

Action No.: 110779394P1
E-File No.: ECP12CHALMERSB
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF EDMONTON

HER MAJESTY THE QUEEN

v.

BRADLEY EDWARD CHALMERS

Accused

T R I A L
EXCERPT

Edmonton, Alberta
September 21, 2012

Transcript Management Services, Edmonton
1000, 10123 99th Street
Edmonton, Alberta T5J-3H1
Phone: (780) 427-6181 Fax: (780) 422-2826

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1 Proceedings taken in the Provincial Court of Alberta, Law Courts, Edmonton, Alberta

2

3 September 21, 2012

Morning Session

4

5 The Honourable Judge Stevens-Guille

Provincial Court of Alberta

6

7 C. Lim

For the Crown

8 J. Johnston

For the Accused

9 J. Levasseur

Court Clerk

10

11

12 THE COURT:

Good morning.

13

14 **Plea (Counts 10 and 11)**

15

16 MR. LIM:

Good morning, Your Honour. For the record, it's Christian Lim, Lim for the provincial Crown prosecutors office on Chalmers. My friend Mr. Johnston and I appear on this matter for trial. There is, Your Honour, a 14-count information before this Honourable Court. I will let you know that it's my understanding, and we will read the facts in, there is to be a guilty plea. We will be having a trial with the rest of the file but on counts 10 and 11, sir, count 10, which is in respect to wounding, maiming an animal and the second charge of count 11 is in respect to the production of a controlled substance, that being cannabis marihuana, also known as a grow op, sir, there's two guilty pleas to those two charges.

25

26 MR. JOHNSTON:

I confirm that.

27

28 THE COURT:

Thank you.

29

30 **Discussion**

31

32 MR. LIM:

Upon successful guilty pleas of those charges shown, the Crown will be applying at the end to withdraw count number 12, Your Honour, as well --

35

36 THE COURT:

Failing to provide proper something or other.

37

38 MR. LIM:

That's the *Controlled Drugs and Substances*

39 *Act*.

40

41 THE COURT:

I think I've got --

1

2 MR. LIM: Possession.

3

4 THE COURT: -- a different list from you. I'm looking at 12
5 says AP 2.1, failing to provide proper, so obviously this isn't listed the way your
6 information is listed.

7

8 MR. LIM: I apologize.

9

10 THE COURT: Okay. That's all right. Go ahead.

11

12 MR. LIM: So, Your Honour, we'll be withdrawing the
13 *Controlled Drugs and Substances Act* 4(1), the possession, as well as I'll be withdrawing
14 the *Animal Protection Act* on the date of May the 14th, 2011, that offence date.

15

16 THE COURT: So in result are we going to trial on one, two,
17 three charges of assault, one of willfully causing whatever, another two, three of assault
18 and a mischief causing damage, another mischief causing damage, and a kill, maim,
19 wound? Are --

20

21 MR. LIM: That's correct.

22

23 THE COURT: Are all of those here for trial this morning?

24

25 MR. LIM: Yes, sir.

26

27 THE COURT: And are we going to finish today, Mr. Lim?

28

29 MR. LIM: It's a one-day trial, sir. Yes, we will.

30

31 THE COURT: I know it's a one-day trial. My question was
32 are we going to finish today?

33

34 MR. LIM: So I think so, sir. There's a warned -- warned
35 statement, a statement of the accused that's an hour and a half to an hour and 45 minutes,
36 and the complainant. Those are the two key essential witnesses.

37

38 THE COURT: So one complainant on six charges of assault?

39

40 MR. LIM: Yes. It's the same victim. It's a domestic
41 situation. It's he said, she said, Your Honour.

1

2 THE COURT: All right. Let's get going.

3

4 MR. LIM: Yes, sir.

5

6 THE COURT: There will be an order excluding anyone who
7 may be called upon to give evidence in this matter. They are to wait outside until called
8 upon.

9

10 (WITNESSES EXCLUDED)

11

12 THE COURT: Defence counsel, do you have any other
13 applications before I hear evidence?

14

15 MR. JOHNSTON: Publication ban.

16

17 MR. LIM: Why would there be a publication ban?

18

19 MR. JOHNSTON: On the -- pardon?

20

21 MR. LIM: Why would there be a publication ban?

22

23 THE COURT: Have you notified the press, which is the
24 protocol if you want a publication ban? This is a trial, not a preliminary. It's
25 discretionary.

26

27 MR. JOHNSTON: Then I'll withdraw -- then I'll withdraw that.

28

29 THE COURT: Thank you.

30

31 MR. LIM: Your Honour, we have some agreed exhibits.

32 Your Honour, by way of agreement, it's my understanding consent, Exhibit 1 would be a
33 book of photographs reading Bradley Chalmers by Clayton Ford, F-O-R- D. Exhibit 1 by
34 consent, Your Honour, for trial.

35

36 THE COURT: Thank you. Exhibit 1.

37

38 **EXHIBIT 1 - Book of photographs reading Bradley Chalmers by Clayton Ford**

39

40 MR. LIM: Exhibit 2, Your Honour, would be the report of
41 Dr. Tracy Kerr, K-E-R-R, a one-page report dated May 14th, 2011, in respect to the cat

1 Khonsu, K-H-O-N-S-U.

2
3 THE COURT: Exhibit 2 by consent.

4
5 MR. JOHNSTON: Agreed.

6
7 **EXHIBIT 2 - Report of Dr. Kerr dated May 14, 2011, re cat Khonsu**

8
9 MR. LIM: Exhibit 3 are the emergency -- veterinarian
10 emergency clinic notes in respect to the cat Aradia, A-R-A-D-I-A, dated January 13th,
11 2011.

12
13 THE COURT: Exhibit 3 by consent.

14
15 **EXHIBIT 3 - Veterinarian emergency clinic notes dated January 13, 2011, re cat Aradia**

16
17 THE COURT: Now, Mr. Lim, this seems to be an appropriate
18 case, with all of the counts, for you to give me some sort of an opening statement so I
19 can have a framework here.

20
21 **Opening Statement by Mr. Lim**

22
23 MR. LIM: Yes, sir, and I'll also give you the facts, if it
24 pleases the Court, for --

25
26 THE COURT: Thank you.

27
28 MR. LIM: -- counts 10 and 11. Your Honour, first of all,
29 in respect to an opening statement, the Crown is alleging that the accused, that being one
30 Mr. Bradley Chalmers, and the complainant, Shera Ramcharan, had a relationship since
31 about 2008, Your Honour, up and down. It was a boyfriend and girlfriend relationship.
32 The allegations, Your Honour, in respect to common assault, section 266, is basically
33 during the one and a half year period, sir, that the accused and complainant had been
34 involved in a tumultuous -- tumultuous relationship. The accused allegedly was at the
35 time taking alcohol as well as some painkillers and steroids, as well as taking marihuana,
36 which he believed to be assisting him in respect to calming him down. Her allegation is
37 that he was actually very violent when he was drinking and on drugs. During these
38 assaults, were relatively minor, sir, assaulted her several times in the domestic situation.

39
40 In respect to the mischief charge, Your Honour, it's during these domestic allegations or
41 bad arguments and physical assaults that he attacked her personal furniture, including

1 table and glasses, and during one time, while she was trying to get away, threw rocks at
2 her car in respect to the allegations of the mischief.

3
4 Your Honour, during the, shall we say, relationship there were two cats, Khonsu as well
5 as another -- K-H-O-N-S-U, another cat named Aradia. On two different dates the
6 accused, appearing to be high or under the influence and after arguing with the
7 complainant, attacked both the cats without any provocation, at least alleged by the
8 complainant.

9
10 In respect to the drug charges, Your Honour, before this Honourable Court, the accused
11 had a grow op, approximately 12 plants is the allegation, Your Honour, and several
12 seedlings that was growing in a room, Your Honour. It appeared to be for personal use
13 although I believe there was a scale alleged in that, Your Honour. The complainant said
14 that -- or is alleging and the police are alleging that it appeared to be consistent with the
15 accused's use of marihuana, his -- sorry, his -- his need for -- personal need for marihuana
16 as he stated to the police. This is all alleged through the evidence of Ms. Ramcharan, the
17 complainant, as well as a warned statement or a statement of the accused that the Crown
18 will be alleging to try to put in to demonstrate it's free and voluntary.

19
20 THE COURT:

Okay. Go ahead. Thank you.

21
22 MR. LIM:

Your Honour, in respect to counts 10 and 11,
23 the Crown is alleging the following, sir. On March -- sorry, May the 14th, 2011, in the
24 city of Edmonton in the province of Alberta the accused and the complainant -- sorry, the
25 witness, Shera Ramcharan, had been in a domestic relationship for approximately three
26 years at the time, Your Honour. On this particular date, Your Honour, the accused and
27 the complainant earlier on, the night before, had gone out drinking. The accused had
28 become extremely drunk. At the time he's also admitted to taking steroids and was taking
29 marihuana which he claimed made him calmer, although not according to the complainant
30 or to the witness, Shera Ramcharan. They got into argument. He'd become abusive
31 according to the complainant. She left at approximately 3:15 in the morning.

32
33 She came back at 4:15 in the morning noting that the -- when she came back, she noted
34 that there were several -- actually three dents in the wall of the residence that were not
35 there when she'd left. There was noted to be -- when I say dents, Your Honour, actually
36 the drywall had been broken consistent with the size of a cat. And the very final, shall
37 we say, dent or hole in the wall or the drywall of this residence, the cat was found a few
38 feet away lying what she thought was dead. There was blood all over on the cat in
39 respect to the ears and the facial area. It appeared lifeless, Your Honour. There was
40 blood splatters to be found all over the walls. Essentially, Your Honour, as the first dent
41 didn't have any blood, the second dent had some blood and by the final one there was

1 noted to be blood, and indeed in Exhibit 1, Your Honour, the Court will see pictures with
2 respect to that.

3
4 The animal -- the complainant -- sorry, the witness, Ms. Shera Ramcharan, looked for the
5 accused, who was -- appeared to be passed out and took the cat in a blanket and took it to
6 the veterinarian clinic, Your Honour. The animal was noted to have injuries which would
7 be in Exhibit 2, Your Honour, the report from the Dr. Kerr, which included, besides facial
8 area injuries, chipped tooth. The animal had internal injuries. It required surgery.
9 However, in respect to repairs, some of the injuries, Your Honour, however, because it
10 was in such bad shape, the cat had to be -- it had to wait several days before surgery
11 could be done in respect to the animal.

12
13 The injuries, Your Honour, in respect to Khonsu, the cat, as noted in Dr. Kerr's report,
14 included that it appeared to be in extreme pain and in shock as noted by the heart rate
15 being affected. He had dry blood from both of his nostrils which appeared to be a
16 nosebleed from the hours prior. He had (INDISCERNIBLE) and multiple abrasions, so
17 his eyes were somewhat affected, Your Honour, in other words bloodshot. There were
18 abrasions and bruises on his face and head. His right upper canine tooth was fractured.
19 He was unable to stand on all four legs. He had -- it was very -- it was noted he had
20 extreme painful left hind leg. His abdomen was painful when palpitated or touched, sir.
21 The back was noted to be extreme pain as well.

22
23 It was noted as well, Your Honour, on X-rays that there was a fractured femoral, in other
24 words the skull area of the head, that required surgery to repair. It also revealed a mild
25 lung bruising and a mild pneumothorax, in other words air around the lungs, Your
26 Honour, as a result of the impact from the cat being thrown.

27
28 Base -- baseline blood work showed that the -- there was a markedly elevated liver
29 enzymes which is most likely as consistent with trauma, as well as increased kidney
30 values which may be from decreased blood flow to the kidneys because the cat was in
31 shock and was unconscious, it appears, for a period of time. It was also noted that the
32 white blood cell count was elevated as well, which is something that happens basically to
33 protect a cat or protect a -- basically bodily functions, Your Honour. The -- there was no,
34 apparently, internal bleeding or significant internal bleeding at this time.

35
36 The clinical signs of the head trauma, facial trauma and broken femoral head, broken
37 tooth and lung bruising and pneumothorax are consistent with trauma according to the
38 doctor, and of course that there's dried blood on there.

39
40 The treatment required included 24-hour observation, care to monitor respiratory system
41 as well as the head trauma. It was expected that Khonsu would make a full require (sic)

1 but needed surgery to the left hind leg area which was done later, sir; as well to have the
2 tooth removed. He couldn't have the surgery because of the head trauma and the bruised
3 lungs and the air around the lungs, so in order to ensure that the cat was stable enough, it
4 had to wait until it became more stable and healthy. Those are the allegations, Your
5 Honour, in respect to the harm to the animal.

6

7 In respect to the grow op in the room, it's noted that there were eight plants, four mature,
8 Your Honour -- sorry, 12 plants, four mature, eight in the medium stage, Your Honour, as
9 well as several seedlings. According to the expert, Guy Pilon, Your Honour, this was
10 probably consistent -- although a grow operation, more consistent with personal use,
11 although there was a scale. It's noted that with the confession of the accused as to what
12 he said about drug use, it was consistent with that, his personal usage, Your Honour.

13

14 Those are the allegations.

15

16 THE COURT: Tell me again what it is that he's pled guilty to
17 out of all of this?

18

19 MR. LIM: Just counts 10 -- sorry, Your Honour, the
20 charge of production in respect --

21

22 THE COURT: Of marihuana.

23

24 MR. LIM: -- of the marihuana.

25

26 THE COURT: Yes?

27

28 MR. LIM: And wounding or maiming the cat Khonsu on
29 May the 14th, 2011, wounding, maiming or injuring the cat.

30

31 THE COURT: Okay. Let's get going. Call your first witness.

32

33 MR. LIM: And are those facts agreed?

34

35 MR. JOHNSTON: Just it was human growth hormone, not steroids
36 per se.

37

38 MR. LIM: Sorry, Your Honour.

39

40 MR. JOHNSTON: And --

41

- 1 THE COURT: This isn't a sentence hearing. I --
2
- 3 MR. JOHNSTON: Exactly.
4
- 5 THE COURT: I've heard the allegations. They're no more
6 than that. They'll have to be proved. They're not evidence.
7
- 8 MR. JOHNSTON: Right.
9
- 10 THE COURT: Thank you.
11
- 12 MR. JOHNSTON: And basically the gist of the -- are admitted.
13
- 14 THE COURT: Okay.
15
- 16 MR. LIM: Your Honour, sorry, I just need to confirm
17 whether or not I have to provide evidence during the court for --
18
- 19 THE COURT: I understand that it's comment on things which
20 I've admitted as exhibits in large measure.
21
- 22 MR. LIM: Thank you, sir.
23
- 24 THE COURT: Okay.
25
- 26 MR. LIM: That being said I'll bring the Crown's first
27 witness in.
28
- 29 THE COURT: That will be good.
30
- 31 MR. LIM: Shera Ramcharan, sir.
32
- 33 THE COURT: Thank you.
34
- 35 MR. LIM: Your Honour, let me attend to bring her in.
36
- 37 Ms. Ramcharan, I'm going to ask you to take the stand by Madam Clerk. That's the lady
38 there on the computer. Ms. Ramcharan, would you like me to take your -- you can leave
39 your purse and items here if you'd like.
40
- 41 **SHERA RAMCHARAN, Sworn, Examined by Mr. Lim**

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THE COURT: Go ahead --

Q MR. LIM: Ms. --

THE COURT: -- Crown.

