that that is when she met her demise;  
8 was murdered by the perpetrator.

9                   The perpetrator then left that location and went to 71 Orchard  
10 Beach Drive, where there is more significant information of an actual physical  
11 description of where he was and what he did that we can help provide the Nova  
12 Scotians some answers.

13                   We present a hypothesis 2, which is similar -- not identical but  
14 similar to that which we have suggested with respect to the demise of the residents on  
15 Cobequid Court. That is that he leaves 123 Orchard Beach Drive at around 10:05,  
16 proceeded south and encountered Lisa McCully at that point.

17                   At that point it would be 10:13'ish or in that area, so he would have  
18 spent some time in the area of 123 Orchard Beach Drive. Kids say they saw him driving  
19 around, but other than that, it's very difficult to isolate where or how he could have been  
20 involved at that location and what he was doing.

21                   We hypothesize that after he met and murdered Lisa McCully, that  
22 he proceeded south to Cobequid Court. At that location, he committed the atrocities at  
23 the two households that we have identified. And then he proceeded north to 71  
24 Orchard Beach Drive for purposes of engaging in the awful activity at that location  
25 where the Gulenchyns are.

26                   This second hypothesis is perhaps less plausible than the first  
27 hypothesis because it creates a very, very tight timeline for his activity on Cobequid  
28 Court and the ability to travel north and south on those roads that you've seen. The

1 Mass Casualty Commission cannot rule out the possibility that that took place, but  
2 under the circumstances, it's submitted that the first hypothesis is more plausible, given  
3 timing that has taken place.

4 We can't rule out the second one but it is, nonetheless, significant  
5 in terms of what took place. It does provide you with an explanation and timing for the  
6 demise of the Blairs, Lisa McCully, or the Tuck/Oliver residence and the Bond  
7 residence.

8 So I wish to summarize at this point, and I think probably this will be  
9 a good time to take a break. I wish to summarize what we know and what we believe  
10 we know or what we think we know, in terms of the observations and information that's  
11 been provided.

12 That between 10:00 p.m. and 10:20 p.m. we hypothesize that the  
13 perpetrator victimized four households. We hypothesize that the perpetrator murdered  
14 eight individuals. We believe that by 10:20 p.m., the perpetrator has advanced from the  
15 south of the Portapique area up to 71 Orchard Beach Drive where then Frank and Dawn  
16 Gulenchyn were murdered and their house burned to the ground.

17 I would propose at this stage, Commissioners, that it's likely a good  
18 time to stop before we go into the next segment of information with respect to  
19 observation of witnesses.

20 **COMMISSIONER MacDONALD:** Thank you, Mr. Burrill. Are you  
21 suggesting we would take what I would describe as an early lunchbreak, then?

22 **MR. ROGER BURRILL:** It might be a good idea, Commissioner.

23 **COMMISSIONER MacDONALD:** All right.

24 **MR. ROGER BURRILL:** And then if we return early, I can finish  
25 earlier and that will be, I'm sure, ---

26 **COMMISSIONER MacDONALD:** All right.

27 **MR. ROGER BURRILL:** --- be pleasant to everybody.

28 **COMMISSIONER MacDONALD:** Perhaps, then, we could -- we



1 could break for an hour. Let's say we'll break, then, till 12:45, which is just a little more  
2 than an hour. And thank everyone for their patience, and thank you, Mr. Burrill.

3 **MR. ROGER BURRILL:** Thank you.

4 **REGISTRAR DARLENE SUTHERLAND:** Thank you.

5 The proceedings are now on break, and will resume at 12:45.

6 --- Upon breaking at 11:39 a.m.

7 --- Upon resuming at 12:46 p.m.

8 **REGISTRAR DARLENE SUTHERLAND:** Welcome back.

9 The proceedings are again in session.

10 **COMMISSIONER MacDONALD:** Mr. Burrill.

11 **MR. ROGER BURRILL:** Thank you, Commissioners.

12 Well, this morning we went through an extensive geography review  
13 for purposes of familiarizing you with the location; we discussed some timing and some  
14 key points with respect to timing. And then we got into, what I would submit to you, was  
15 the first 20 minutes of the mass casualty event. It took a long time to do that; forgive  
16 me, but this information is important and you need to hear every piece of it.

17 The difficulty with the first 20 minutes, of course, is that the  
18 Commission has had to hypothesize behaviour and movements of the perpetrator. But  
19 from about 10:20 p.m. on, information becomes a little bit more clear, and a little more  
20 precise, and a little more specific. And then at the tail end of the evening, things get a  
21 little bit more vague again, such that hypothesizing and theorizing will need to be  
22 reviewed.

