



## DRISKELL INQUIRY

# EXHIBIT LIST

### COMMISSIONER

Honourable Patrick Lesage, Q.C.,

### COMMISSION COUNSEL

Michael Code

Jonathan A. Dawe

### CHIEF ADMINISTRATIVE OFFICER

R.L. (Bob) Giasson

**Court Clerks: Michele Smith, Doug McCoy, Wendy Falkner**

**Hearing dates: July 17-20; 24-27; 31, 2006**

**August 1-3; 8-11; 14-17, 2006; September 18-22;**

EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
		<b><u>July 17, 2006</u></b>	
	1	Book of documents for Commission Counsel's examination of Insp. Ross Burton and Staff/Sgt. Ron Ferguson (retired) containing tabs A1-50, B1-30	M. Code
		<b><u>July 19, 2006</u></b>	
	2	4 page handwritten document. Titled <u>RCMP GRC Transit slip</u> ; dated 91-10-08; RE: ZANIDEAN "ET AL"	J. Lockyer
		<b><u>July 20, 2006</u></b>	
	3	Book of documents for Commission Counsel's examination of Sgt. Tom Orr (retired) Containing tabs 1-43	M. Code
		<b><u>July 24, 2006</u></b>	
	4a	Book of documents for Mr. Driskell's Counsel cross-examination of Sgt. Tom Orr (retired); containing tables 1-23	J. Lockyer
	4b	Book of documents for Mr. Driskell's Counsel cross-examination of Sgt. Tom Orr (retired) Supplemental Book 1; containing tabs 1-7	J. Lockyer
		<b><u>July 25, 2006</u></b>	
	5	4 page typed document titled; John Gumieny Summary of Telephone Interview by Commission Counsel July 6, 2006	J. Prober
	6a	Volume 1; Book of documents for Commission Counsel's examination of Staff/Sgt. William VanderGraaf (retired), Sgt. Tom Anderson (retired), and Sgt. Albert Paul (retired), containing tabs 1-6	M. Code



EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
	6 b	Volume 2; Book of documents for Commission Counsel's examination of Staff/Sgt. William VanderGraaf (retired), Sgt. Tom Anderson (retired), and Sgt. Albert Paul (retired), containing tabs 1- 57; <b>July 27, 2006</b> tabs 58, 59 added	M. Code
	4c	1 page cover letter dated July 21, 2004 from Hill Abra Dewar to Judge Enns and a 3 page letter dated July 13, 2004 from Judge Bruce Miller to Judge Enns	J. Lockyer
	4d	5 page hand written document. Titled <u>RCMP GRC Transit slip:</u> to Federal Policing Officer; from Source Witness Protection; dated 93-05-05	J. Lockyer
		<b>July 26, 2006</b>	
	7	Book of documents for Mr. Driskell's counsel cross examination of Sgt. William VanderGraaf, containing tabs 9-13	J. Lockyer
	8	Book of documents for cross-examination of: Staff/Sgt. William Vandergraaf (retired), Sgt. Tom Anderson (Retired); Sgt. Albert Paul (retired); containing tabs 1-4	E.W. Olson
		<b>July 31, 2006 clerk - D. McCoy</b>	
	9	Book of Documents for Mr. Driskell's Counsel - cross-examination of Sgt. Al Paul, containing tabs 1-2	A. Libman
		<b>August 1, 2006 clerk - W. Falkner</b>	
	10a	Book of documents for Mr. Driskell's counsel - Cross Examination of Sgt. Tom Anderson containing tabs 1-8	J. Lockyer
	10b	1 page copy of notebook cover of Sgt. C. Osborne	J. Lockyer
	10c	1 page supplementary report dated October 9, 1990	J. Lockyer
	11	CD of audio recording of Reath Zanidean call to Greg Brodsky on 6-20-91	J. Lockyer
	12	Book of Documents for Cross-Examination of Sgt. Tom Anderson (retired) and Sgt. Albert Paul	D. Abra
	13	Page 4 of the Ewatski/Hall Report	J. Kennedy
		<b>August 2, 2006</b>	
	14	2 Page letter dated April 28, 1993, To: Mr. Bruce Miller Q.C., From: Mr. C. Richard Quinney Q.C.	R. Wolson
	15a	Volume 1; Book of documents for Commission Counsel's examination of David Kovnats; containing tabs 1-25	M. Code
	15b	Volume 2; Book of documents for Commission Counsel's examination of David Kovnats; containing tabs 26-51	M. Code
		<b>August 3, 2006</b>	
	16a	Page 83 of the Perry Dean Harder homicide review	K. Carswell
	16b	Page 30 - 35 of the log book of Hall and Ewatski	K. Carswell
	17	Page 97-99 of the transcript of Mr. Brodsky's Cross Examination of Mr. Zanidean from the Driskell Trial	R. Wolson
		<b>August 8, 2006</b>	
	18	Book of Further documentary disclosure of David Kovnats; received by Commission office on August 3, 2006, 3:05 P.M.	M. Code
	19	2 page letter dated June 17, 1991, to Mr. Bruce Miller from Mr. David B. Kovnats	M. Code
	20a	Volume 1: Book of Documents for Commission Counsel's Examination of Greg Brodsky, containing tabs 1-25	J. Dawe



EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
	20b	Volume 2: Book of Documents for Commission Counsel's Examination of Greg Brodsky, containing tabs 26-55	J. Dawe
	20c	Volume 3: Book of Documents for Commission Counsel's Examination of Greg Brodsky, containing tabs 56-57	J. Dawe
	20d	Chart titled: Driskell Inquiry Index of Brodsky's Copy of Police File; pages 1-15 Revised: July 12, 2006	J. Dawe
	21	Book of Documents for Mr. Driskell's Counsel Examination of Greg Brodsky, Q.C., containing tabs 1-11	J. Lockyer
	22	2 page letter from Don Slough A/Assistant Deputy Attorney-General and FIPPA Access Officer to Mr. Mark Wasyliw	J. Lockyer
		<b><u>August 9, 2006</u></b>	
	23	Manitoba Department of Justice Public Prosecutions Policy Directive; Guideline No. 2:DIR:1; subject: Direct Indictments, Date: August 27, 1996; 3 pages & Date: December, 2004; 2 pages	J. Kennedy
	24	2 page letter, dated June 20, 1991; From J.G.B Dangerfield, Q.C.; To H.B Stephen, Chief of Police; Re: R. v. Driskell	K. Carswell
	25	<u>MEMO</u> dated June 8, 1993; To: G. Greg Brodsky, Q.C.; From: Michael Fairney; 5 pages	K. Carswell
	26	Book of Documents for the Estate of Bruce Miller; Douglas N. Abra, Q.C.; containing tabs 1-6	D. Abra
	27a	Additional Book of Documents for Cross-Examination of : Greg Brodsky; containing tabs 1-9	E.W. Olson
	27b	News article from the Winnipeg Free Press, Friday, January 30, 2004 CLARIFICATION AND APOLOGY	E.W. Olson
	27c	3 page letter dated November 18, 2004 to Mr. David McNairn from Mr. Rob Finlayson Assistant Deputy Attorney General	E.W. Olson
	27d	3 page letter dated November 25, 2004 to Mr. David McNairn From Mr. Bruce A. MacFarlane, Q.C.; Deputy Minister of Justice and Deputy Attorney General	E.W. Olson
		<b><u>August 10, 2006</u></b>	
	27e	Justice News Release dated September 20, 2005; Titled Forensic Evidence Review Committee Report Released	E.W. Olson
	27f	Letter dated December 17, 2004 to Mr. Gregory Brodsky, Q.C.; from Mr. Rob Finlayson Assistant Deputy Attorney General	E.W. Olson
	27g	News article from the Lawyers Weekly, April 23, 2004 MANITOBA ATTORNEY GENERAL HAS ACTION PLAN ON DISCLOSURE	E.W. Olson
	27h	First Annual Crown Defence Conference; September 26 & 27, 2002; 5 pages & Second Annual Crown Defence Conference; September 11 & 12, 2003; 5 pages; & Third Annual Crown Defence Conference September 9 & 10, 2004; 5 pages	E.W. Olson
	27i	Letter dated November 25, 2004 to Bruce MacFarlane, Q.C, from James Lockyer,	E.W. Olson
	28a	Volume 1: Book of Documents for Commission Counsel's Examination of Chief Jack Ewatski; containing tabs 1-3	M. Code
	28b	Volume 2: Book of Documents for Commission Counsel's Examination of Chief Jack Ewatski; containing tabs 4-10, tab 11 added	M. Code
	29a	Pages 18-21 of 59 of a transcript of an interview with Gumieny, Ewatski and Hall; titled JOHN EDWARD GUMIENY INTERVIEW CONTINUED...	J. Lockyer
	29b	WPS notes of: Sgt. C. Osborne; 5 pages	J. Lockyer
	29c	Transcript of a phone conversation between Hall and Potvin; re: Driskell; 19 pages	J. Lockyer



EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
		<b><u>August 11, 2006</u></b>	
	29d	Book of Documents for the Examination of Chief Jack Ewatski; containing tabs 1-17	J. Lockyer
	29e	CD of audio recording of Chief Ewatski's Press Conference; November 25, 2003	J. Lockyer
		<b><u>August 14, 2006</u></b>	
	30a	Volume 1: Book of Documents for Commission Counsel's Examination of George Dangerfield, Q.C.; Gregg Lawlor; Stuart Whitley, Q.C.; containing tabs 1-25	M. Code
	30b	Volume 2: Book of Documents for Commission Counsel's Examination of George Dangerfield, Q.C.; Gregg Lawlor, Stuart Whitley, Q.C.; containing tabs 26-57	M. Code
	30c	Volume 3: Book of Documents for Commission Counsel's Examination of George Dangerfield, Q.C.; Gregg Lawlor, Stuart Whitley, Q.C.; containing tabs 58-82	M. Code
		<b><u>August 15, 2006</u></b>	
	31a	Book of Documents for Mr. Driskell's Counsel cross examination of George B. Dangerfield, Q.C.; containing tabs 1-16	J. Lockyer
	31b	Pages 8014 – 8233 (4 pages on one page) of Transcript from the Sophonow Inquiry	J. Lockyer
	31c	Book of further disclosures received from James Lockyer and Alan Libman (Counsel for James Driskell) containing tabs 1-3	J. Lockyer
	31d	Addendum to the Further Disclosures received from James Lockyer and Alan Libman (counsel for James Driskell)	J. Lockyer
	32	Book of Summary of Interviews by Commission Counsel of witnesses who are not being called to testify; containing tabs 1-5	M. Code
		<b><u>August 16, 2006</u></b>	
	33	Page 122 of transcript of Mr. Brodsky's cross examination of R. Zanidean from the Driskell trial	J. Prober
	34	Memo dated Friday, March 19, 1993 to J.G.B. Dangerfield, Q.C. from Bruce Miller, Q.C. Re: R. v. James Driskell	M. Code
		<b><u>August 17, 2006</u></b>	
	35a	Original copy of the Winnipeg Sun dated Saturday, March 13, 1993	J. Lockyer
	35b	Original copy of the Winnipeg Sun dated Sunday, March 14, 1993	J. Lockyer
	35c	Original copy of the Winnipeg Sun dated Sunday, March 21, 1993	J. Lockyer
	35d	Photocopies of news articles from the previous 3 exhibits and other related news articles	J. Lockyer
	35e	Memo dated September 15, 1997; to Rob Finlayson from Dave Mann; 5 pages	J. Lockyer
	35f	Briefing paper, Criminal Justice Division; Prepared by: Rob Finlayson; 5 pages	J. Lockyer
	35g	Bundle of various documents numbered 1-57 First document page 1, from the RCMP dated March 23, 1993	J. Lockyer
	35h	James Patrick Driskell review by Dale Schille; pages 1-23	J. Lockyer
	35 i	Book of materials for Mr. Driskell's counsel examination of Mr. Stuart J. Whitley, Q.C., containing tabs 1-3	J. Lockyer
	36a	5 Bundles of Guidelines Policy on Disclosure: late 1980's and May 2001; October 1990; late 1980's (duplicate); January 1992; May 2001 (duplicate)	E.W. Olson
	36b	Additional Documentary Disclosure received by Commission Office from E.W. Olson, Q.C.; containing tabs 1-10	E.W. Olson
	37	2 page hand written document dated May 4, 1995	R. Tapper



EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
		<b>SEPTEMBER 18, 2006 CLERK: D. MCCOY</b>	
	38a	Cerlox bound document titled "Book of Documents for Commission Counsel's Examination of Tod Christianson" - Tabs 1 - 9	J. Dawe
	38b	11 pg. Memorandum dated 96-10-28 by B.D.Gaudette	J. Dawe
	39	Cerlox bound document titled "Book of Documents for the Examination of Tod Christianson" - Tabs 1 - 3	J. Dawe
		<b>SEPTEMBER 19, 2006</b>	
	40a	Cerlox bound document with blue cover titled "Book of Documents for Mr. Driskell's Counsel - Examination of Tod Christianson" - Tabs 1 - 5	J. Lockyer
	40b	2 pg. letter dated August 14, 2006 addressed to Michael Code, from M. David Gates Q.C., RE: DNA evidence at the Driskell Commission of Inquiry	J. Lockyer
	40c	4 pg. Transcript of Proceedings, in the matter between Her Majesty the Queen and Nicklos Zurowski, of March 10, 2005	J. Lockyer
	40d	4 pg. excerpt from The Commission on Proceedings Involving Guy Paul Morin, Chapter II: Forensic Evidence and the Centre of Forensic Sciences. Pgs 339 - 342	J. Lockyer
	40e	2 pg. excerpt of article titled, "Some Further Thoughts on Probabilities and Human Hair Comparisons", by B. D. Gaudette B.Sc.	J. Lockyer
	41	4 pg. letter dated September 12, 2006 addressed to M. David Gates Q.C., from Jonathan Dawe, RE: DNA Evidence at the Driskell Commission of Inquiry	J. Dawe
	42a	Cerlox bound document, titled "Documents for Cross-Examination of: Chief Ewatski - by Counsel for the Attorney General", tabs 1 - 4	E.W. Olson
	42b	Cerlox bound document, titled Further Documents for Cross-Examination of: Chief Ewatski - by Counsel for the Attorney General", tabs 1 - 4	E.W. Olson
		<b>SEPTEMBER 20, 2006</b>	
	43a	Cerlox bound document with blue cover titled, "Winnipeg Police Service Chief of Police Jack Ewatski - Book of Documents", tabs 1 - 10 and sub tabs 1 - 3	K. Carswell
	43b	72 pg. legal sized document, headed Recycled Account Books, RE: Murder of Perry Dean Harder, Police notes.	K. Carswell
	43c	11 pg. document titled, "Resolution Adopted at the 101 <sup>st</sup> Annual Conference, August 2006 St. John's, Newfoundland & Labrador" from Canadian Association of Chiefs of Police	K. Carswell
	43d	Cerlox bound document titled, "Further Disclosures from the Winnipeg Police Service, tabs 1 - 10	K. Carswell
		<b>SEPTEMBER 21, 2006</b>	
	44	Cerlox bound document with blue cover titled "Book of Documents for Mr. Driskell's Counsel - Cross Examination of Gregg Lawlor", tabs 1 - 5	A. Libman
		<b>SEPTEMBER 22, 2006</b>	
	45	1 page letter dated September 14, 2006, addressed to Mr. Bob Giasson from E.W. Olson, with 4 pg. Quicklist search result of Mr. Lawlor's 1990-1991 Court of Appeal case load, and 5 pg. Position Description for Director, Regional Prosecutions and Legal Education dated May 4, 2001 attached. 10 pages in total.	E.W. Olson
	46	Black binder titled, "Conduct of the Crown - Abuse of Process and Related Topics", written by Gregg Lawlor Manitoba Justice - Prosecutions	E.W. Olson
	47	Cerlox bound document titled "Summary of Interviews by Commission Counsel: Tab A- Judge Sid Lerner (summary of telephone interview by Commission Counsel: September 8, 2006) Tab B- Dale Schille (summary of telephone interview by Commission Counsel: September 15, 2006)	M. Code



EX ID.	EX. NO.	EXHIBIT DESCRIPTION	FILED BY
		<b>SEPTEMBER 28, 2006</b>	
	1a	130 pg. document, materials received from "O" Division pages marked in lower right hand corner 2- 131	J. Dawe
	48	Cerlox bound document titled "Book of Documents for Commission Counsel's Examination of Dale Schille", tabs 1 - 21	J. Dawe
	49a	Cerlox bound document with blue cover titled "Book of Documents for Mr. Driskell's counsel - Examination of Mr. Dale Schille", tabs 1 - 6	J. Lockyer
	49b	18 pg document with buff cover titled "Book of Documents for Mr. Driskell's counsel - Examination of Mr. Dale Schille - Supplemental Documents"	J. Lockyer
	49c	5 pg. Preliminary Report dated July 25 <sup>th</sup> , 2003 by Jonathan Newman of the Ministry of Public Safety and Security - The Centre of Forensic Sciences with 16 pages of attachments. 21 pages in total	J. Lockyer
	49d	12 pg. paper titled "Wrongful Conviction Claims: How Should the Crown Respond?", dated May 5 <sup>th</sup> , 2005 by Bruce MacFarlane Q.C.	J. Lockyer