Q MR. LIM: Sorry. Thank you, Your Honour. Ms. Ramcharan, I'm the Crown prosecutor and I'll be asking you a few questions today. There is a microphone before you. That's not going to make your voice louder. It's simply to record it so we can have a transcript if we need it later on. I'm going to ask you to speak up loudly and try to answer questions, the questions that are asked of you, in full complete sentences; in other words not using just your hands or -- or saying uh-huh or nod. You need to say the full word. I'll be asking you questions. The Court, which is represented by the judge beside you, as well as another individual who's a lawyer, may ask you questions as well. All right?

A Okay.

Q And try to keep your voice up. Ms. Ramcharan, first of all, can you state to the Court your current occupation?

A I'm a bartender and server.

Q All right. And it's my understanding you're in court in respect to various incidents that happened in 2010 and 2011; is that correct?

A Correct.

Q And everything you're about to testify, in other words talk about, occurred in the city of Edmonton, in the province of Alberta?

A Mainly, yes.

Q What do you mean mainly, yes?

A Well, main -- most of the events were in Alberta. There were a couple events in B.C. before we moved to Alberta.

Q Okay. We're sticking -- we're only talking, ma'am, about incidents on this trial here in Alberta.

A Okay.

Q All right? And we need to focus and we'll go on the dates in a moment here. Can you tell the Court who's the individual involved in these incidents that brings you to court today?

1 A Bradley Edward Chalmers.

2

3 Q Can you identify this individual?

4 A He is to the left.

5

6 MR. JOHNSTON: Indicating the accused.

7

8 THE COURT: Thank you.

9

10 Q MR. LIM: Could you describe for the Court when you first
11 met Mr. Chalmers?

12 A It would have been December of 2008 in Vernon, B.C.

13

14 Q All right. And how would you describe your relationship with Mr. Chalmers back in
15 2008 there?

16 A Well, I had just met him, and I am the type of person that kind of falls for people very
17 easily and we moved in quite quickly, actually. We moved in together probably a
18 couple days after we met.

19

20 Q That was in 2008?

21 A Yes.

22

23 Q All right. Do you know approximately -- December, 2008 you said, correct?

24 A Yes.

25

26 Q Okay. And where did -- and can you tell us what your relationship -- when you said
27 moved in, first of all, what do you mean by moved in?

28 A Well, he moved into my apartment that I was living in.

29

30 Q Okay. And how would you -- were you boyfriend-girlfriend, friends, or what type of
31 roommates or what?

32 A I would consider us as boyfriend-girlfriend.

33

34 Q Fair enough. Then I'm going to take you, first of all, to our date of around January --
35 between the dates of January 1st, 2010, and June the 1st, 2010. Can you tell the Court
36 what was your relationship with Mr. Chalmers back then?

37 A I would say still boyfriend-girlfriend, still living together.

38

39 Q Was it a good relationship or -- or what?

40 A I would have liked to think it was a good relationship. There were some events that
41 happened in between those dates that probably made it not a good relationship.

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Q Where were you living at the time on -- between January the 1st, 2010, and June the 1st, 2010?

A I'm just getting my dates of when we moved together. January of 2010 I was still living with Bradley Chalmers in a boardwalk apartment. I believe it was called Fairmont Village.

Q All right. Could you tell us what specifically happened between January 1st, 2010, and the 1st of June, 2010, that brings you to court?

A Well, after that Christmas I -- the Christmas of 2009 going into 2010, my brother actually had helped me move my stuff out and we were kind of in and out of living in the same apartment. I believe that was around that time actually, the 2010 time that he moved me out, and in that time we were kind of -- we had an agreement between us that if he was angry at me at some point, that I would pack up my bags and leave for the night and go to my parents'. It was kind of a in and out situation, off and on living in the same apartment situation. I mean, my parents -- to them I was actually living with -- with him in the apartment still. To me I was back and forth. I don't know really how to explain that.

Q All right. Ms. Ramcharan, can you tell the Court, on the date of this incident between January 1st, 2010, and June the 1st, 2010, were you actually living on that date in the residence with the accused, Mr. Chalmers?

A If that was -- I believe that was after the Christmas that he kicked me out of Calgary, so I would have to say I believe that it was either January or February I took the name off the lease.

Q My question is to an incident date --

A But I don't -- of the January to June, I believe I was there from January but not all the way to June.

Q So when this --

A My name was on --

Q My question --

A -- wasn't on the lease.

Q My question is the incident that brings you here today. Were you living there with him or not? That's a simple question.

A Yes, I -- it's a very --

Q If you're not sure --

1 A It's a very awkward situation so I'm kind of unsure of if I was fully complete living
2 with him or not.

3

4 Q Okay. Tell us what happened then.

5 A What happened was I was living in the same apartment with him up until Christmas
6 going into -- of 2009 going into 2010. I had paid a month lease of January and then
7 February I went to take my name off the lease. So on paper I wasn't technically
8 living in that apartment with him anymore, but physically I was living with him.

9

10 Q Okay. I asked you what happened in there, so can you tell us about the incident?

11 A To make me not live with him?

12

13 Q No, there's something happened between those two dates, right, that brings you to
14 court? There's an incident that happened?

15 A Oh, okay. Sorry.

16

17 Q That's all right. You're doing fine.

18 A Yes. Actually, the main incident that happened would have been when there was an
19 argument at one point and I was to pack up my bags and leave, and he was kicking
20 me out and he was actually counting down, giving me -- I believe it was 30 seconds
21 or three seconds, something like that, that much time to leave the apartment. As I was
22 grabbing my bags, we exchanged some verbal words of, you know, I don't like you,
23 whatever, and I wasn't moving fast enough for him so he had put his arms around --
24 hands around my neck actually to get me out of the room, and of course I screamed
25 for help, and we live in an apartment so everybody can hear, so he had then let go
26 after about five, 10 seconds, and kept helping shoving me out the door and throwing
27 my bags.

28

29 Q Do you know when this happened specifically other than between January 1st, 2010,
30 and June the 1st, 2010?

31 A That specific incident, I can tell you that the weather was nice outside. I know it was
32 sunny. I don't believe there was any snow, so it would have to be probably maybe the
33 February, March to April time when it stopped snowing.

34

35 Q Do you remember the events leading up to this incident where he put his arms around
36 your neck?

37 A There was a couple events when I was living in the apartment with him.

38

39 Q No, I'm talking about on this particular date, sorry, I should --

40 A That particular day?

41

1 Q Yes.

2 A I don't remember what we were arguing about, no.

3

4 Q You said he's kicking you out. Do you remember what he said?

5 A To be honest, I -- I remember him counting down, giving me time to leave, and we
6 were yelling how, you know, nobody likes you or how your parents don't like you
7 kind of deal, and it was just more verbal abuse to each other. I honestly was more
8 trying to get my stuff and yell back at him to then listen to what he was saying.

9

10 Q Did you do anything to start the, shall we say, physical contact with the -- with
11 Mr. Chalmers?

12 A Not the physical contact, no.

13

14 Q Okay. And so how -- who was the aggressor? Can you tell the Court who the -- was
15 the aggressor in this incident?

16 A I believe Bradley Chalmers was the aggressor in this incident.

17

18 Q And who had first physical contact between yourself and Mr. Chalmers in respect to
19 this incident?

20 A Brad Chalmers.

21

22 Q Exactly what did he do?

23 A This would have been the incident where he started to put his hands on me to shove
24 me out of the door first is when it first -- the first contact was.

25

26 Q And how much pressure did he use?

27 A It wasn't a light shove. I don't know how I can show you the shove. It was more -- I
28 don't know how --

29

30 Q How much force was used --

31 A -- to describe --

32

33 Q -- in there? Can you describe how much force was used? You describe it's not a
34 light shove. Was it able to move you physically?

35 A Yes.

36

37 Q All right. And how much did you weigh back then?

38 A Oh, goodness, about 170 pounds maybe.

39

40 Q All right. And how much did he weigh, approximately, do you think?

41 A Maybe 180, maybe 90 pounds.

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Q And how tall were you back then?

A I believe I'm five-five, five-foot five-inches.

Q And how tall is he?

A I have no idea. Maybe five-foot eight-inches to 10-inches.

Q And has there been any change in the height or weight to either of you between, say, January 1st, 2010, and May, 2011?

A Yes; yeah. For me I was by that time probably around 135 pounds.

Q When was that?

A That was around May, 2011.

Q All right. And has -- had his weight changed?

A It had. I'm not sure what he weighed, though. He did weigh more.

Q Okay. In 2011?

A Yes.

Q May, 2011? All right. Do you remember anything else about this incident when he grabbed your neck, or sorry, pushed -- tried to push you out the door? Was he successful in pushing you out the door?

A Yes.

Q Did you receive any injuries?

A More just a sore throat on that part, that one, maybe a couple sore wrists from him pushing me down.

Q Okay.

A That's about it.

Q Well, when did he push you down? Can you explain that to the Court?

A Probably just when I was grabbing my bags and he had his hands around my neck was when I was pushed down, and shoving me. I was on the ground before I was out the door. I remember that.

Q Did you fight back or anything?

A I tried. I tried to kick back, get him off me. I did scream a lot.

Q Did you have any injuries?

1 A No, not any major injuries, no.

2

3 Q Did he have any injuries as you tried --

4 A Not that I --

5

6 Q -- fighting back?

7 A -- recall. If anything, maybe some scratches on him.

8

9 Q Did you have a right to be in the residence at the time?

10 A I thought that I did.

11

12 Q And why is that?

13 A We were already together and there for many days.

14

15 Q Did you have things there?

16 A Oh, yes.

17

18 Q And what type of things?

19 A I have a lot of furniture that was back and forth between us. I told him in the end
20 if -- if we didn't work out, that he could have them, but mostly furniture. I had some
21 clothes, food definitely. I paid for all the food, so any kind of food that was there, it
22 all ended up there. If I would bring it in a new day, a new load of food, that would
23 get left.

24

25 Q Did you report this to the police?

26 A No.

27

28 Q And why would you not report this to the police?

29 A I was too scared.

30

31 Q Why were you too scared?

32 A Different things that he has told me before, if I would go to the police, that he would
33 either take me down with him or come after me.

34

35 Q All right. There was another incident that occurred between May 1st, 2010, and June
36 30th, 2010, correct?

37 A Yes.

38

39 Q And where did this incident occur?

40 A Sorry. There's so many incidents. I -- to be honest, which incident are you referring
41 to again?

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Q I'm giving you the dates, ma'am, and you'll have to tell us the specific incident. If you need --

A May to June. Gosh.

Q You gave a statement to the police. Would that refresh your memory at all?

A It might; it might.

Q And the statements that you gave to the police, they were in your own handwriting and you --

A Yes.

Q -- signed them; is that correct?

A Yes.

Q And you had a chance to look at them today?

A Yes. I scanned over them.

MR. LIM: I'm going to ask this Honourable Court and my friend whether or not this witness can utilize her police witness statements in her own handwriting, signed by herself, to refresh her memory?

THE COURT: Counsel? I assume you've seen this, Counsel. It's part of --

MR. JOHNSTON: Yes, I have.

THE COURT: -- the disclosure. Is this --

MR. JOHNSTON: What I'm looking for is which statement? There's a number of them.

THE COURT: All right; all right.

MR. JOHNSTON: Okay. So that's --

THE COURT: Are there a --

MR. JOHNSTON: -- fine.

THE COURT: -- number of statements?

1
2 MR. JOHNSTON: She can. It's just --

3
4 A There are.

5
6 THE COURT: All right. We'll take --

7
8 MR. JOHNSTON: -- there's a date --

9
10 THE COURT: -- a break to give her an opportunity --

11
12 MR. LIM: Yes, Your Honour.

13
14 THE COURT: -- to look at that without me staring at her.

15
16 MR. LIM: Thank you, sir.

17
18 (ADJOURNMENT)

19
20 THE COURT: Mr. Lim.

21
22 Q MR. LIM: Ms. Ramcharan, you remember you're still
23 under oath?

24 A Yes.
25

26 Q I'm now asking you about the incident, what happened between the dates of May the
27 1st, 2010, and June the 30th, 2010?

28 A That would have to be the incident -- I believe that would be the incident when he hit
29 me in the ear. We were having an argument about what knows -- who knows again?
30 Probably related over weed and drinking again. I don't remember. And I remember
31 him getting in my face and spitting while he was yelling at me, so I pushed his face
32 out of the way, and I remember him swearing that I punched him, but I pushed him
33 away with the palm of my hand and he wound up and hit me in the ear. It was
34 ringing and probably deafened for about a week or two, week and a half. It was my
35 left ear.

36
37 Q Can you tell the Court how much -- describe how much force he used when he hit
38 you?

39 A What would be a good way to describe force?

40
41 Q In your own words try to describe it.

1 A It would be like a slap.

2

3 Q How much force? In other words how -- had you any problems with that ear
4 beforehand or --

5 A No.

6

7 Q All right. And how many of the after -- shall we say, was the ringing and the pain
8 after the -- the hit against or slap against your -- your ear?

9 A Sorry, how --

10

11 Q How much longer afterwards, after you got hit?

12 A Probably about a week and a half to two weeks.

13

14 Q When did you first notice the pain, in other words --

15 A Oh, right away.

16

17 Q Okay. And how much force did you use when you tried to push him away?

18 A It was more of a shove, so it wasn't a push.

19

20 Q Did he move as a result of your shove?

21 A His face moved away.

22

23 Q Okay. And can you tell the Court how much force you used?

24 A It's really hard to describe force. I -- I mean --

25

26 Q Did he have any injuries?

27 A No, not that I recollect.

28

29 Q Why did you push his face? Can you explain that to the Court?

30 A When he was yelling at me, he was spitting in my face. He was very close, probably
31 about maybe two inches away from my face, so I had shoved his face out of the way.

32

33 Q And what was he saying when he was yelling? Do you recall that?

34 A I don't remember.

35

36 Q How did you feel as he was yelling and he was spitting in your face or --

37 A Scared.

38

39 Q Okay. And can you tell the Court why you were feeling scared?

40 A I was more scared that he was either going to hit me, punch me. Who knows? Choke
41 me. I don't know.

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Q Why did you think that at the time?

A Because it had happened before.

Q Can you tell the Court where this actually happened? I know it's in Edmonton, Alberta, but where?

A This was when we were living, semi-living in our apartment in Fairmont Village in Edmonton.

Q Do you remember more precisely the date of the incident between May 1st, 2010, and June the 30th, 2010?