23 However, at 10:20 -- forgive me a moment, folks. I've got to get  
24 back in my rhythm here.

25 At 10:20 there is some information that comes to the Commission,  
26 in terms of what took place. The perpetrator's movements get noticed by witnesses.  
27 And you'll see on this slide that we have described the witnesses being the MacDonalds  
28 and identified them as the MacDonald group.

1 Andrew and Kate MacDonald are residents of Portapique who were  
2 home on the night of April 18<sup>th</sup>. And, in fact, were getting ready for bed around that  
3 time, nothing out of the ordinary having had occurred throughout the day for them.

4 However, at around 10 o'clock, they report that they saw fire  
5 coming from the south of their community. We know that around that time, 200  
6 Portapique Beach Road and 136 Orchard Beach Drive had been set ablaze, so it's  
7 reasonable that they made those observations.

8 The fire became significant enough that the MacDonalds decided to  
9 leave their home and travel south on Orchard Beach Drive for purposes of making the  
10 observations and perhaps determining what was taking place.

11 So at that time, they decided to leave and travelled south down  
12 Orchard Beach Drive towards 136 Orchard beach Drive. And you will note as they went  
13 past -- as they went south towards 136 Orchard Beach Drive, they had to pass 71  
14 Orchard Beach Drive; 71 Orchard Beach Drive, the residence of Frank Gulenchyn and  
15 Dawn Gulenchyn.

16 At that point, Andrew MacDonald reports seeing a police vehicle in  
17 the driveway at 71 Orchard Beach Drive. He didn't make much note of it, other than the  
18 fact that there was a fire ongoing, there was a police car there; perhaps it was a police  
19 response.

20 He reached 136 Orchard Beach Drive and made some  
21 observations of the fire that was at that location. Mr. MacDonald then checked his  
22 phone for purposes of seeing whether he had contact information for the owner of 136  
23 Orchard Beach Drive, the perpetrator. And he didn't, so at that point he decided to  
24 make a call to 911.

25 So at 10:25:25, Andrew dials 911, and he describes what it is he's  
26 seeing. So 10:25:25 is important because we've got MacDonald in the community  
27 observing the fire at 136.

28 He turns his vehicle around and heads north; and as he heads

1 north, he gets to 71 Orchard Beach Drive; and this is important because at this stage,  
2 he notices something different about the location and he makes -- as he's on the phone  
3 with 9-1-1, Kate MacDonald and Andrew MacDonald describe what they're seeing. At  
4 10:26:25, Kate MacDonald says, "Oh my God." They are, at that time, at the  
5 Gulenchyn's, and viewing and seeing that the house is on fire.

6 MacDonald is in front of the residence at that time and there's  
7 communication with the 9-1-1 operator in which they exchange some information.

8 Now, this 9-1-1 call, when you listen to it, is very hard to understand  
9 simply because there's a lot of talking very quickly in a panicked fashion. But at the  
10 same time, it has been transcribed in this way so that you can get a sense.

11 There is Andrew MacDonald talking at points. There is Kate  
12 MacDonald talking at points. There is the dispatcher, CT01 in this case, talking, Call  
13 Taker 1. And there is the fire dispatcher. The reason that there are four people talking  
14 is because the call has been on the line for about a minute and Andrew has advised of  
15 a fire, the Call Taker has contacted fire dispatcher, and they're all on the same call at  
16 the same time.

17 Andrew MacDonald, at 10:26:25 says:

18 "Yeah, like, the police officer is parked at this driveway  
19 but I don't know what the, like he's coming around. I  
20 don't know if he's going to talk to me or what.

21 Fire: Is it safe for him to be on that road? ...

22 Andrew MacDonald: But, uh.

23 Fire: ... Right now?

24 Andrew MacDonald: Yeah, fire.

25 [...]

26 CT01: Sir? Sir?

27 [...]

28 Andrew MacDonald: I've been shot.

1                                   [...] Fire?  
2                                   [...] I've been shot.  
3                                   [...] Fire, so you aware there's [...] shots [been] fired?  
4                                   [...]  
5                                   Kate MacDonald: What the fuck is happening?  
6                                   Andrew MacDonald: It's our neighbour, Gabe, he just  
7                                   shot me in the arm."

8                                   Now, the interesting thing about the call, of course, is not only the  
9 words being used and the fact that it is contemporaneously recording the action of the  
10 shooting by the perpetrator, but the fact that you hear the shots in the call, you hear the  
11 female screaming, in this case Kate MacDonald, and you can hear the woman  
12 screaming again later in the call. It's alarmingly dramatic. And that is the MacDonalds,  
13 at that point, have experienced the perpetrator face to face.