A The exact date -- I honestly couldn't remember the exact date. I just know that it was another -- I mean, it was sunny outside. I don't remember exactly.

Q Why do you remember it was sunny outside?

A I know it was during the day and there was sun.

Q Okay.

A That's all I can really remember.

Q And can you tell the Court, did you report this to anyone?

A That incident I believe I just told to my brother and maybe my -- I think I told my mom that.

Q Did you tell --

A That's about it.

Q -- the police?

A No, I didn't report it to the police.

Q Why didn't you report it to the police?

A I was scared to. I didn't know what would happen to him or me.

Q Well, can you explain to me why you were concerned about what happened to him or yourself?

A I -- I worry about people and I like to try and take care of people, and at the time I also know that he didn't really have any friends or family, so I was worried about what might happen to him, or if they had taken him away, if he would come after me or send somebody after me.

Q Why would you think that?

1 A From recent -- recent things he has said before, that he would come after me if I ever
2 left or if I tried to take anything from him.

3

4 Q Can you tell us, did you -- did you get any treatment in respect to your ear that was
5 ringing?

6 A No.

7

8 Q Do you recall which hand he used?

9 A I honestly don't remember.

10

11 Q There was an incident that occurred on December 1st, 2010, between the dates of
12 December 1st, 2010, and December 15th, 2010. Can you tell the Court what incident
13 was that?

14 A That would probably be the incident -- I believe that's when we had an argument
15 probably once again over drinking and weed.

16

17 Q And weed is what?

18 A Marihuana.

19

20 Q Okay. You think or do you recall? I should clarify that. Do you think or do you
21 recall this happening in between these dates?

22 A I think. That's what most of our fights were ever about.

23

24 Q Okay.

25 A He -- they were usually him being drunk and fighting over whether or not we had
26 weed or drugs in the house.

27

28 Q Okay. And what actually happened in this incident?

29 A This incident, I believe this was around Christmastime.

30

31 Q Why do you believe it was around Christmastime? Can you explain that?

32 A It was in December and I know that it was around the Christmastime when it was a
33 little rocky with my family and him so he wasn't invited that year. Before that was --
34 no, that wasn't that year. That wasn't -- but I know -- oh, that was the Christmas --
35 that happened, actually, just before we went to Calgary. Now I remember the incident.

36

37 Q Do you actually recall this incident?

38 A I remember the incident now.

39

40 Q All right.

41 A This is --

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Q Tell the Court.

A -- the incident when I -- we had an argument over drinking or whichever again. I don't recall exactly. I know it was at nighttime. I know that we had been drinking a bit, him more than I had, and what we were arguing, I can't remember and I -- we ended up throwing stuff around the house, and me -- to prove a point, I would try and throw stuff back, showing I could do it, too, and if I threw stuff, he would yell louder or come after me, and I believe he chased me around the house about three times that night, threw me down on the ground about --

Q You believe or do you recall?

A I recall about three times.

Q All right.

A For sure, because I remember landing on my wrists three times. Any more than that I don't recall.

Q All right. What happened as he's chasing you around?

A He grabbed my -- me by the arm those couple of times, and I had swung around a couple times, fell on my wrist down on the ground, would try to get up, try to get away, try to scream, once again grabbed me by the arm, swung me around, I'd fall on my wrist. That happened about three times, and then I tried to leave. I -- I threatened to call his parents and his sister. I pretended to call his sister.

Q Why did you do that?

A Because I knew that if -- maybe he would stop maybe if he -- if she was on the phone or I knew that it would bother him a bit and hopefully he would leave me alone. I don't know to be honest. I just wanted to get him off my back.

Q And could you tell the Court how intox -- was he intoxicated?

A Yes, at the time.

Q How intoxicated was he?

A To be honest, I -- I can't say he was completely drunk. I can never really tell if he's completely drunk, but I would say he was pretty intoxicated, at least eight to 10 drinks that night if I can remember. I know there was definitely a few in there.

Q What about yourself? Were you intoxicated?

A Not really, no. I had a couple drinks at my parents'. I believe we had a dinner before that. I can't remember if that was the dinner right before, but I know I had a couple drinks that night.

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Q Who started this fight?

A Oh, God.

MR. JOHNSTON:

I didn't hear that.

A Oh, gosh, sorry. I don't remember if I started yelling at him first or not over the drinking and him asking for drugs. I don't know exactly how the fight started.

Q MR. LIM: You recall him asking for drugs?

A Well, it was weed first, marihuana, and then the more -- the more the fight would get, it was more over cocaine, and I don't know. There's -- it just would lead to that. It was like his way of calming down. I don't know.

Q Who started the physical fight?

A He physically put his hand on me first.

Q And how did he do that?

A By grabbing me.

Q How did -- how did he grab you?

A He would grab me by the wrist.

Q One hand or two hands or what hand?

A Oh, I don't remember if it was one or two.

Q All right. And did you have any injuries?

A Mainly bruises on my knees. My wrist was pretty sore and carpet burns. Nothing too-too major.

Q Well, how did -- can you tell the Court how you got the bruises on your knee?

A This would be from when he would grab me by my arm and twirl me and throw me on the ground.

Q All right. And how many times did that happen?

A Well, I remember about three times. I don't remember any more or less.

Q All right.

A I remember three for sure.

Q Do you remember what you were wearing?

1 A No.

2

3 Q Do you know if your knees were covered or not?

4 A They must have been. The only thing I really wear is tights or jogging pants so it
5 would either be tights or jogging pants I was wearing.

6

7 Q Did you recall any treatment for your injuries, for your --

8 A No, I didn't.

9

10 Q -- or your --

11 A No. I left and went to my friend's house.

12

13 Q Did you do anything to fight back or say anything?

14 A More of screaming, yelling, trying to get him off me, and then threatening to call his
15 sister, his parents.

16

17 Q Did you want to fight? Sorry, did you want to fight him?

18 A No, not physically. I mean, I don't know why anybody would want to fight
19 somebody.

20

21 Q How did that incident end?

22 A I left. I left the house. I packed up some stuff and I left and I went to one of my
23 very good friend's house. I stayed the night with her.

24

25 Q And why did you leave?

26 A I didn't know what else would happen after that --

27

28 Q Did you have --

29 A -- if I didn't.

30

31 Q -- any concerns?

32 A A little.

33

34 Q Why?

35 A Well, I'm -- I was afraid to tell anybody like my parents. I didn't want -- I didn't
36 want something to happen to Brad because I didn't want him to be left alone without
37 any friends or family, and I didn't want my parents to make me leave because of that,
38 and I felt like I should help him.

39

40 Q Did you try to contact the police?

41 A No.

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Q And why is that?

A I was too scared to. Threatening to call the police was never a good idea.

Q Can you explain why?

A If I would say that I would call the police, call my parents or call his parents, he would either say he would send somebody after me or come after me if I had actually told anybody. I remember at one point he actually made me write out a piece of paper agreeing not to say anything if I did ever leave about anything, about any kind of drug use or abuse.

Q Did you tell anyone?

A No. I ended up in the end telling his sister about the last incident we were speaking about.

Q The last --

A When we went to Calgary, the incident where he was throwing me on the ground, and I ended up telling his sister and I ended up telling his mom over -- over the phone later on about --

Q And why did you tell them?

A I had told them about the -- some physical abuse that had gone on and drug use because they had asked me.

Q Were you --

A They had asked me if he was taking any drugs.

Q Were you using drugs any time with him?

A I smoked weed. I smoked marihuana with him. Through our relationship, I probably touched cocaine maybe twice.

Q And was he using cocaine at the time?

A On and off, yes. I -- I thought maybe less than more, than what he was, but I think he was doing it way more than what I thought.

Q Why do you think that?

A The demeanour he would have sometimes at night. He usually tended to stay up a lot later or go out to bars and not come home till past bars, the times that they were closed, so I just thought -- it made me think that he was off drinking and doing drugs and then come home and stay up even later, and then the nights I actually -- I actually caught him doing the drugs were same -- same incidents, same things that he would

1 do.

2

3 Q There was an incident occurred on January the 13th, 2011. Can you tell the Court
4 what happened on this particular date?

5 A This is another -- this is towards me, physical --

6

7 Q I'm going to ask you, did you have -- basically who was in your family or in your
8 relationship with Mr. Chalmers? Was there -- did you have any other people living
9 there or --

10 A No, it was just me, myself, and two cats.

11

12 Q All right. And were the cats always living with you?

13 A They -- we got the first cat August, I believe, of 2000 -- must have been '10.

14

15 Q And which cat was that?

16 A That would be Khonsu, our male cat.

17

18 Q And that's spelt K-H-O-N-S-U?

19 A Yes.

20

21 Q And that's a male cat you said?

22 A Yes.

23

24 Q And what type of cat is that?

25 A He's a black and white cat. That's all we really knew of him.

26

27 Q Fair enough. And how big would you say Khonsu was at the biggest shall we say?

28 A At his biggest today?

29

30 Q Well --

31 A He would probably be -- I don't know how much he really weighed. Maybe 10, 15
32 pounds. He's about -- yeah, maybe about 10 or 15 pounds.

33

34 Q Okay.

35 A Now.

36

37 Q And back then in --

38 A When we first got him, oh, not much. He was about eight weeks old when we first
39 got him.

40

41 Q How old is Khonsu now?

1 A Now -- got him in August. He'd be about a year and a half, two years old now,
2 maybe two and a half years.

3

4 Q And how much would you say he weighed, roughly, so say on May 14th, 2011, so a
5 year and a bit ago?

6 A Maybe about eight to 10 pounds.

7

8 Q All right. And you had another cat; is that correct?

9 A Yes.

10

11 Q And what's that cat's name?

12 A Aradia.

13

14 Q Can you spell that for the Court?

15 A A-R-A-D-I-A.

16

17 Q All right. And can you tell the Court what type of cat was Aradia?

18 A She was a black and white as well.

19

20 Q All right. And where did you -- when did you get Aradia?

21 A We got her probably, hmm, it was about three and a half, four months after Khonsu,
22 so I might be wrong on when we got Khonsu, because I think we got her in about
23 September, October. We might have gotten Khonsu in about June or July then,
24 because I believe we got Aradia in September or October, and she was about six or
25 seven weeks old.

26

27 Q And that's 2010, correct?

28 A Yes.

29

30 Q And when you say "we got", who owned these two cats, Khonsu and Aradia?

31 A To Bradley Chalmers, he had taken on responsibility of owning the cats.

32

33 Q Okay.

34 A He wanted them to be his.

35

36 Q All right. Did you help raise the cats?

37 A I did, yes.

38

39 Q And on January the 13th, 2011, can you describe the health of Aradia?

40 A She was pretty -- she was a pretty healthy cat. She's very fit and she's very energetic,
41 and that night actually -- she's very -- she likes to jump on counters and knock stuff

1 off a lot, so as a way to try and keep her from doing that, we would put hot sauce on
2 the counter or pepper to try and see if that would keep her off, and I believe if -- I
3 wouldn't say it was exactly the 13th but around that day, that would be that night she
4 knocked some stuff off the counter, and when we came out we -- he had found her in
5 a hiding spot. I don't know where. I wasn't watching exactly where he found her.
6 And as a punishment to the cats, we would -- he would spray them with water. With
7 her he put her under the tap.

8

9 Q Did you observe this?

10 A I did. I watched this.

11

12 Q All right.

13 A Put her under the tap and in the sink in the kitchen and ran the water maybe 30
14 seconds or longer. It seemed pretty long at the time, maybe to me because it was
15 scaring me. I don't know. And after he had taken her out of the water, he had turned
16 her on her side, her right side, and put her down on the counter, which is like a tile
17 cement counter. I'd heard a little noise out of her and a little -- like, not -- I won't
18 say it was a bone cracking because I can't say that I actually heard a bone crack but I
19 heard a little tap or something and little noise out of her, a little whimper, but I didn't
20 think anything of it, and after that he kind of tossed her, not -- it wasn't, like, a nice
21 toss but it wasn't a hard throw, in between, to our single couch, which was about,
22 from the kitchen to where the couch was, maybe 15, 20 feet. I don't really know how
23 long 20 feet is, if this room is -- I'm not sure, but maybe 15, 20 feet to this couch
24 and --

25

26 Q Can you describe for the Court how far away in this courtroom?

27 A I would say from where I am standing probably about to maybe the desk behind you,
28 a little -- or to the first chair, about that distance.

29

30 Q So that --

31 A Yeah.

32

33 Q About 10, 20 -- 20 feet? 20 feet?

34 A 15, 20. I don't --

35

36 Q 15, 20 feet. All right.

37 A -- really know how long feet are to be honest, but --

38

39 MR. LIM:

I'll check with my friend. Would you agree

40 that's 15 to 20 feet?

41

1 MR. JOHNSTON:

Sure.

2

3 A And so he threw her to the couch, the little sofa. She bounced and I watched her
4 scurry behind the chair. When I went to go and pick her up from behind the chair to
5 see if she was okay, I had her in my hands and noticed that her right front leg was
6 dangling and really floppy. She didn't really make any noise or anything after that, and
7 I just kind of realized her arm was broken. I got -- I got upset with Brad and the --
8 well, I was mad at him because I didn't want to lose her. I fell in love with these cats
9 and I didn't want her to have to be put down because of something that he had done
10 or because he was angry or because -- or we couldn't afford to keep her so we'd have
11 to put her down because we couldn't afford to fix her, and I didn't want to -- I didn't
12 want to tell the truth about what happened because I didn't want to lose her. I just
13 wanted her to be fixed.

14

15 Q MR. LIM:

Why did you think you would lose her?

16 A I don't know. I thought that if we took her into a vet and we told them what
17 happened with what Brad did, that they would probably, I don't know, call the cops or
18 call animal rescue or whoever it is and take her away, and I didn't -- I didn't know
19 what would happen if something like that happened.

20

21 Q Just to clarify, this occurred on January 13th, 2011?

22 A Around that day I believe that was, yes.

23

24 Q All right. And can you tell the Court, did Aradia have any problems physically on
25 that day, January 13th, around that day, 2011?

26 A No.

27

28 Q Had you seen any problems with her walking?

29 A No.

30

31 Q Had she had any difficulty walking on that date?

32 A No.

33

34 Q And again it's a little unclear, so you mentioned that the cat was put underneath the
35 water, the --

36 A Yes.

37

38 Q -- the tap? What was Aradia's reaction?

39 A To be honest, I don't think she could even breathe. He had her by the scruff of her
40 neck pretty hard and her eyes were pretty bugged out, so I don't think she could really
41 move or do anything to be honest.

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Q Well, okay. Now, you said you observed his arm around her? Or sorry?

A He had his hand on the scruff of her neck.

Q Okay. And how hard was that? Can you describe that for the Court?

A Well, I -- I couldn't physically feel how hard he was pinching her, but I could say that it was to the point where I could see her scruff pulled back so tight and her face -- the bones in her face, you could see the outlines of it and her eyes actually popping out of her.

Q All right. Can you make any observations or did you make any observations of how Aradia was reacting to this as she was being pulled by the scruff?

A I don't think she could react. She was kind of stiffened. Usually when you grab cats by the scruff, they kind of stiffen up. At the time when she was under the faucet and on her side, she couldn't really react. I think when she started to come to she tried to kick her legs out, but that's when he had tossed her already and I didn't really see too much until she -- she ran --

Q Why do you say --

A -- behind the couch.

Q Sorry to interrupt you. Why do you say Aradia came to or had come to? What do you mean by that?

A It seemed maybe like -- I don't know how to describe when you -- when you put a person in a headlock and they black out, kind of like that. It's like cutting off her wind circulation or air circulation and kind of like -- like she's not moving, but then it's like you all of a sudden get a second wind when you let go just enough and can kind of move around a bit. She seemed like she wasn't moving for so long and then all of a sudden would kick her leg out, but then he had already tossed her so I didn't really see too much after.

Q How long would you say he had Aradia in that headlock, if you want to describe it, as you described it?

A Well, he had his hand around her scruff, like, on the scruff of her neck --

Q Sorry.

A -- from the point that he had had her under the faucet until he tossed her to the couch.

Q Which is how long would you say?

A Oh, God. It felt like a long time but it was probably a lot quicker than I thought. Maybe it probably would have happened between, like, two to five minutes.

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Q All right. Did you do anything or say anything as he's doing this?

A I tried to get him to stop, to take her out of the faucet. I yelled at him to stop.

Q And did he listen to you?

A He finally did when I tried to shut off the water, but then he would just -- he just tossed her.

Q Did you do anything physically to -- to try to stop him?

A I don't remember.

Q Okay. Now, you described, first of all, the cat somehow dealing with the tile surface on your kitchen counter; is that correct? What exactly happened there between Aradia and Mr. Chalmers?

A Well, in -- after we shut off the tap, he had -- I don't know how exactly he had her, but the tap -- he took her out from under the tap and put her on her side, so I don't really know how to describe how she was.

Q Was it gently put on the side or what?

A No, not gently. It wasn't extremely hard but it wasn't gentle either. I couldn't exactly see but it was more of a -- not a slam, like not a body slam of -- as a human would do, but to a cat maybe it would be like a body slam.

Q And what was Aradia's reaction to that?

A I didn't really see to be honest. I couldn't see.

Q All right.

A That's mainly when I would have heard -- I think that's just when I really heard something out of her. I didn't really see exactly what happened.

Q When you say you heard something out of her, what did you hear?

A Just a little unh, like nothing -- nothing major. It was just a little noise.

Q So you made just a sound that isn't recorded.

A Yeah

Q So she made -- okay. And was this a sound you had heard before?

A No.

Q Could you tell what, shall we say, Aradia's reaction was or demeanour was in respect to this?

1 A I honestly couldn't, no. I didn't --

2
3 Q Fair enough. Then you testified or you told the Court that Mr. Chalmers threw the cat
4 approximately 15 to 20 feet to the sofa from the kitchen?

5 A Yes.

6
7 Q Okay. And when you saw Aradia land on the -- on the couch, what was her
8 demeanour or behaviour then? How did she react in other words?

9 A Well, I was in the kitchen at the time when I seen her land on the couch. She kind of
10 bounced from the back of the couch to the seat and just scurried behind it, so I
11 didn't -- that's all she did really. From landing to the couch, she just walked behind it.
12 I didn't see the leg. I didn't notice anything. I just seen her scurry.

13
14 Q Okay. And then what happened after it scurried behind the couch?

15 A I went to go see if she was okay. I sat on the couch and I bent over the back of the
16 chair to look behind it. I went to pick her up. I grabbed her by the scruff to pick her
17 up, put my hands under her legs, pulled her out, went over to our longer sofa, sat
18 down and had her in my hands and realized her one -- her right front leg wasn't
19 moving on her own. It was just limp.

20
21 Q What do mean by limp?

22 A It was limp and dangling.

23
24 Q Okay.

25 A Yeah.

26
27 Q And had you seen that -- had you seen that earlier today, earlier that day, sorry?

28 A No, not at all.

29
30 Q And what was Aradia's reaction at that point when you were dealing with her?

31 A I don't know if cats can go into shock but maybe shock I would say, because she
32 didn't really move too much, because I could actually move her leg and she didn't do
33 anything. She didn't make a noise. She didn't -- she just sat there in my hands.

34
35 Q Was this normal behaviour for Aradia?

36 A No.

37
38 Q And at that point how long had you had Aradia, roughly?

39 A Oh, God, I don't --

40
41 Q Oh, sorry, you testified -- you said you had it September, October --

1 A Yeah, about that time.

2

3 Q -- of 2010 and now it's obviously January, sorry, 13th, 2011. So a few months; is that
4 fair to say?

5 A Yes.

6

7 Q And what did Mr. Chalmers say or do at this point?

8 A Well, I was more crying and hysterical, yelling at him that I didn't want to lose her
9 and I didn't want to lose her over something he did. He said it's fine, we'll fix it,
10 we'll figure something, we'll take her to the vet. And so we did, and that's all that he
11 said at this point of time.

12

13 Q Did he say anything else about the situation at any point?

14 A Not until we were leaving he wanted -- we kind of made up a story about the
15 situation, me to tell the vet what happened so that we wouldn't get in trouble for what
16 happened.

17

18 Q What do you mean made up a story?

19 A Well, we made up a story about a can falling on her leg and when we came out that it
20 was -- she was -- it was already broken and she was just there and it wasn't already
21 broken. I don't remember exactly what we told them, but I remember them --
22 remember telling them that we said that the can broke her leg.

23

24 Q And whose idea was that?

25 A Brad's.

26

27 Q And why did you do that?

28 A I went along with it because I didn't want something to happen to her or me. I didn't
29 want him to get mad at me for lying -- for not -- for not lying, for telling the truth and
30 then something happened to him. And I don't know, if something happened to him, if
31 he would come after me or he would send somebody after me.

32

33 Q Can you tell the Court, did you take Aradia anywhere?

34 A We -- we ended up taking her to the emergency veterinary hospital downtown and
35 they want -- had an initial fee and we didn't have money, so we couldn't take her
36 there. So he said, well, we would take her to somewhere else. We took her home and
37 we looked at some other vets that we could find, and we found another one for general
38 veterinary hospital. It's on the west end of the city. And they said that they would
39 take her in and do payments, so they did the surgery, and we told them our lie about
40 what happened so that they would do it.

41

1 Q And what happened to -- what was wrong -- was there any injuries to -- to Aradia?

2 A Her -- her leg ended up being broken. It was split. I can't -- it was kind of on an
3 angle. They had to put a pin in it to keep it together so it would heal together.

4
5 Q And is this the same leg that you described earlier as being kind of limp or --

6 A Yes.

7
8 Q -- or dangly? You said it had surgery? Do you know what day that was or how close
9 it was to January 13th, 2011?

10 A I don't remember the exact date of the surgery.

11
12 Q Was it close to the date of the offence, or what happened, sorry?

13 A I believe it was about a week or two after. I'm pretty sure it was pretty close. I don't
14 remember it being very long. I know she had to be in there a couple days or so.

15
16 Q Do you still have Aradia?

17 A No, I do not.

18
19 Q And did you see Aradia after the operation?

20 A Yes, I did.

21
22 Q And how long did it take for her to heal?

23 A Well, she's completely healed now. She still has a pin in her -- in her arm, so it
24 probably took about maybe three or four months to be completely healed.

25
26 Q Did you see any changes in her demeanour or behaviour?

27 A Not really. I mean, she seemed a little more calmer, but that was only, I think, after
28 we got her fixed. No, actually I got her fixed. Maybe she was a bit more calmer.

29
30 Q Did you see her behaviour around Mr. Chalmers after the surgery?

31 A She was good with him. He kind of favoured her after that, yeah. She's still kind of a
32 little bit boisterous. Like, she'd still run around a bit, but very good with him. He
33 would kind of baby her.

34
35 Q At the time of January 13th, 2011, how large or what weight would you say was
36 Aradia?

37 A Oh, she wasn't that big. I remember I think when we took her to get weighed at one
38 point she was around maybe four or five pounds. She wasn't very big.

39
40 Q When he -- when Mr. Chalmers threw the cat to the -- from the kitchen to the living
41 room, was -- was the -- was there any need to discipline the cat or anything like that,

1 any reason to discipline the cat from your observations?

2 A I mean, the only thing that we were really disciplining her for was putting her on
3 the -- or for her jumping up and down on the countertop. The way that we -- he had
4 disciplined her that night was not necessary I believe.

5

6 Q How much longer after -- was it after the incident where she jumped onto the counter?

7 A Did she go back on it you mean?

8

9 Q Well, how much -- how long afterwards did he stick the cat's head under the water
10 after she had jumped on the counter?

11 A Oh, it seemed -- it seemed about 30 seconds to a minute she was under there.

12

13 Q No, my question is she jumped on the counter. You were trying to discipline her, I
14 understand, or keep her off the counter; is that correct?

15 A Oh, she was -- she was already off the counter when we came out of the bedroom.

16

17 Q Okay.

18 A Yeah. She wasn't -- we just -- that was a way of disciplining her by, like, putting hot
19 sauce or whatever on the counter. We didn't actually -- that night we didn't actually
20 catch her on the counter.

21

22 Q All right.

23 A He had found her hiding.

24

25 Q Okay. Oh, so he found her hiding and then --

26 A Yes.

27

28 Q And then went to the tap?

29 A Yes.

30

31 Q There was an incident that occurred between the dates of March the 1st, 2011, and
32 March the 31st, 2011, involving yourself and -- and Mr. Chalmers. Can you tell us
33 about that?

34 A Oh, yes.

35

36 MR. JOHNSTON: Excuse me, just repeat those dates?

37

38 MR. LIM: Sorry, March the 1st, 2011, and March the 31st,
39 2011.

40

41 MR. JOHNSTON: Thank you.

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A I believe that would be the incident -- another argument we had. This was -- I believe this was during the daytime. And to be honest, I don't remember at all what this argument was about. I remember we were throwing each other's stuff. He was throwing my stuff outside, brand new pairs of shoes my parents just -- my mother just bought me actually. We kind of -- we would always have arguments that would lead us to throwing stuff around, that he would try to break stuff that was valuable so I would try and go after his valuable stuff. Never actually did anything. It was more of a threat. And I believe that was the day that I went after his hockey cards. I believe they were hockey cards. They were cards from his granddad, I believe, that gave it to him, and they were worth quite a bit to him, so I threatened to throw those out.

Q MR. LIM: Why did you do that?

A Because he was throwing my stuff out and throwing stuff around the house.

Q Who threw stuff first shall we say?

A Brad Chalmers did.

Q And what did he specifically throw?

A I don't remember the first thing he threw out to be honest, but I do remember specifically my runners and some clothes outside.

Q And what did you say after he started throwing those things out?

A That I was going to go after his stuff and I was going to throw his stuff out if he was going to keep throwing my stuff out.

Q Had he said anything before he threw out your shoes and clothes or runners?

A I don't remember. I remember that we were arguing about something.

Q Fair enough. All right. And what happened after -- after you made the comments about going after his hockey cards?

A Well, I -- I don't know what he was doing still when I was actually in the bedroom. I know he's still either throwing my stuff out or throwing stuff around the house. I'm not sure, but I went into the bedroom to get his hockey cards. He came in after me. I put them down on the ground. I don't know if he thought I threw them on the ground or whatever on purpose to try and wreck them, started freaking out saying that I bent the edges of them. He grabbed me by the neck, threw me onto the bed, which was only -- it's only a mattress so it's right off the floor, and of course I tried to get away. I tried to scream and yell at him that he's choking me. So it was probably -- his hands were probably around my neck for maybe five to 10 seconds. It didn't seem too long but at the same time did. I don't really know how long it was. And then I don't

1 really recall what happened after that.

2

3 Q Do you recall receiving any injuries?

4 A I personally didn't get any -- treated for any injuries. I don't have any bruises or
5 anything, just a sore throat after. I always thought it was -- maybe it was from yelling
6 and screaming. I don't think anything of --

7

8 Q What about him? Did he have any injuries to your --

9 A Not that I recall.

10

11 Q Did you do anything to fight back, shall we say, or --

12 A I don't --

13

14 Q -- say anything?

15 A I don't remember, and if I did, maybe I tried to kick away from him or scratch. I
16 don't know. I don't remember exactly.

17

18 Q Did you want to fight with him on this date, physical --

19 A Not that I --

20

21 Q -- fight?

22 A No, not at all, not physical, no.

23

24 Q Who started this fight, the physical part?

25 A Oh, Brad Chalmers, definitely.

26

27 Q How did he start it?

28 A When he came into the bedroom and grabbed me out of the closet by my neck and put
29 me onto the bed.

30

31 Q Can you explain --

32 A That would be --

33

34 Q -- to the Court why --

35 A -- when it started.

36

37 Q -- you were in a closet?

38 A I was in the closet to grab the hockey cards.

39

40 Q And why were you trying to grab the hockey cards at that point?

41 A It was my way of threatening to ruin something of his that was worth a value.

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Q And how much force did he use on you to get you on the bed, grabbing by the throat?

A Well, enough to be able to put -- put me from my feet to the ground. I -- I was complete moved. I don't know how much force you could say he put.

Q On this date, which would be between March the 1st and March the 31st, 2011, how much did you weigh?

A I know I was losing weight by then but I don't think I lost that much. Maybe 140 pounds.

Q All right. And how about himself? How big was he at the time?

A To be honest, I don't remember. I know he weighed more than me, was quite larger at the time. I don't know if he ever got to 200 pounds but --

Q All right. Can you tell the Court on this date was anyone intoxicated or under the influence of alcohol?

A That date I don't believe we were drinking. No, that was during the day. We hadn't had any drinks in us, at least I didn't personally.

Q How about anyone taking drugs that you knew, or medication?

A Smoking marihuana. That's about --

Q Both of you?

A -- it that I know of. I -- we both were. I believe I was, pretty sure. Medication, nothing. Maybe steroids for Bradley Chalmers.

Q Do you recall anything else in respect to the incident in the bedroom once you got into the bedroom and thrown on the bed?

A There's a couple other things that happened. I don't think it was that same day, though.

Q Okay. I'm just asking you to focus on this particular date --

A Yeah.

Q -- between March the 1st and 31st, 2011. Do you recall how long he had you around the neck, was holding you around your -- your neck, sorry?

A To be honest, it may be maybe about five to 10 seconds. It felt like longer but I wasn't actually timing. I don't know. It seemed --

Q And where were you positioned on the bed so to speak?

A Oh, goodness. I know I was on my back. It was on the edge of the bed. It's just a

1 mattress, so the way I was laying on it was maybe my back was more on the bed and
2 then my butt was probably hanging off the edge if I can really remember.