14                                  At 10:26:25, and immediately thereafter, the MacDonalds are at 71  
15 Orchard Beach Drive when the perpetrator left the driveway, came around, and pulled  
16 up beside the MacDonald vehicle. Both cars are heading north. The perpetrator's  
17 vehicle is, according to Andrew MacDonald, about two feet away from his vehicle. The  
18 vehicles are faced in the same direction. And at that time, Andrew MacDonald sees the  
19 perpetrator point a handgun at him with a laser pointer pointed into his vehicle and  
20 discharges two shots into the MacDonald vehicle.

21                                  At 10:27:11, the call actually records the shooting. You can hear  
22 the shooting in the call.

23                                  Andrew MacDonald, the driver of the vehicle, is shot in the shoulder  
24 and the second shot grazes his forehead.

25                                  Andrew MacDonald yells:

26   "It's our neighbour, Gabe, he just shot me in the arm."

27                                  Andrew MacDonald, at that time, floors it, to use his expression.

28 He heads north. He comes to the intersection of Portapique Beach Road and Orchard

1 Beach Drive and turns right towards Highway Number 2. He's followed by the  
2 perpetrator in the replica RCMP vehicle. When he turns right, he loses sight of where  
3 the RCMP replica vehicle is.

4 At 10:28, Andrew MacDonald encounters Cst. Stuart Beselt. Stuart  
5 Beselt is the first responder from the Bible Hill Detachment, first arriver, and a person  
6 that arrives there at around -- well, at 10:28, around 33 Portapique Beach Road.

7 So you'll recall three hours ago I told you about 33 Portapique  
8 Beach Road being important. That's where Andrew MacDonald and Stuart Beselt, Cst.  
9 Stuart Beselt, meet.

10 Andrew MacDonald and Stuart Beselt know each other from the  
11 community and they exchange information very quickly. Andrew advises that he's been  
12 shot, and Stuart Beselt, at that stage, engages in what he will describe later as his IARD  
13 response.

14 So we had Andrew up at the intersection -- sorry, at 33 Portapique  
15 Beach Road. We have the perpetrator somewhere behind him. We have the RCMP  
16 engaged at that point.

17 But that's not all. With the assistance of some of the Participants in  
18 this inquiry, the Inquiry has been able to -- the Commission has been able to learn of  
19 the presence and involvement of David Faulkner and his family.

20 At around 10:20 p.m., David Faulkner and his family, his partner  
21 and his daughter, were returning from the east, near Truro, along Highway 2 towards  
22 Bass River.

23 David Faulkner reports that he notices fire in Portapique. He's a  
24 former resident of Portapique. He's of the view that there's something out of the  
25 ordinary. He turns at Portapique Beach Road and enters into the community, where he  
26 sees the fire.

27 He drives into Portapique Beach Road, passes 71 Orchard Beach  
28 Drive, the Gulenchyn residence, just like Andrew MacDonald had done.

1                   He saw, at that stage, a marked police vehicle at Frank's. He  
2 knows Frank as being a former neighbour. He says that the driver's door is right at the  
3 front door of the Gulenchyn residence, pointing south.

4                   David Faulkner said he sees a fire on the left side of 71 Orchard  
5 Beach Drive. The flames are about two feet high. He says in his description and his  
6 statement that it almost looked fake to him.

7                   He's on his way into 140 Portapique Crescent, which is where he  
8 formally resided and has an acquaintance/friend who lives there, and he was simply  
9 going in to check and see what it was about, given the fires in the community.

10                  He drives in 140 Portapique Beach -- Portapique Crescent,  
11 according to his statement, pulls into the driveway, and makes a phone call to the  
12 resident at 140, Mr. Joudry. He doesn't get a response. He gets voicemail.

13                  At that stage, he and his family decide, "We best make our way out  
14 of this community, given the substance and the nature of the fires.

15                  So he turns around in the driveway, retraces his route to Orchard  
16 Beach Drive, and then turns right. And when he turns right, he notices two cars side by  
17 side positioned ahead of him, entirely consistent with the description provided by  
18 Andrew MacDonald and Kate MacDonald about their interaction -- encounter with the  
19 perpetrator.

20                  He not only says that he sees two cars side by side, but he hears  
21 loud sounds. And then he noticed both cars speed north.

22                  The Faulkners, at that time, are in an unusual position, obviously.  
23 Fires in the area, two cars, loud noises. The Faulkners -- David Faulkner decides to  
24 leave the area and follows the vehicles as they leave Portapique Beach Road and  
25 Orchard Beach Drive.

26                  He's following Andrew MacDonald. He's following the replica police  
27 car. And as he approaches the intersection at Portapique Beach Road and Orchard  
28 Beach Drive, the MacDonald car turns right and meets the first responders.

1                   The police car, according to David Faulkner, goes across the  
2 intersection of Portapique Beach Road and Orchard Beach Drive and stops there.

3                   Mr. Faulkner obviously has a decision to make as to where and  
4 what he's going to do. Mr. Faulkner turns right. He turns right and follows the  
5 MacDonald vehicle. He does not engage with the replica RCMP vehicle.