3
4 Q Were you able to breathe?

5 A Enough to yell out he was choking me. I could breathe a little bit, yes, but not
6 completely.

7
8 Q Did you do anything as he was holding you down on the bed?

9 A I tried to push him off if I recall, but that's about it. I don't think I kicked or
10 anything. I don't --

11
12 Q Were you --

13 A -- remember.

14
15 Q -- successful?

16 A Yeah. He definitely let go in the end.

17
18 Q Okay. And you said you had a sore throat but you don't know how that happened,
19 correct?

20 A I don't know if it was from that or yelling to be honest.

21
22 Q There -- the next incident I'm going to ask you about is May the 2nd, 2011, between
23 yourself and Mr. Chalmers. Can you tell us what happened on this date?

24 A Yeah, that -- we were supposed to pay our rent that day, and he was short for rent and
25 we were paying by cash, and I was pretty much paying most of our rent, and at the
26 time we were -- I can't remember what we were arguing about but it ended up getting
27 to the point where he had already had the -- I'd given him the cash and he was saying
28 that he wasn't going to put it in the account, so of course I got upset and I tried to get
29 it back from him. I believe that's when I got it back. I'm not sure, but I remember
30 him bending my fingers back to the point -- like, they were sore for at least a good
31 week or two after. They were bent pretty far back. They were hard to move. And I
32 don't remember if I did have the cash or not, but I'm guessing he bent my fingers
33 back to get the cash out of my hand so it must have been that same point. He had
34 tossed me, threw me. It wasn't a hard throw but it wasn't a light toss, so tossed,
35 threw me onto the couch, onto my back, and I rolled onto my neck. I think that's the
36 main thing that happened that day.

37
38 Q Okay.

39 A It was all over rent, though, I remember.

40
41 Q Did you want to fight with him on this particular date?

1 A No.

2
3 Q Who started the physical, shall we say, contact between --

4 A Brad. Brad did.

5
6 Q All right. And who was the aggressor in this particular situation?

7 A I felt Brad was.

8
9 Q All right. And can you tell the Court how the -- the physical contact started?

10 A It started with the arguing over the money and me trying to get the cash back from
11 him, and I had grabbed the -- I believe I grabbed the money. I must have had the
12 money. I don't know, but that's when he had grabbed my hand, my fingers and bent
13 them back, so if I remember right I must have had the money.

14
15 Q Whose cash was it?

16 A It was mainly -- well, I would like to say it was mainly mine. Most of the money in
17 there was mine.

18
19 Q And what was --

20 A And I was putting in his -- some of his share for the rent as well.

21
22 Q Okay. And did he say anything as he was trying to get the cash from you?

23 A I don't remember. I'm sure he did. I don't remember exactly what was said back and
24 forth.

25
26 Q But what was the argument about?

27 A Well, I mean, well, I don't remember what it was started about but it got to the point
28 where we were yelling about the cash and him saying -- he did say before he had
29 grabbed my hand that he wasn't going to put the money in the account. He was
30 threatening not to put it in to pay the rent for -- for our landlord to be able to cash his
31 cheque.

32
33 Q All right. So -- and what was your -- your reaction to that?

34 A Well, I obvious -- I was very -- I was very upset about it because I had been paying
35 for our rent for the -- for a brand new place that we got for the first four months, and
36 it would upset me that he would try to sabotage us living in a nice place for once.
37 And I -- I mean that I guess I didn't --

38
39 Q Ms. Ramcharan, can you tell the Court, when he bent your fingers, do you know
40 which hand it was?

41 A It was my right hand I remember.

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Q And what would you describe the level, shall we say, of force being used to bend your fingers back?

A Well, it must have been pretty hard. They were -- I mean, they were all the way back. It was not like he was trying to force it to break. I don't think it was that much force, but it was to the point where my fingers were pretty much as far as they could go.

Q All right. And did you do anything while he was doing this? Did you --

A I don't remember.

Q -- say anything?

A I remember trying to get away. That's about it, yelling and screaming, but I don't know what I said, what I actually did. I don't know if I pushed him away or tried to kick him away.

Q And what was his reaction to this?

A Well, I -- that was when I believe he threw me on the couch after, so maybe I did try to get away. I don't know. I remember --

Q Did he say --

A -- him grabbing me and tossing me up on the couch.

Q Did he say anything?

A I don't remember. I don't remember what we said at that point.

Q Ms. Ramcharan, did -- when he threw you on the -- on the couch, had you done anything physically to him?

A If anything I might have kicked him away or scratched him.

Q And what type of, shall we say, level of force did he use to throw you on the sofa or couch, sorry?

A Enough force to be able to lift me up to toss me over the hand of it, the arm. It was the armrest of it that I went over, so --

Q And how much do you think you weighed at this point?

A Maybe --

Q This would be between --

A Maybe about 130, 35 pounds.

Q How long did it take for your -- how long did it take for your hand or fingers to get,

1 shall we say, healed?

2 A They were probably -- the soreness probably went away about a week and a half,
3 maybe two weeks after.

4
5 Q Did you do any treatment to it?

6 A No, I didn't.

7
8 Q Did you tell the police about this incident?

9 A No, I didn't.

10

11 Q And why is that?

12 A I was too scared to.

13

14 Q Why were you scared at this point?

15 A I was scared to tell the truth about it again. I didn't want anybody to know exactly
16 what happened because I wanted to try and work things out with him and make things
17 better, and I didn't want my parents to come after me or the cops to come after him
18 and then him to come after me for it.

19

20 Q Why do you think he would come after you?

21 A He always said that he would, or if I had ever gotten his parents or the cops, that he
22 would come after me or send somebody after me and make my life hell. I know that,
23 make my life hell.

24

25 Q Can you tell us what happened on May the 14th, 2011, in respect to yourself and
26 Mr. Chalmers?

27 A I was trying to work things out with him after the incident over the rent, and I
28 couldn't really ever take him out. I worked in a bar and I liked to go out once in a
29 while, and I couldn't really take him out because I was always afraid of him either
30 trying to start a fight with somebody or doing drugs and coming home and fighting --
31 fighting with me. And this was a couple weeks after the last incident that had
32 happened with us and I figured, you know, I was giving him a couple weeks that I
33 was going to move out. I got to the point where I was, like, you know what? I'll pay
34 the rent but I'm going to move out. I'll give you a couple weeks and if this doesn't
35 work, this isn't going to work.

36

37 We ended up going out that night and it was to my bar, and I was happy because I
38 thought that he was doing well. He was gone for a lot of the night and I didn't know
39 why, and obviously I assumed that he was maybe doing drugs in the bathroom. I
40 don't know. But I tried to be nice and be proud of him when we got back home, and
41 I told him he did good in front of people, and everybody kept telling me to take him

1 home because they -- they didn't like him. They wanted to beat him up pretty much.
2 But I was trying to be nice and I told him that he did good, and then I can't remember
3 exactly what it is but he started -- he likes to poke and prod at me and kind of
4 roughhouse when he was drinking, and it sometimes gets a little rough and annoying,
5 especially when I want to go to bed, and he was trying to do that with me that night,
6 and I kept telling him, if he wouldn't stop, I was going to leave and I was going to go
7 to my parents' for the night.

8
9 And he didn't stop, so I packed up and I left, and he was angry. That's when he
10 came -- and I can't remember -- or I know we were yelling. We had to have been
11 yelling when I left. I don't know what we were yelling about, probably me leaving. I
12 don't know. And he came out after me, and as I was leaving he threw some rocks at
13 my car, and I went and I drove around for maybe a half an hour. I drove to my
14 parents' and then decided it's really late and I didn't want them to be mad at me.

15
16 So I came -- went back home. I thought maybe he'd be sleeping by now, everything
17 would be okay, we'd work it out in the morning. But when I went home, I noticed
18 that -- well, before I left I remember him flipping the table. That's why we were
19 yelling when we left the house. He flipped the table, the coffee table over, smashed
20 some glasses, and I remember Khonsu, my one -- my male cat running behind the
21 couch while I was leaving, and then that's when he came out and threw some rocks at
22 my car.

23
24 I drove around for a bit. I came back. He was sleeping, and all I could smell was cat
25 pee. I was going to watch TV and just sit there, but all I could smell was cat pee
26 around the house, and I already knew that my male cat Khonsu would pee all the time
27 when he was in trouble because he was scared of Brad, and so he peed and I went to
28 look for him because I knew that Brad would either, I don't know, lock him up in his
29 kennel or put him in his bath -- put him in the bathroom. I don't know where he
30 would be, so I went to look for him, and I looked in his -- his little cat house first and
31 there was a little bit of blood in there, so I kind of wondered about that, and then I
32 kind of started looking for him because it was really quiet and he's not usually just
33 really quiet.

34
35 And I started to go down into the basement, and I could see blood on the stairs and on
36 the wall splattered, and then I looked further down the stairs at some holes in the wall,
37 and the way that it was, you could kind of just -- there wasn't any railings or anything
38 or a wall, so you could see, if you bent down far enough standing on the stairs, the
39 floor of the basement, and when I looked down I seen Khonsu lying on the floor. I
40 thought he was dead. He was lying down with his arms and legs kind of sprawled
41 out. And the closer I got, I finally heard him make a little wheeze and some blood

1 came out of his nose, and right away I knew, like, he was still alive but there was
2 something really wrong with him. He couldn't move. He was just laying there.

3
4 And I started -- I kind of freaked out a little. I was crying and tried to take as many
5 pictures as I could before Brad would wake up and notice that I was home. I took
6 some pictures of the things that had happened, the holes in the walls, the blood, and I
7 went and got a towel and I wrapped Khonsu up in a towel, and I put him in my car
8 and I drove to my parents' house. I couldn't find Aradia so I assumed he was -- she
9 was in the bedroom with him. Then I just took her (sic) away and I left, and then I
10 ended up calling the cops.

11
12 Q Can you tell the Court why you called the cops this time?

13 A Because I was scared. I wanted to take the cats away before, and every time that I
14 said that I wanted the cats or just to leave me with the house, he would either say
15 you're not getting the cats, you're not getting the house, and say if I took them he
16 would come after me, so I just -- I never did until this point of time and my cat was
17 almost dead. And they became like my children, and I'm allergic to cats so it was a
18 big deal for me to be able to take them away. I never really had any place to take
19 them if I wanted to take them away. And I was at the point where I just -- I couldn't
20 let this cat just lay there and who knows, maybe just die there because of him, so I
21 had to take it away and I had to call the cops, because I went to my parents' and I
22 was scared. I was scared to call the cops, and I told my parents I was scared because
23 he was growing weed in our basement.

24
25 Q Who is he?

26 A Bradley Chalmers was growing weed in our basement and I was scared that my
27 parents would find out, and I was scared that he would find out that I told the cops.

28
29 Q Why? What did you think would happen if you told the cops?

30 A I don't know. I didn't know if he would come after me or if he would send somebody
31 after me. He had a friend that was apparently supposed to be like, I don't know,
32 recruiting for the Hell's -- Hell's Angels. This is what he told me anyway, so I was
33 always afraid that he would send somebody like that after me.

34
35 Q Backing up just a little bit, I know that this -- you shared a lot of things with us. You
36 mentioned he threw over tables and glasses; is that correct?

37 A Yes.

38
39 Q Whose table was that?

40 A That was, well, mine.

41

1 Q All right.

2 A I pretty much -- when we moved into that house, I pretty much furnished the house
3 and paid for the first couple months' rent and damage deposit on it. I had a ton of
4 receipts and stuff in the house at the time. I -- they're all there and they're all
5 wrecked and I don't know what's happened to them now.

6

7 Q How much was the table worth?

8 A That wasn't -- it wasn't a very expensive table. It was a Walmart table, so it was
9 about \$110, 115.

10

11 Q What type of table was it?

12 A It was a little wood -- wooden coffee table.

13

14 Q Where was it located?

15 A It was in our living room.

16

17 Q And when you -- how was it, I should say, in its original state before he turned it --

18 A It was fairly new. It was pretty -- I mean, there's not a lot of scratches or anything.
19 It was a pretty new table, no broken legs, nothing. It's a smaller table.

20

21 Q And what happened to it as a result of Mr. Chalmers' actions?

22 A Well, I see the table flipped over. When he had flipped it over, I don't see -- I didn't
23 see anything broken on the table. I know all the glasses, the beer -- I had a bunch of
24 paperwork from my work on the table that got ruined, but when I left the table was
25 flipped over so I didn't see too much, and when I came back I didn't really think to
26 look at the table. I just noticed that he put it back down so I didn't -- there wasn't
27 any broken legs. It was still standing. I don't -- but that's all I really remember. I
28 didn't really see too much after that because --

29

30 Q Was there any damage --

31 A -- I left.

32

33 Q -- to the table?

34 A Not that I noticed.

35

36 Q Okay. And what about the glasses?

37 A The glasses were broken. Those were gone.

38

39 Q What type of glasses are we talking?

40 A They were just regular pop, highball glasses I guess you could say. I don't -- I don't
41 remember if they were beer glasses. I know they were taller glasses.

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Q How many of them are we talking about?

A I believe there was only two on the table.

Q And who owned these glasses?

A We both did together. Like, they weren't --

Q You mentioned -- you testified that he threw rocks at your car; is that correct?

A Yes.

Q Explain to the Court what happened in respect to that.

A Well, this was when I was leaving the house after he had tossed the table up. I was leaving. I went out the front doors, which has a little patio, and he came out behind me, and I tried to pull away quick enough because I seen him coming towards me. I didn't know what he was doing to be honest. I didn't know if he was going to come kick the car, hit the car, smash a window, try to hit me, try to stop me. I didn't know what he was doing, so I tried to pull out as fast as I could, and as I was trying to put my -- I put my car into drive, and as I was trying to drive away, that's when he threw a handful of rocks at the car. I don't know how big they were. I didn't see them exactly. I know that they were in the driveway of where we were living. When I looked at my car, there was a couple little dents and some scratches, but I don't know how big the rocks were.

Q Had you seen any scratches or any damage to your car before, prior to --

A Not on that --

Q -- these rocks?

A Not on that section of my vehicle, no, not really.

Q And how much were the damages? In other words, how much did it cost to repair?

A I mean, from those rocks, those damages, probably if -- if it was fixed the cheap way, just paint, push them out, maybe four to six hundred dollars. With all the different scratches throughout the couple years that we were together, if I had to repaint my car, it would cost me about \$3,000.

Q But dealing specifically with the damage caused by the rocks that were thrown on --

A By the rocks --

Q -- on --

A -- probably four to six hundred dollars to fix.

1 Q Did you have them fixed?

2 A They were fixed. I was in a car accident about a year ago, and because we knew the
3 person who was fixing my vehicle, he was nice enough to fix all the scratches on my
4 vehicle.