6                   He stops about three or four car lengths behind the MacDonald  
7 vehicle while the police interact with Andrew MacDonald. He describes the police  
8 vehicle of Stuart Beselt as being an SUV that parks nearly across ways in the road. He  
9 does not see the path of the perpetrator from his position there because he says there's  
10 a dip in the road. You will recall from the clip that was shown earlier between 33  
11 Portapique Beach Road and Orchard Beach Drive there's a dip in the road. There is a  
12 brief interaction with the police by the Faulkners. The Faulkners have an exchange with  
13 Cst. Beselt. Cst. Beselt describes it as being a full exchange with the carbine drawn at  
14 that stage on the basis of information that he's received from Andrew MacDonald, an  
15 intense situation. He gleans information from Faulkner to the point where he says, "You  
16 can leave. Please report your -- who you are, what you saw. Just get out of this  
17 neighbourhood." The Faulkners then leave Portapique Beach Road, travel west, and go  
18 to Bass River.

19                   So we now have information from Andrew MacDonald, sighting the  
20 perpetrator at 10:20 to 10:28. We have information from David Faulkner and his family  
21 sighting the perpetrator at around that time. But we also have additional information. At  
22 10:27 p.m., Allison Francis, a resident of Portapique Beach Road, the -- sorry, Orchard  
23 Beach Drive, forgive me, the northern portion of Orchard Beach Drive makes a call to  
24 911. She's in that house with her family, and is observing fires, and is observing things  
25 going on in her neighbourhood, and calling 911 to report this. She says that she makes  
26 an observation that is entirely consistent with what the MacDonalds had described and  
27 the Faulkners had described, and we have excerpted a portion of the 911 call that I'll  
28 read in the record. At 10:27, Allison Francis says:

1 "I hear shots, or fireworks, or something. Three  
2 vehicles leaving Orchard Beach Drive. I hear the fire  
3 alarms. They're not answering. I texted."

4 The 911 operator or the call taker says, "Okay. So do we know  
5 what's going on there?" Allison Francis says,

6 "No, we don't know what's going on in particular. Just  
7 as I was calling you there, somebody's screaming,  
8 like, kids sounding, and then three vehicles just left."

9 MacDonald describes the shooting, Faulkner describes seeing the  
10 MacDonald perpetrator vehicle, Allison Francis hears the interaction of the shooting at  
11 the side of the road. So we have very dramatic information with respect to the  
12 behaviour of the perpetrator at around 10:27 p.m. after he's engaged in all of this  
13 mayhem. She makes reference, Allison says, to texting and calling. She has actually,  
14 previous to this 911 call, texted her neighbours, the Gulenchyns, and has been unable  
15 to get response from them.

16 So we've got information now, as I've described, from the  
17 MacDonalds, the Faulkners, and from Allison Francis, but we also have information that  
18 was gleaned from the Zimmerman family. Prior to 10:33, the Zimmermans were at their  
19 residence at 134 Portapique Crescent. 10:33 is the time of a 911 call by Patricia  
20 Zimmerman reporting concerns over fires in her community, but before she makes that  
21 911 call, her husband and her son, Ron and Patrick Zimmerman, noticed fires in the  
22 community and they decided to go have a closer look in the community to see what they  
23 saw. They live at 134 Orchard -- Portapique Crescent, as I said. They travelled south  
24 in their van along Portapique Crescent to the southern intersection of Portapique  
25 Crescent and Orchard Beach Drive. This is all before 10:33. Then they travel north on  
26 Orchard Beach Drive and notice a fire, the fire being at 136 Orchard Beach Drive, the  
27 warehouse that we've already described having been lit. They then return to 134  
28 Portapique Crescent, but not before they actually get to 134 Portapique Crescent and



1 then turn around to come back and look at the civic number at 136 for purposes of  
2 ensuring that when they call 911, they'll be able to give a civic number for the scene of  
3 the fire. The point being is that the Zimmermans, before 10:33, are actively engaged in  
4 driving around the Orchard Beach Drive area. They do not proceed -- they proceed to  
5 134. They do not proceed up to 71 Orchard Beach Drive, where we have described the  
6 shooting and the fire and the murder of the Gulenchyns at that residence.

7           So, at this stage, there was the call at 10:33, and the Zimmermans  
8 are engaged in moving around that neighbourhood and making a great deal of  
9 observations. None of their observations involve seeing the perpetrator.

10           So I'm afraid we have to hypothesize again here for purposes of  
11 creating a narrative. We're able to determine without any question that the perpetrator  
12 was at the residence at 71 for the period of time that he was in advance of shooting  
13 Andrew MacDonald, but we're also able to determine that he goes to the corner of  
14 Portapique Beach Road and Orchard Beach Drive and is there for some time when the  
15 police are to the north responding. It is at this point that the Mass Casualty Commission  
16 hypothesizes, as a result of a number of factors, that the perpetrator must have gone  
17 south on Portapique Beach Road, and we say that for a number of reasons.

18           Given the presence of the RCMP at the north and no observations  
19 of him at that time, it's unlikely that he went north. Given the timing hypothesized with  
20 respect to Cobequid Court and the disasters that were at that location, we're of the view  
21 that that period of time had actually occurred such that the only location whereby the  
22 atrocities we have not accounted for are at the southern portion of Portapique Beach  
23 Road. Given the presence of the Zimmermans in and around Orchard Beach Drive and  
24 their absence of seeing the perpetrator coming back in that area, and given, of course,  
25 the victimization of Joanne Thomas and John Zahl after 10:23, it is hypothesized by the  
26 Commission that the perpetrator proceeded south towards 293 Portapique Beach Road  
27 after 10:28 p.m. when he was at the corner of Orchard Beach Drive and Portapique  
28 Beach Road. 293 Portapique Beach Road, of course, was the residence of John Zahl

1 and Joanne Thomas. This also was a home that was destroyed by fire.

2                   So Mass Casualty Commission posits that, at this stage, the  
3 perpetrator went to 293 Portapique Beach Road. The information that we have is that  
4 at 10:23, Joanne Thomas had text her neighbours and -- sorry, her family in the United  
5 States. She made no mention in the context of those discussions of anything going on  
6 in her community. The only way to fit the pieces together, and I talked to you earlier  
7 about thousands of pieces being tried to put together, is that this is when the perpetrator  
8 attended at the Portapique Beach Road, 293 Portapique Beach Road residence. We  
9 know that Alon Griffon resided at 4 Faris Lane, right across the street from 293  
10 Portapique Beach Road. He heard popping sounds at an unspecified time in the  
11 evening of April 18<sup>th</sup>, but before he made a call to 911. He made a 911 call at 10:39  
12 p.m. and indicated that he had seen a fire at 200 Portapique Beach Road, the cottage.  
13 He did not describe seeing a fire at 293 Portapique Beach Road right across the street  
14 from him. You would think that he would have seen that if that actually occurred.

15                   So all of the information that is presented collectively, the  
16 Commission is of the view that the perpetrator travelled south. Because of the 10:23  
17 text to Joanne Thomas, because of the Zimmerman's observations of no movement in  
18 that area of -- by the perpetrator, and because of Alon Griffon's observations, we're of  
19 the view that he went to 293 Portapique Beach Road at that time, but this leaves a very  
20 important question. If after 10:23, after 10:28, he went to that location, where did he go  
21 after that?

22                   After the perpetrator proceeded south and committed the atrocities  
23 at 293 Portapique Beach Road, where did he go? How could he possibly have avoided  
24 detection given his physical location at the southwest corner of Portapique? What did  
25 he do?

26                   We know that at 10:33 the police response was undertaken, that is,  
27 three members of the Bible Hill detachment attended at Portapique Beach Road,  
28 organized together in what's known as an Immediate Action and Rapid Deployment

1 methodology, and started proceeding south on Portapique Beach Road.

2                   When they got to about 200 Portapique Beach Road and observed  
3 a fire there at the cottage, they, too, did not see any fire to the south. So the Portapique  
4 Beach Road area has police responding from the north pressing down. How could the  
5 perpetrator have escaped by going north unless the police didn't see him?

6                   We will be talking tomorrow about the police response, what they  
7 saw and what they did. I'm going to suggest to you that it would be highly unlikely that  
8 the police under those circumstances didn't see him. This is where 287 Portapique  
9 Beach Road becomes so important to the narrative.

10                   You will recall a few hours ago I had described Portapique Beach  
11 Road as a property owned by the perpetrator located between the perpetrator's  
12 properties up at 136, 200 in the north, and between 293 Portapique Beach Road, the  
13 residence of the Thomas Zahls, and also Cobequid Court to the east. The question  
14 becomes could the perpetrator have left the area without detection by use of this  
15 property.

16                   We'll suggest to you that there are traversable trails through the  
17 property at 287 Portapique Beach Road and, in an effort to give you a sense of those  
18 trails at Portapique Beach Road, the Mass Casualty Commission's investigators in  
19 August of 2021 went out and made observations of the property. And the same caveat  
20 that I described for you earlier about foliage, timing, differences in location, lighting  
21 apply to this, but it will be submitted that under these -- these trails existed in 287  
22 Portapique Beach Road and not only existed, but existed such that a vehicle could have  
23 made their way from 29 Portapique Beach Road up through the trails to 136 Orchard  
24 Beach Drive.