5

6 Q Did he charge you for those, for the ones --

7 A Not extra.

8

9 Q -- specifically caused --

10 A No.

11

12 Q -- caused by these rocks being thrown on --

13 A No.

14

15 Q -- May the 14th, 2011?

16 A No, he didn't.

17

18 Q Okay. On this particular date, had Mr. Chalmers taken any alcohol or drugs or
19 anything like that from your observations?

20 A Is this on the 14th still?

21

22 Q Yes.

23 A Yes. We -- we had been drinking that night. We were at my bar and he had --

24

25 Q And --

26 A -- drank quite a bit. I don't know if he had done any cocaine. I know there was
27 alcohol and marihuana --

28

29 Q How about --

30 A -- for sure.

31

32 Q -- yourself?

33 A I had probably two or three drinks at the bar. I was on my drink at home. Before I
34 could even touch it really, I probably maybe got a couple sips in.

35

36 Q Were you intoxicated at the time?

37 A Not intoxicated. I probably sobered up before I even got home. And I think maybe I
38 had a hoot, a little puff if you will. I don't know how you would say, just one hoot of
39 marihuana.

40

41 Q And what about Mr. Chalmers?

1 A Well, he had drank quite a bit. I don't know how much he was drinking for sure, and
2 I don't know how many drinks he consumed when we got home, but he was quite
3 intoxicated. Either that or he had a little extra help from drugs. I don't know --
4

5 Q Did you see him drink?

6 A -- if he did any. I seen him drink at the bar and at home, yes.
7

8 Q And what -- and what did you see him drink at the bar?

9 A Well, I don't remember. I believe we -- he was drinking Budweiser at the time. I
10 don't remember --
11

12 Q And what about --

13 A -- exactly.
14

15 Q -- at home?

16 A It was beer. Beer.
17

18 Q Did you see even how much he had to drink or some of the things he --

19 A No.
20

21 Q How would you describe his level of intoxication on May the 14th, 2011?

22 A Well, he was -- he was quite intoxicated. In my perspective, he was very intoxicated.
23

24 Q When you came -- it's my understanding from the facts we've read in you left about
25 3:15 in the morning, came back at 4:15 in the morning, correct?

26 A About that time, yes.
27

28 Q Can you tell the Court -- and you testified or told them, the Court, that essentially you
29 were taking pictures, is that correct, of the walls?

30 A Yes. I tried to take a few pictures of the wall.
31

32 Q While he was asleep.

33 A Yes.
34

35 Q What was significant of him being asleep? Why was that? Why did you say that?

36 A Well, when I had gotten back, I just knew he probably would pass out by then.
37 Usually he does if he's -- it seemed to be that it happened every time after a night of
38 drinking and then arguing and me going away. If I came back, he would either be
39 passed out or watching TV, but usually he'd be passed out. If I gave him an hour or
40 so, he'd be sleeping, so I figured maybe, if he drank enough to be tired and sleep,
41 usually he wears off his energy and I just figured maybe he'd be asleep, so I went

1 home.

2

3 Q And is there a reason why you couldn't have been there when he was awake?

4 A I was afraid that he was going to keep either throwing stuff around or we'd keep
5 fighting or something would happen to me, we'd get physical again, because it would
6 happen -- it happened before and I didn't want it to get physical again.

7

8 Q Can you describe Mr. Chalmers' demeanour, behaviour when he's under the influence
9 of alcohol or drugs?

10 A It's very -- at first you'd think it would -- it's like he's trying to have fun with you,
11 but then it kind of turns to -- I don't really know how to describe it. Not really snarky
12 but like a -- like he's trying to pester you and trying to push some buttons and trying
13 to work you up and get in your face. Like, it was like a evil kind of smile. Like, it
14 was -- I don't really know how to describe it. It's like he was trying to be happy but
15 not. I don't know, angry undertone. Like, if you had said something wrong or did
16 something wrong, it would turn him off, which it did.

17

18 Q Can you tell the Court what was the significance of Khonsu, the male cat, peeing?
19 You were describing that to the Court. Can you explain that? What is the
20 significance of that?

21 A Khonsu was very scared of Bradley. After -- after I found the incident with Aradia,
22 breaking her arm, he kind of babied her more and kind of turned a little bit meaner
23 towards Khonsu. Any little thing that he did wrong he would get in trouble for. If he
24 bit a wire, he would chase after him, smack him on the face. He would put him in the
25 kennel, spray him a lot with water, more than normal, I would say, to the point where
26 the kennel was pretty soaking wet. There'd be a puddle in the kennel. If he wasn't
27 spraying him, it would be in the shower, either in the kennel or with his collar on and
28 him tied to the shower.

29

30 Q So, Ms. Ramcharan --

31 A So I think that was mainly why he would pee. He was scared of going through all
32 that, and I think he also knew whenever Brad would -- Brad has heavy feet, so when
33 he'd run around or stomp, he would also pee as well. He'd get scared thinking maybe
34 he would come after him then, too. I think he just knew.

35

36 Q Did you have that problem or same effect on Khonsu?

37 A No, not at all.

38

39 Q I'm going to back you up to just a couple questions, I'm sorry, back to the incident on
40 January the 13th, 2011, involving Aradia. Do you recall on that date whether or not
41 Mr. Chalmers was under the influence of any alcohol or drugs?

1 A I don't recall if we were drinking that night to be honest.

2

3 Q Fair enough.

4 A I just remember waking up in the middle of the night and --

5

6 Q And what you testified in respect to Aradia on that date of going to an emergency
7 veterinarian clinic downtown and then you went and phoned back -- went to another
8 one, correct?

9 A Yes.

10

11 Q Where he had the surgery, where Aradia actually had the surgery.

12 A Yes.

13

14 Q Did Mr. Chalmers go with you? Do you recall?

15 A Yes, he was with me.

16

17 Q Both times he went with you?

18 A Both times, yes.

19

20 Q In respect to Khonsu, did he recover fully from that after being treated?

21 A I believe he's fully recovered now. I find he's still -- I haven't had him for about a
22 month or two now so the last few months that I did have him I find, if you did pick
23 him up by anything, by underneath his stomach or anything, he would wheeze. He
24 does still wheeze a little bit. But he seems happy. His brain seems to be functioning
25 okay. The only other thing would be he's got two broken teeth that -- they don't seem
26 like they're bothering him so they seem to be okay, so those aren't --

27

28 Q They haven't been removed as of yet then?

29 A No. They said -- they said they didn't need to be removed if they're not bothering
30 him.

31

32 Q Okay. How long did it take him to, shall we say, recover from May -- sorry, from
33 May 14th, 2011, the incident then that you described?

34 A Oh, gosh. I would say at least six to eight months. I don't -- I think it took him quite
35 a while.

36

37 Q For him, though, we're talking about.

38 A Yes, for him. Yeah, I think it took him quite a while to recover. I think there's still
39 some little things that he's still recovering from, mainly his lungs, but probably at least
40 six to eight months.

41

1 Q Why do you say his lungs? Can you explain the situation with that?

2 A When we found out what happened, we had heard that it was puncture lung I believe
3 it was he had, so he wheezed and he wheezes still a little bit when you pick him up
4 but not as bad. Like, you can actually pick him up, but once in a while he'll wheeze
5 and his tongue will stick out --

6

7 Q Did he --

8 A -- if you push the right spot.

9

10 Q Sorry. Did he have any wheezing problems before --

11 A No.

12

13 Q -- May the 14th, 2011?

14 A No.

15

16 Q Did he have any health problems, you know, before May 14th, 2011?

17 A The only other thing that I noticed was he was limping at one point. This was
18 probably about two or three months after we got him when we were living in an
19 apartment before the house we lived in. He had a limp before, and I didn't know
20 exactly what happened.

21

22 Q But on May 14th, 2011, did he -- did he have that limp?

23 A Before May 14th?

24

25 Q On May 14th, 2011.

26 A On May 14th? He didn't really have a limp, no.

27

28 Q Okay.

29 A I think he kind of recovered from that.

30

31 Q There's one incident that I missed - and I'll just back up - on April 30th, 2011,
32 between yourself and Mr. Chalmers? Do you recall what happened on that date? So
33 this would be after the --

34 A Goodness, that probably --

35

36 Q This is after the -- where you described where he grabbed you by the neck and threw
37 you onto the bed, so after that incident.

38 A Okay. That would probably be -- oh, I believe we had another argument, so that night
39 it was over marihuana. I can't remember what fully started the exact argument, but in
40 the end it was more of I wouldn't let him smoke the weed. I took away some knives.
41 We were -- we do blades because it was the cheapest way at the time to do it. So I

1 took away the knives, put them in the sink. He took out some new knives that I got
2 from my mom, so I didn't want them wrecked. I took them out. I don't believe they
3 got hot at all to be honest. And when I turned around, I don't know exactly where I
4 touched him. I think it was a nipple or around the area, the chest. When I turned
5 around, I touched him with the knife. I told him, like, it's not hot. It was an accident.
6 He ended up getting really mad. He -- I don't remember if this was the night he had a
7 pot or not, or if I had a pot in my hand because I was scared, but I remember him
8 kicking my hand. He was getting something out of my hand. Must have been the
9 knife actually. I must have still had a knife, one of the knives in my hand. I
10 remember him kicking my hand.

11
12 Q And --

13 A Yeah, that --

14
15 Q -- can you tell the Court who started that physical altercation?

16 A I don't know if --

17
18 Q Well, who physically started the altercation? Let me phrase it that way.

19 A The real physical part I would say would have to be Bradley Chalmers. I think it
20 might -- the first physical point would have been when I went to take out the knives.

21
22 Q And why did you try --

23 A And then --

24
25 Q -- to take the knives? Can you explain --

26 A Because I --

27
28 Q -- that to the Court?

29 A -- wasn't going to let him smoke marihuana that I had bought. I was pretty much
30 paying for everything, all the booze, any type of marihuana.

31
32 Q And how were you holding the knives when you -- when you got them or tried to get
33 them?

34 A I don't remember exactly. I know the first knives that I took out I believe one was in
35 each hand that I had taken out to throw into the sink. The second set I don't
36 remember exactly. I know my hands -- one were -- either one was in each hand or I
37 only had one in a hand by the point that he was kicking me in the hand. I don't
38 remember exactly if I had them both but I believe my arms were not together. They
39 were spread apart.

40
41 Q Did you say anything to him as you grabbed the knives?

1 A I don't remember exactly what I had said. I'm -- I know we were arguing about me
2 not letting him smoke the weed that I'd bought. I know I wasn't going to -- I was
3 yelling at him about that, that I paid for it and you're not going to smoke it.

4
5 Q What was Mr. Chalmers' reaction to that?

6 A That's when he tried to get the knives back to stick new knives in, and then when I
7 took the new knives out, that's when he would kick my hand. I think that's when he
8 was trying to get the one knife out of my hand.

9
10 Q How were you holding that knife?

11 A Oh, goodness. I definitely had the handle part in my hand. They were butter knives.
12 I had the handle part in my hand and --

13
14 Q Were you using it on him is what I'm basically trying to find out? Were you trying to
15 use it on him at the time?

16 A No, not -- not purposely use it on him, no, not at all. I know I was -- it was in my
17 hand. It might have looked maybe to him, if he was in any way angry with me, that I
18 was coming after him with a knife. I don't know. I wouldn't go after somebody with
19 a butter knife. I don't know if it looked like I was going after him or not but I know I
20 was holding it out.

21
22 Q And how much force did he use to kick away the knife?

23 A Quite a bit of force. I could say that. I don't know how to describe it but, I mean, if
24 you're just watching, like, a movie, seeing somebody kick a gun out of somebody's
25 hand, it would look kind of like that. My hand -- I mean, it's still a little bit bigger
26 than my left hand to this day, but it was bruised, it was swollen, and I had taken a
27 picture of it which he ended up erasing in the end so I couldn't have that as evidence.

28
29 Q Did you get any treatment to the hand?

30 A I didn't, not at the time, no.

31
32 Q Did you tell the police or anyone?

33 A Not until the incident on the 14th of May, no.

34
35 Q And why is that?

36 A I was too scared to tell anybody. I just kept the pictures or tried to keep the pictures.

37
38 Q And how did you take those pictures?

39 A On my cell phone at the time.

40
41 Q I'm going to ask at this time to put Exhibit 1 before you. I'm going to ask you,

1 Ms. Ramcharan, to please review Exhibit 1, so look at each page. Can you just
2 quickly go through those and just confirm those are accurate photos to your
3 recollection?
4

5 Okay. I'm going to ask you to turn to photograph number 12.
6

7 THE COURT: Mr. Lim, are you really going to go through
8 these pictures one by one?
9

10 MR. LIM: No, I'm just going to --
11

12 THE COURT: Because if you are, we're going to start again at
13 2:00.
14

15 MR. LIM: I'm just going over some specific pictures,
16 Your Honour, on this time.
17

18 THE COURT: Okay.
19

20 MR. LIM: Sorry, Your Honour. Maybe my friend will
21 allow me to lead somewhat. He can certainly interrupt me if he finds I'm leading too
22 much. Would that be acceptable?
23

24 MR. JOHNSTON: We'll indulge you for now.
25

26 MR. LIM: All right.
27

28 THE COURT: How long do you expect to do the remainder of
29 your examination-in-chief, please?
30

31 MR. LIM: Ten minutes, Your Honour.
32

33 THE COURT: Go ahead.
34

35 Q MR. LIM: Ms. Ramcharan, looking at photograph 12 here,
36 in respect to your evidence in respect to questioning as to Khonsu, can you tell us
37 what we're looking at? I appreciate the Court will accept that it's probably a living
38 room, but specifically when you came into the house that early morning around 4:15,
39 where -- what specifically did you look at?

40 A When I came in, well, all this stuff, definitely there was not as much stuff there. I
41 specifically looked at --

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Q I'm asking you specifically the wall. Maybe I should turn to photograph 13 actually.

A Oh, okay.

Q Do you recall seeing that?

A Yes. That's from a pot.

Q Sorry?

A That's from a pot.

Q So that was there beforehand?

A Yes. That's not from --

Q Okay.

A -- the May 14th incident.

Q When did that -- and that was -- that was normal on that date then.

A (INDISCERNIBLE).

Q Okay. Now, you mention you looked at a cat house; is that correct?

A Yes.

Q Is that what's in photograph 13?

A Yes.

Q And whose cat house is that?

A Both of ours. I believe I paid for it.

Q Okay.

A But it was --

Q But whose --

A -- for the cats.

Q Which specific cat lived there?

A Oh, it was for both of them.

Q Okay. You said you thought you saw some blood there; is that correct?

A Yes.

Q I'm going to ask you to turn -- you looked through the pictures here and I'm actually

1 asking you to specifically show us the photographs where you deal with the blood
2 smears you saw and where you saw the imprint or the broken imprint where Khonsu
3 was.

4 A You're ask -- sorry, you're asking me to --

5

6 Q Show where --

7 A -- just point them out?

8

9 Q -- the blood smears were, what you described when you came in early that morning.
10 I'm going to ask you specifically to look at photographs 39 to approximately 44, so 39
11 to 44.