25                   And there's more than just one reason for saying that, but I think it's  
26 important for you to get a sense of the cut trails that the Commission's investigators  
27 have found or found in August.

28                   So I have a one-minute, 45-second video of some of the trails

1 through that property and I'm going to show it to you now. Same problem that I  
2 described earlier about the jumpiness of the video. If you're at all susceptible to that,  
3 you may want to look away.

4 This is the opening of the trail at 136, so I had said to you that the  
5 Mass Casualty Commission's positing that the perpetrator left from 293 and proceeded  
6 north.

7 The video that we have for you is actually from the other way  
8 around. My apologies for that. But we start at the north from behind the warehouse  
9 property of the perpetrator, and we'll show you what you can observe from that position.

10 **[VIDEO PLAYBACK]**

11 So you've seen a minute and 45 seconds of the trails, the cut trails  
12 through 287 Portapique Beach Road. I'm informed that the complete video is available  
13 on the website for you to see it going from point A to point B.

14 We have the video actually at the south end now at Portapique  
15 Beach Road. Once again, it's kind of inverted, but this will show you the video at the  
16 south end of Portapique Beach Road as you emerge onto Portapique Beach Road by  
17 293 Portapique Beach Road.

18 **[VIDEO PLAYBACK]**

19 So you get a sense that there are trails through that property. You  
20 also get a sense that there are trails through that property whereby a motor vehicle  
21 could be operated, and it's important that it could be operated because it would be  
22 undetectable to people who are responding at that point.

23 So the information from August of 2021 is that there are cut trails  
24 that are traversable. The Commission posits that those trails were suitable for a motor  
25 vehicle. Our investigators have gone through the process of concluding that that's the  
26 case and, as a result, there is the ability of the perpetrator to make his way to Orchard  
27 Beach Drive from Portapique Beach Road without being detected by the responding  
28 police officers.

1 But there's more information than just the fact that there are cut  
2 trails available, and that is, there are observations of the children.

3 So we go back to that telephone call from 10:16 that the children  
4 had with the call taker. At 10:39, they're still on the line with the call taker and they're  
5 describing what it is they're seeing. And the description that they provide is extremely  
6 important for terms -- in terms of trying to determine the whereabouts and movements  
7 of the perpetrator.

8 And I'm going to read the transcript to you. It's partially here. But  
9 the important thing for you to know is that there are four kids that are involved in  
10 communicating information and there is a call taker who's doing his best to synthesize  
11 that information.

12 At 10:39, the call taker says, after talking about the person named  
13 Gabriel, "This Gabriel doesn't live in the area does he?".

14 AB says:

15 "Ah he does. He , he live – he kind of does, he lives  
16 on the main road, like on – not the paved road but like  
17 – he lives on the government road. But he, he's been  
18 here the past few weeks but he doesn't coming out  
19 [then there's a break] – oh there's a car going out of  
20 Gabriel's. It's Gabriel. No, you don't know that, Bud."  
21 "There's a car."

22 OCC:

23 "Okay. Just stay where you are; okay?"

24 AB:

25 "There's gunshots."

26 Call-taker:

27 "Just stay on the floor where you guys are; okay?"

28 AB:

1 "I can hear him talking. He's talking. Well, I can hear  
2 someone. Yeah. No."

3 Call-taker:

4 "Okay. Are they talking outside?"

5 AB:

6 "No, but we can hear gunshots."

7 Call-taker:

8 Okay. Just stay on the floor; okay? Everybody stay  
9 together on the floor there. Stay away from the  
10 windows or the doors; try not to look outside."

11 "We gotta move then because we're right by the..."

12 The children, at 10:39, have heard gunshots and seen a car going  
13 out of Gabriel's. All observations from the children have been consistent with what they  
14 saw, what they did, and how they reacted. It's extremely important information. A car  
15 coming out of Gabriel's. We know that on the 9-1-1 tape the kids are talking over each  
16 other because they're excited. "Okay, there's a car going out of Gabriel's." It's Gabriel."  
17 "No, you don't know that, Bud." These are kids talking over each other. But the point  
18 simply is, is that there's a car coming out of Gabriel's. If there's a car coming out of  
19 Gabriel's at 139 that's entirely consistent with the hypothesis being presented that the  
20 perpetrator left 293 and went through the cut trails and emerged at 136.

21 Recall, that the children had been on the phone since 10:16 and  
22 been on this line for over 20 minutes and have at least developed some relationship  
23 with the call-taker with respect to information being provided. Cut trails, children's  
24 observations, and something else.