12 A Yes.

13

14 Q Photograph 39 to 44.

15 A Okay. Yes, those are all blood smears.

16

17 Q Now, other than the, obviously, police tape in there, had you seen those blood smears
18 before?

19 A Never before, no.

20

21 Q I'm asking you to look -- show us -- look at photograph 43. Can you tell the Court
22 what is the picture of 43?

23 A Yeah, that looks like where -- I don't know how it happened. I don't know if he
24 threw Khonsu or if he had Khonsu in his hand, but it looked like that's where
25 Khonsu's face had gone through the wall and he ended up missing another tooth, so
26 I'm assuming that's where his face -- it's exactly the size of his face.

27

28 Q All right.

29 A So I think the front of his -- his nose and his mouth kind of went through the wall
30 there.

31

32 Q Had you had any problem with that drywall? In other words, was that regular drywall
33 or was --

34 A Regular drywall.

35

36 Q There was no damage to it beforehand?

37 A No.

38

39 Q I'm going to ask you to confirm photographs 45, 46, 47 and 48 are just more blood
40 smears from -- that were not present beforehand?

41 A Yes, they are.

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Q And photographs number 49 and 50, I'm going to ask you to take a look at that.

A I don't know exactly how that hole came there but it was not there before that night.

Q And there seems to be some red substance if you look at photograph 50?

A Oh, yes.

Q Is that correct?

A More blood, yes, there is.

Q Was that present on the wall before you left at --

A No.

Q -- 3:15 in the morning?

A No.

Q I'm going to ask you to look at photograph 54. Is that another --

A That's another one from that night I believe.

Q Okay. So you hadn't seen that before --

A It wasn't there before, no.

Q -- May 14th, 2011?

A No.

Q And I assume photographs 55 and 56, if you look at them, are just close-ups? Would you agree?

A Yes.

Q Do you have Aradia? I know you said you don't have Khonsu. Do you have Aradia still?

A No. They're both living with a new home in Grande Prairie.

Q Okay. Did you personally pay for any of the medical care for Aradia or for Khonsu?

A I paid little portions and I put about \$300, I believe, on Aradia's bill, helped pay to get Khonsu fixed.

Q In respect to the injuries?

A Any injuries?

Q To --

1 A Just Aradia's arm.

2

3 Q Okay. How much did you pay for that?

4 A \$300 I remember putting on.

5

6 Q 300 exactly?

7 A Yes. That's all I had.

8

9 Q All right. I have no further questions. If you would please answer the questions of
10 my friend. All right?

11 A Okay.

12

13 THE COURT: Two o'clock, and do not discuss this matter.

14 I'm directing you not to discuss it over the lunch hour.

15

16 MR. LIM: To assist this Honourable Court, I can -- and
17 my friend, I will let you know that there is -- the Crown will agree that we should not
18 be -- or there's not enough evidence to proceed on count 6, that's the assault on April
19 30th, as well as count 8, Your Honour, in respect to the mischief under 5,000 with respect
20 to the glass table. I'm just going to simplify it for this Court and for my friend.

21

22 THE COURT: I'll accept that now. You may want at the end
23 of it all, and cross-examination, to withdraw some others. I don't know. I made a note of
24 that, though. Thank you.

25

26 MR. LIM: Thank you, sir.

27

28

29 PROCEEDINGS ADJOURNED UNTIL 2:00 P.M.

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1 Certificate of Record

2

3 I, Jennifer Levasseur, certify that this recording is the record made of the evidence in the
4 proceedings in Provincial Court, held in courtroom 359, at Edmonton, Alberta, on the 21st
5 day of September, 2012, and I was the court official in charge of the sound-recording
6 machine during the proceedings.

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1 Certificate of Transcript

2

3 I, Sherry Dahl, certify that

4

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

8

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

11

12

13

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14

Sherry Dahl, Transcriber

15

Order No. 35602-12-1

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35 Pages: 61

36 Lines: 2565

37 Characters: 82979

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1 Proceedings taken in the Provincial Court of Alberta, Law Courts, Edmonton, Alberta

2 _____
3 September 21, 2012 Afternoon Session

4
5 The Honourable Judge Stevens-Guille Provincial Court of Alberta

6
7 C. Lim For the Crown
8 J. Johnston For the Accused
9 J. Levasseur Court Clerk

10 _____
11
12 (OTHER MATTERS SPOKEN TO)

13
14 MR. LIM: Ms. Ramcharan, would you come to the stand
15 where you were last before?

16
17 THE COURT CLERK: Please state your name to the Court.

18
19 THE WITNESS: Shera Ramcharan.

20
21 THE COURT CLERK: And do you acknowledge you're still under
22 oath?

23
24 THE WITNESS: Yes.

25
26 THE COURT: All right. Crown -- Counsel.

27
28 MR. JOHNSTON: Yes, thank you, for convenience here.

29
30 **SHERA RAMCHARAN, Previously Sworn, Cross-examined by Mr. Johnston**

31
32 Q Good afternoon, Ms. Ramcharan. Ma'am, we were listening to you this morning here,
33 and there were some points that I was unclear on, and it -- what's interesting is that
34 you some -- you were describing initially back in, shall we say, 2010, that you and the
35 accused here had an agreement that you would leave if he turned angry, and the
36 question I have here, did that likewise work when you would turn angry or --

37 A No.

38
39 Q -- emotions ran high?

40 A No.

41

1 Q Oh, okay. So your understanding is just when he flipped out or got angry or
2 something like that, you knew you were going to leave.

3 A Yes.

4

5 Q Oh, okay. Okay. Now, then you were getting into specifics back in February of '10,
6 something like in this agreement you were basically to leave. If you had an argument,
7 I guess you simply -- why didn't you leave? Why did you continue your arguments in
8 this particular one?

9 A It was more to leave the room, the place.

10

11 Q You've got to speak up because I'm --

12 A When we -- when we had made the agreement that I was to leave, it was to leave the
13 place of wherever we were for a little while. It was never to leave-leave. I was just
14 to go so he could calm down --

15

16 Q M-hm.

17 A -- really.

18

19 Q All right. Now, I put it to you that you would actually be -- you would get your
20 dander up, your temper up, and you were basically quite willing to argue with him; is
21 that correct?

22 A No, more of defend myself and -- really more defend myself to be honest.

23

24 Q Well, I hear various incidences about, you know, you're having arguments, things get
25 thrown and all of this and that, and you mean to say, when you're throwing things at
26 him, that you don't recognize that perhaps you have --

27 A I never threw things at him, only at walls just like he would.

28

29 Q Okay. But here you are throwing things at walls. Your -- your temper was up at
30 those times, wasn't it?

31 A Yes.

32

33 Q Okay. And you'd be saying things to each other that probably you would regret later?

34 A Yes, more hurtful words.

35

36 Q Yeah? Okay. Now, in this particular time early in your testimony, somewhere around
37 February of '10, you were trying to say that he was trying to get you out of the house
38 and he was the aggressor and pushing you and shoving you. Is it true that the --
39 basically the way the parties conducted themselves is that you would leave?

40 A Sorry, may you --

41

1 Q Okay. Would you leave when -- when things got heated?

2 A Yes.

3

4 Q Right. Okay.

5 A I would pack up my bags in the amount of time that he would give me and head out.

6 I would try to leave anyways and it was more of a yelling match.

7

8 Q Okay. So you were arguing. There was some verbal going on back and forth here.

9 Why wouldn't you leave?

10 A Do you mean leave as just leave the room or leave completely, leave him completely?

11

12 Q He's trying -- you're saying shoving and pushing you. Okay? That's if I remember
13 correctly, but I take it that you would not leave.

14 A No, I was leaving. I was trying to pack up my bags as he was trying to shove me out
15 the door. He actually was counting down.

16

17 Q Okay. And there's -- oh, he was counting down. Okay. So you were taking your
18 time and you --

19 A Well, I mean, 30 --

20

21 Q -- were going to leave when you --

22 A -- seconds, you only have so much time to pack up quite a few bags. It was about six
23 or eight bags of clothing and stuff.

24

25 Q Okay. Now, I've got a note here and it's that basically he had scratches on his hands.

26 Is that -- is that when you scratched him on the hands with your fingernails?

27 A I'm not sure when I scratched him. I know I probably scratched him a couple times
28 pushing him away from me, but I don't know if I scratched him that day.

29

30 Q Okay. On one of those times when you were retaliating and scratching his hands and
31 you basically kissed and made up, did you ever make a comment to him that perhaps
32 you've got a problem, too?

33 A No. It was more him commenting towards me that it was my fault for yelling towards
34 him and I aggravated him on. I never --

35

36 Q So it's --

37 A -- ever made a comment to him.

38

39 Q All right. So it's never your fault.

40 A I've never thought it was my fault.

41

- 1 Q Okay. All right. Now, then we go into another incident here where basically again
2 you're arguing, and I think there was some kind of sequence going on here. That's
3 the time where you seem to be -- got left ear, maybe some ringing in the ears, and
4 then you were commenting that, you know, you worried about him and you're -- or
5 you're worried for him, and I was just curious about that particular comment here as
6 did he display a likewise worry for yourself?
- 7 A I don't know.
- 8
- 9 Q You don't know. Okay.
- 10 A I thought maybe but I don't know.
- 11
- 12 Q Now, when I was -- in your statements to various -- to a constable, you were saying
13 that you were seeing a psychologist.
- 14 A I was?
- 15
- 16 Q Yeah. That's in the statement, Constable Ford. Have you ever seen a psychologist?
- 17 A Only after the fact. After this --
- 18
- 19 Q Okay.
- 20 A -- whole entire ordeal I went to one.
- 21
- 22 Q Did you ever have psychological problems before the mid-May, 2011?
- 23 A No.
- 24
- 25 Q Okay.
- 26 A Not that I thought of, no.
- 27
- 28 Q Okay. Because I understand that you were actually in a former relationship that you
29 were suicidal. Does that ring a bell?
- 30 A I threatened to want to kill myself when I was about 18, 19 years old.
- 31
- 32 Q Okay.
- 33 A But that was more of you think you're in love and you're not.
- 34
- 35 Q You were in love with Mr. Chalmers, weren't you?
- 36 A I thought I was.
- 37
- 38 Q You were at the time, weren't you?
- 39 A Yeah.
- 40
- 41 Q Yeah. Okay. Now we're going on, moving on here, and we have more incidents, and

1 you were fighting regarding your -- his alcohol and I guess both your drugs, and I'm
2 reading here that we had been -- say December 1st to 15th, both had been drinking
3 here and we were throwing stuff around the house, and then it got a bit overboard, the
4 expression roughhousing comes to mind, and that's the time he grabbed your wrist
5 and -- and you don't know -- you stated you don't remember who started the fight and
6 perhaps you were trying to leave. In that particular time, was that the time that you
7 were clawing at his wrist and arm?

8 A I don't remember.

9
10 Q Okay. But you have done that.

11 A I believe I've done that a couple times, but out of all the incidents, I couldn't tell you
12 which incident it was.

13
14 Q Okay. All right. Now -- and then basically you're saying then that you might have
15 injured your knees or something like that, something about the wrist, and then that you
16 did leave and why, and you were having so much embarrassment and the prosecutor
17 asked you, you know, whether -- we've got the marihuana, mutual consumption, but
18 you've consumed cocaine more than a couple times, haven't you?

19 A Not in our relationship, no.

20
21 Q Oh, okay. How about back in the days in Grande Cache and you used it as a
22 weight-loss technique?

23 A Yeah. I thought it would be a weight-loss technique but it wasn't. I tried it -- I think
24 it was for about six months to almost a year, in between there. It wasn't a full year.

25
26 Q Okay. Now, I'm taking from these previous three incidences that basically your
27 arguments sometimes would escalate and they would get heated.

28 A Yeah.

29
30 Q And then they would actually turn physical.

31 A Yes.

32
33 Q And I submit to you that you could give as good as you took and that you were quite
34 willing to partake in the physical, the roughhousing and/or infliction of harm.

35 A No.

36
37 Q No?

38 A I feel it was more self-defence.

39
40 Q Can we say the same for the accused, that perhaps on occasion he used it as self -- he
41 had to self-defend himself?

1 A To be honest, I don't believe you could. I never came after him first.

2

3 Q M-hm?

4 A And when our arguments were heated, it was more because I was yelling at him
5 because he was yelling at me or because he was throwing stuff around.

6

7 Q Okay. And you'd be throwing stuff like cups around?

8 A Like what, sorry?

9

10 Q You'd be throwing things. You said earlier you'd throw things against the wall.

11 A Yeah.

12

13 Q Okay. How about the air purifier? Do you remember that?

14 A Oh, goodness. Which -- which place was that?

15

16 Q That's the one that --

17 A That was in our --

18

19 Q -- hit him on --

20 A -- house, yes.

21

22 Q -- the foot.

23 A Pardon me?

24

25 Q The one that hit him on the foot. You're not clear on that, are you?

26 A Well, I know we had an air purifier in the last four months that we were living in the
27 house, and I know there was -- what were we doing? I know we were throwing some
28 stuff around. We were in a bedroom and I think I knocked over it. He thinks that I
29 threw it at him. I remember him thinking that I did it on purpose.

30

31 Q Okay. Now, let's go on to another incident here, the hot knives we'll call it.

32 A Okay.

33

34 Q All right? So there we go another, yes, you had hot knives?

35 A Yes.

36

37 Q You had them. You were -- I would submit that you were -- it could well be that you
38 were thrusting it at him.

39 A The second set of knives were the second -- were the knives that I were -- had pulled
40 out and were towards him.

41

1 Q M-hm?

2 A Those knives were not hot at all. It was never intentional to me coming after him
3 with a butter knife.

4

5 Q Okay. So --

6 A The first set of knives were hot. Those are the ones I threw in the sink. The second
7 set --

8

9 Q All right.

10 A -- of knives were not, and I took them out and then I turned around and he was there.

11

12 Q So here you are coming at him with a knife that may or may not -- you know, we've
13 got to look at it from the other perspective, might have been hot, and you're saying he
14 assaulted you by kicking at the --

15 A I did not come after him with the knife. I had it in my hand and yes, he kicked it out
16 of my hand.

17

18 Q Okay. You were waving it in front of him by --

19 A He was right in front of me. He was right there when I turned around.

20

21 Q Okay. So you turned around and he kicked your hand away --

22 A Yes.

23

24 Q -- that had the hot knives?

25 A Yes.

26

27 Q Thank you. You have two cats, Aradia and Khonus.

28 A Yes.

29

30 Q They were his cats.

31 A He wanted them to be his cats, yes.

32

33 Q But he got them.

34 A He never paid anything for them. I went to take him to pick them up. I helped name
35 both of them actually.

36

37 Q M-hm?

38 A But we got them together. They were his to him.

39

40 Q Okay. Now, let's talk about Aradia. Now, earlier we're talking about everybody's
41 drunk, impaired by alcohol or drugs or whatever. You're both sleeping and you get up

1 and there's -- now here's Aradia. Okay? That particular incident, I don't have the date
2 in front of me, but you know what I'm talking about.