25 10:36 p.m., three minutes earlier, Corrie Ellison and Clinton Ellison  
26 are involved in this matter. Corrie Ellison and Clinton Ellison are brothers. You, I'm  
27 sure, have heard some of them out of the press and otherwise. They were visiting their  
28 father, Richard Ellison, on the southern portion of Portapique Beach -- Orchard Beach

1 Drive that day and that evening. Corrie and Clinton Ellison notice a fire to the north of  
2 them up on Orchard Beach Drive. They both decide to go see what it is.

3 Clinton and Corrie Ellison walk to the end of the driveway at the  
4 residence on Orchard Beach Drive. Corrie Ellison walks north, Clinton says, "Ah, I'm  
5 not going to bother." Forgive me, I'm paraphrasing. He says he's not going to do that.  
6 Corrie Ellison goes up.

7 At 10:36, 10:36, now, Corrie Ellison telephones his father, Richard,  
8 and he says, "There's a big fire going on here at 136.", leaving the conclusion that he's  
9 at the scene outside 136 Orchard Beach Drive where there's a fire. We know from the  
10 police response that Corrie was murdered outside 136 Orchard Beach Drive. His body  
11 was discovered by the first responders at 10:49.

12 This is a photo taken from Corrie Ellison's cell phone at 10:39:26.  
13 His position, his vantage point is outside 136 on the road where his body was found in  
14 that area. Corrie is taking a picture of the fire at 136. You can see how significant it is.

15 10:39:33, a few seconds later, a second photograph is taken of the  
16 fire and retrieved from Corrie Ellison's cell phone. 10:40:12, this is not a picture of the  
17 fire, this is a picture of an indiscernible dark image. What does that mean? We know  
18 that Corrie Ellison's body was discovered by first responders within 10 minutes. We  
19 know from the transcripts of the responders that they discovered his body at that time.  
20 It is being suggested, posited that at 10:42 this was the last image that Corrie Ellison  
21 took before he murdered. We surmise that he was killed at this time and that is entirely  
22 consistent with the observations of the children of the perpetrator leaving 136 Orchard  
23 Beach Drive, encountering Corrie Ellison outside 136 Orchard Beach Drive, and  
24 consistent with there being cut trails from 293 in order for this to happen. There were  
25 no videos, there was no audio. This is the best that we can hypothesise with respect to  
26 what took place at that time.

27 But if this is the case, we know that Corrie Ellison was shot, we  
28 know that the DNA of Corrie Ellison was found on the boots of the perpetrator later, we

1 know that Corrie Ellison was shot by the perpetrator. Where and what took place at that  
2 point?

3                   Mass Casualty Commission is suggesting at this stage that after he  
4 shoots, forgive me, when the perpetrator shoots and kills Corrie Ellison that he  
5 proceeds south on Orchard Beach Drive. He then takes a left on Cobequid Court. He  
6 then takes another left on Blueberry Field Road. He proceeds to Brown Loop. He then  
7 leaves Brown Loop onto Highway 2 and proceeds east to Great Village. That raises  
8 questions again about traversability. We had discussed it earlier with respect to the 287  
9 cut trails.

10                   But what about Blueberry Field Road? Is it possible for a person to  
11 commit the murders and the mayhem that he has and then make his departure from  
12 Portapique on this road? Well, it would depend on a number of things. Familiarity with  
13 the area, the traversability of the road and what and how much of a hurry a person is in.  
14 I would suggest, or it's being suggested here by the Commission, that he did indeed  
15 depart by the Blueberry Field Road, and I'm also going to suggest that Blueberry Field  
16 Road is a road that was very traversable on April 18th and 19th, that the information  
17 that's become available to the Commission from witnesses is that it was used,  
18 irregularly, but used and was in very good shape by the owner at the time.

19                   In an effort to give you some sense of the travel route, we're going  
20 to show for you a video of the possible route or the route of the perpetrator from the  
21 intersection of Orchard Beach Drive and Cobequid Court to Blueberry Field Road up to  
22 Highway 2. It's about seven minutes long, but it will give you some sense once again of  
23 the topography and the traversability of the road.

24                   **[VIDEO PLAYBACK]**

25                   So the clip ends at Highway 2, and if you're anything like me, you  
26 will notice one thing that's significant, and that is that's a lengthy drive. That takes some  
27 time to get from the corner of Cobequid Court, Orchard Beach Drive to Highway 2, but it  
28 is being submitted by the Commission under these circumstances that the quality of the



1 road was traversable and relatively consistent, keeping in mind the climate and the time  
2 of year in April, and the differences that would have been experienced under those  
3 circumstances.

4 We hypothesize that the perpetrator made his way to Highway 2,  
5 and at that stage, was able to depart Portapique without going up the Portapique Beach  
6 Road where there was a police presence. There was no police presence at Brown  
7 Loop at this time. We then are of the view that the perpetrator left from Brown Loop,  
8 went east, and was seen passing Wilson Gas Stop at around 10:51 in the evening. At  
9 the very least, the perpetrator, having taken this route, would have been travelling a  
10 significant speed.

11 Now we don't just say that the Blueberry Road was utilized because  
12 the Blueberry Road is there, in the same way we didn't say that 287 Portapique Beach  
13 Road cut trails were utilized because they're there. We're suggesting that the Blueberry  
14 Road was used not only because it was there, it was traversable, but there were  
15 observations of witnesses at that time. The Zimmerman family, who I referred to earlier,  
16 made observations quite significantly of a vehicle travelling north along the Portapique  
17 Beach Road at that time. We have excerpted the quote of Patricia Zimmerman wherein  
18 she says she saw, while she was standing out there and going on about the glow in the  
19 sky, "We saw lights of the vehicle come because there's a road right here," referring to  
20 Blueberry Road behind her. She's at 134 Portapique Crescent. It was a set of lights  
21 moving like a bat out of hell, zipping down a road that nobody ever uses. That road  
22 obviously would be the Blueberry Road.

23 Dean Dillman is a name that you should be familiar with in terms of  
24 observations made that night as well. Dean Dillman is a resident, or was at that time, at  
25 Five Houses where his family was located. He saw fires in Portapique and he attended  
26 to Brown Loop, was on the corner, the southwest corner of Brown Loop. He indicates  
27 that he thought he got there at around 10:45. He does recall and showed investigators  
28 that he made a call at 10:53 to a colleague, making inquiries about his other colleague

1 who we believe was in Portapique at that time where the fires were. He's imprecise on  
2 his timing other than to say he was there at about 10:45. If Dean Dillman was there at  
3 10:45, Cory Ellison was murdered at 10:40, and the perpetrator was moving extremely  
4 quickly to get up that road. Doesn't mean that it can't -- couldn't have been done. It  
5 does mean, however, that there's a very small window in which the perpetrator could  
6 have departed from Portapique. If Dean Dillman is imprecise on his timing about 10:45  
7 and it was perhaps closer to 10:46, 10:47, then it may be easier to put the pieces  
8 together, as I described earlier, to say this is what happened in Portapique.

9                   Difficult, difficult in this whole process to be able to fit the pieces  
10 together comfortably, but it is clear, no doubt, that the perpetrator departed Portapique  
11 and he did not do so by going out Portapique Beach Road and Highway 2.

12                   10:51, to come to a conclusion here, that you'll be grateful for, at  
13 10:51, there is video taken in Great Village at the Wilson's Gas Bar. Vehicle travelling  
14 from the west to the east with markings that appear to be RCMP replica like travels  
15 along that road towards the east. It's suggested that at 10:51, the perpetrator had not  
16 only left Portapique, but he was in Great Village, long gone on his way after wreaking  
17 terrible havoc in that community.

18                   Commissioners, we've made our very best attempt to try to provide  
19 you information with respect to Portapique April 18<sup>th</sup> and 19<sup>th</sup>. We've done our very best  
20 to attempt to provide you information with respect to the perpetrator's movements,  
21 knowing, of course, what inferences can be drawn and what can't be drawn and the role  
22 that you have to play in that regard. It is, however, at this stage, that I have tendered  
23 the Foundational Document Portapique April 18<sup>th</sup> and 19<sup>th</sup>, 2020. I complete my  
24 remarks and presentation thereof, and look forward to discussing matters with you  
25 tomorrow with respect to the first responders.

26                   **COMMISSIONER MacDONALD:** Thank you very much, Mr.  
27 Burrill, for your presentation. Ladies and gentlemen, it's been certainly an emotional  
28 experience to watch and hear that presentation, and that will be our plan for today. As

1 Mr. Burrill indicated, we will hear the first responder perspective tomorrow from Mr.  
2 Burrill.

3 In the morning as well, we will hear from an expert on -- that will set  
4 the table for the first responder presentation and add context.

5 So I want to thank everyone for attending today, for their attention,  
6 for going through this very difficult exercise.

7 And we will adjourn until 9:30 tomorrow morning.

8 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The  
9 proceedings are adjourned until March the 1<sup>st</sup>, 2022 at 9:30 in the morning.

10 --- Upon adjourning at 1:42 p.m.

11

12

### C E R T I F I C A T I O N

13

14 I, Maxime Roussy, a certified court reporter, hereby certify the foregoing pages to be an  
15 accurate transcription of my notes/records to the best of my skill and ability, and I so  
16 swear.

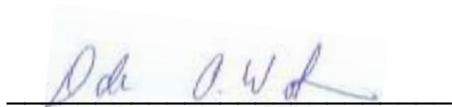
17

18 Je, Maxime Roussy, un sténographe officiel, certifie que les pages ci-hautes sont une  
19 transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et  
20 je le jure.

21

22

23



24 Maxime Roussy

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