3 A Yes.

4

5 Q All right.

6

7 MR. LIM: Just for the record, I don't believe actually she
8 testified to them being intoxicated that night. If you recall, she didn't recall that January
9 13th, 2011, date.

10

11 THE COURT: Well, let her say that in response to the
12 question if she says that.

13

14 Q MR. JOHNSTON: We'll just rephrase that perhaps. There was no
15 insinuation of any alcohol or drugs around the Aradia attack, is there?

16 A No.

17

18 Q No. Okay. So I put to you that you got up in the morning. There's a noise. There's
19 a broken plate and there's an injured cat on the counter.

20 A The broken plate was --

21

22 Q Is that what happened?

23 A No, not at all.

24

25 Q Okay. We heard what you were saying this morning here. Did you hear the noise
26 from the broken plate?

27 A It -- the broken -- there was no broken plate from that night. There was a broken
28 plate from the night before --

29

30 Q Uh-huh?

31 A -- from a different incident. That -- that was more of a can that fell off. That was not
32 a broken plate. That was a can that fell off the counter.

33

34 Q Okay. So I take it you had a problem with the cat on the counter.

35 A Yes, and I mentioned that we put hot sauce on the counter, pepper, whatever we could
36 to try and stop it from happening, so it's gone on for quite a little while already.

37

38 Q M-hm? And that basically I can see no -- in your story from this morning, oftentimes
39 you would spray the cat with -- squirt water or something like that?

40 A Yes.

41

1 Q Okay. That was -- that was Mr. Chalmers' preferred method of disciplining the cat.

2 A Mainly. It's what he had taught me.

3

4 Q Okay.

5 A I didn't really have animals before so I didn't know exactly what to do with animals.

6

7 Q M-hm? And you were scared that he said kind of like words like be quiet and -- or
8 he'll send somebody after her, after you. That was in your mind?

9 A A lot.

10

11 Q A lot.

12 A Most of the times that we'd have fights, yes.

13

14 Q But you earlier said he has no family, he has no friends.

15 A Yeah.

16

17 Q Okay. So you work in a bar. You know more about -- I remember, yes, you
18 mentioned something about a Hell's Angels type before.

19 A That would be --

20

21 Q You know all about Hell's Angels.

22 A I know of them. I've heard of them.

23

24 Q Yeah. Well, when had you ever seen him with them?

25 A His friend that I'd mentioned, that was the one that was supposed to be recruiting for
26 the Hell's Angels, was -- is the only friend that he ever made in the last six months
27 maybe of our relationship, and I don't know if he's living with him right now or not
28 still but I believe that's the person, the only person that I can think of, and that's the
29 only friend that he had at the time.

30

31 Q You loved him?

32 A I thought I did. At the time I wanted to believe that I loved him.

33

34 Q M-hm? And I'm also kind of curious as to just that relationship. I mean, you're using
35 an expression like he had an evil smile. I mean, where does that come from?

36 A It's my way of describing the look that he would sometimes get on his face. It's -- I
37 don't really know how to describe it. I find it to be kind of an expression that people
38 seem to get when they know they're going to do something that's not good but they
39 think it might be funny in the end or think it's funny that it's going to happen. I don't
40 really know how to explain it, but it's that kind of look on your face.

41

1 Q Is he evil?

2 A I didn't want to think so but if -- who knows what his intentions really are or were?

3
4 Q Okay. Well, so you're just using that just as a -- just an --

5 A Describe --

6
7 Q -- expression.

8 A Expression.

9
10 Q An exaggeration probably.

11 A More of a description.

12
13 Q Uh-huh. Both of these cats are territorial? Are they both male?

14 A No, one's female.

15
16 Q Okay. Is Khonsu a male?

17 A Khonsu's male.

18
19 Q All right. And you're familiar that they like to mark their territory?

20 A Yes. He was already fixed.

21
22 Q Okay.

23 A After four months he was fixed.

24
25 Q All right. But he still seemed to have loose bowels -- or no, loose whatever?

26 A When he was scared, yes.

27
28 Q Okay. Or when he had to go and he couldn't get into the kitty litter or something like
29 that, you'd find --

30 A Kitty litter --

31
32 Q -- spots?

33 A -- was always available for him.

34
35 Q Yeah? Okay. There's one other one here. Again I'm referring to March 1st, March
36 31st time zone or incident, argument. Again you were throwing stuff around and you
37 were both smoking marihuana, and then you went after his hockey cards. Now, what
38 kind of cards were those?

39 A I just knew that they were hockey cards that he's had for a little while from his
40 grandpa. That's all I know. I don't know exactly --

41

1 Q Did you know that they --

2 A -- what they were.

3

4 Q -- were valuable?

5 A He seemed to think they were. I remember trying to get a quote on them. They
6 weren't very much.

7

8 Q Okay. What -- who were they?

9 A I don't know. I know Wayne Gretzky was in there somewhere.

10

11 Q Okay.

12 A I don't know anybody else that was in there. I never --

13

14 Q Is that a Gretzky --

15 A -- flipped through.

16

17 Q -- rookie card?

18 A I have no idea.

19

20 Q No idea. Okay. But that's not the only thing that you would damage. He is former
21 military, correct?

22 A Yes.

23

24 Q And you'd be -- you would rip up his military pictures.

25 A No.

26

27 Q No? You would take his stuff and damage it, wouldn't you?

28 A No. He threw his bear (phonetic) box and stuff around a lot, but --

29

30 Q Well --

31 A -- I never really touched his stuff.

32

33 Q Well, hold on. You just already just said that you were damaging his -- his hockey
34 cards so --

35 A Well, okay, then the hockey cards.

36

37 Q This is not the only time.

38 A It's probably the second time that I went after his cards and that was about it.

39

40 Q Oh, okay. Second time. So you were going to --

41 A I don't recollect the first time or what happened.

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Q Uh-huh. Ma'am, I submit that any violence towards you was during consensual arguments that escalated and that you were a participant in most of them if not all of them.

A I was participating in the vocal arguments, of course, yes.

Q And you were participating in the roughhousing.

A No.

Q No.

A Not until he put his hands on me. Then I would try to push him away.

Q Uh-huh. Okay. But you were quite willing to get involved and to let these arguments roll on.

A Well, I was willing to defend myself in whatever was being said, what we were arguing about, for sure.

Q I see. So here you are. I'm just again kind of curious. I probably heard part of an explanation, but, you know, I'm talking about one, two, three, four, five, six incidences that you're now relaying, you know, that go back in history. Why live with him?

A I don't know.

Q You don't know?

A Because I thought I loved him and I wanted to try and help him, and I was scared of the outcome of leaving.

Q M-hm? But you could leave. You knew that.

A I had many opportunities to leave.

Q But you kept coming back.

A He made me feel so bad.

Q Ma'am, I'm leaving with you that you were a participant in this relationship. Is that correct?

A What do you mean?

Q Participated. You just went along right back into it again, and if there's anything to argue about, by gosh, you're willing to argue. You're willing to stand up for yourself. You're willing to have at it.

A If I needed to. I did need to defend myself, but when I would go back, he would tell me that he would get better and get help, and then when we moved to a different

1 place, I thought that would make it better but it didn't. It just made it worse.

2

3 Q M-hm?

4 A And every time we moved, it seemed to be worse. I thought that everything would get
5 better.

6

7 MR. JOHNSTON: No more questions.

8

9 THE COURT: Crown, re-examination?

10

11 MR. LIM: Yes, sir.

12

13 **Mr. Lim Re-examines the Witness**

14

15 Q Ms. Ramcharan, my friend asked you some -- a question about the agreement that if
16 the accused -- sorry, Mr. Chalmers turned angry, that you'd leave. Why did you have
17 this agreement?

18 A Because I was scared that, if I didn't leave, that he would try something else. He
19 would put his hands on me or something. I don't know. I just wanted him to be
20 happy.

21

22 MR. LIM: I have nothing further to ask.

23

24 THE COURT: The witness may stand down. She's excused.

25

26 MR. LIM: Thank you, Your Honour.

27

28 (WITNESS STANDS DOWN)

29

30 **Discussion**

31

32 THE COURT: Your next witness or evidence?

33

34 MR. LIM: Yes, Your Honour, will be Constable Fraser.

35 I'll attend to bring him in the courtroom, sir.

36

37 THE COURT: I was told that there's going to be a
38 statement --

39

40 MR. LIM: That's right.

41

- 1 THE COURT: -- tendered. Is there an issue with respect to its
2 admissibility? Because if there isn't, we might not be doing a good thing to spend here
3 finding out. I mean, Defence, is there an issue with this statement, voluntariness or
4 otherwise?
5
- 6 MR. JOHNSTON: I'd say it's a question of interpretation.
7
- 8 THE COURT: Interpretation of --
9
- 10 MR. JOHNSTON: If I --
11
- 12 THE COURT: -- the statement or of its admissibility?
13
- 14 MR. JOHNSTON: A portion of it. My -- the Crown wants to put
15 some weight on it and I don't agree with the weight of any comments made by the
16 accused that it -- or is of relevance, so I have to leave it at that.
17
- 18 THE COURT: Well, whatever argument you have, and you
19 have an argument on that always, are you objecting to me hearing the statement?
20
- 21 MR. JOHNSTON: Oh, no.
22
- 23 THE COURT: Okay. Well, we don't need to call a lot of
24 people to establish it. We can allow the statement by consent and then make what of it
25 you two make of it. Is that satisfactory? I mean, I'm prepared to hear about your police
26 officers, come and say the circumstances of the taking of the --
27
- 28 MR. JOHNSTON: Yeah, it's --
29
- 30 THE COURT: -- statement if there's any point.
31
- 32 MR. JOHNSTON: All right. And it is what it is. It's in -- there is
33 a print version and there is a --
34
- 35 MR. LIM: There is actually no print version. I can --
36
- 37 MR. JOHNSTON: Or electronic version or --
38
- 39 THE COURT: All right. Well, if it goes in by consent, fine.
40 Otherwise, we'll call a bunch of policemen and we'll have an issue as to whether or not it
41 should go in at all, and I'm content with that. It's your call.

- 1
2 MR. LIM: I have no problem if my friend's okay with
3 that.
4
- 5 MR. JOHNSTON: I'm okay.
6
- 7 MR. LIM: All right.
8
- 9 MR. JOHNSTON: Let's hear what the statement is and then we'll
10 figure out whether or not it's admissible.
11
- 12 THE COURT: All right. Do we then, by consent, admit the
13 printed version of the statement and move on?
14
- 15 MR. LIM: There is no printed version.
16
- 17 THE COURT: Oh, okay.
18
- 19 MR. LIM: It's only the -- there's -- let me phrase this,
20 Your Honour, just to -- you know how the officer does notes of the actual statement.
21 There's the summary, but that, of course, would not be admissible. What's admissible
22 is -- the Crown would submit is the actual DVD, which is an hour and 45 minutes minus
23 approximately 13 minutes for a bathroom break, so an hour and a half roughly.
24
- 25 THE COURT: Is this going to tell me a lot, gentlemen?
26 Because I'm quite --
27
- 28 MR. LIM: Yes.
29
- 30 THE COURT: -- prepared to listen to everything for an hour
31 and 45 minutes, but I'll be a little disappointed in counsel if it really was unnecessary.
32
- 33 MR. JOHNSTON: Well, I -- of course, I would submit that there's
34 a portion of that statement that probably the Crown wants to have addressed. Am I
35 correct?
36
- 37 MR. LIM: Yeah, I think the point that --
38
- 39 MR. JOHNSTON: And let's just --
40
- 41 MR. LIM: -- (INDISCERNIBLE).

1

2 MR. JOHNSTON: -- pick a spot in advance of that so he can put
3 it in context and let it run past the impugned statements and -- and watch a portion of it.

4

5 THE COURT: I don't know how we do that unless the two of
6 you can edit on the -- on the thing, I agree to play this part, that part, that part, rather than
7 having a judge watch an hour and 45 minutes, a high percentage of which is of no interest
8 to either of you, and that's all I'm asking.

9

10 MR. LIM: Well, it may be -- and again some of the
11 portions that I don't think are really that relevant may be relevant, obviously, in respect to
12 the earlier charges of assault. If -- if my friend wants those in, then basically the Court
13 has to look at the entire --

14

15 THE COURT: I'm going to let you two --

16

17 MR. LIM: Certainly.

18

19 THE COURT: -- deal with this. This was a case I was told
20 would finish today. It is now approaching quarter to three and I'm about to hear,
21 apparently, an hour and 45 minutes of a statement. I don't know, is there other evidence
22 the Crown --

23

24 MR. LIM: That's all the Crown's --

25

26 THE COURT: -- is intending to call?

27

28 MR. LIM: -- evidence there is.

29

30 THE COURT: And the defence is going to have to get
31 going. This Court is not sitting past 4:30 today, gentlemen, so you work with that. Okay?
32 Call me.

33

34 (ADJOURNMENT)

35

36 THE COURT: Counsel?

37

38 MR. LIM: Your Honour, we were both in agreement that
39 the statement, that being approximately an hour and 43 minutes, minus the time where
40 there's basically nothing being said, under an hour and a half, would be admissible.
41 However, Your Honour, we also believe it has to be seen in its entirety. There's some

1 inculpatory statements as well, Your Honour, exculpatory as well, so in order for the
2 Court to even adjudicate, if we should argue it or use it for cross-examination, the Court
3 would have to hear the entire statement.

4
5 We are suggesting, Your Honour, at this point here that the statement -- we're both
6 agreeing that this is -- there's no issue of continuity. It's a free and voluntary statement.
7 The Court can at its leisure look at the statement. The next day, when we have a trial
8 continuation, Your Honour, the Crown's case will be in. It will be up to the accused
9 whether or not he wants to take the stand, and, of course, we can then argue the -- the
10 admissions in respect to the statement in our closing arguments.

11
12 THE COURT: Are you suggesting that we -- I watch the
13 statement now, we put it over and sometime in a month or two that I try and remember
14 what I watched?

15
16 MR. LIM: Well --

17
18 THE COURT: We carry on? Because that seems nonsensical
19 to me.

20
21 MR. JOHNSTON: What I would --

22
23 THE COURT: Because that's what --

24
25 MR. JOHNSTON: -- suggest --

26
27 THE COURT: -- you're suggesting.

28
29 MR. JOHNSTON: What I suggest is that we leave you the tape
30 and --

31
32 THE COURT: No, no, no, no, no.

33
34 MR. JOHNSTON: -- you'd have --

35
36 THE COURT: Not -- not a chance. The tape isn't going to be
37 looked at by me until it becomes evidence. I'm prepared, by agreement here, marking it
38 and we'll put it over and we'll watch it in open court.

39
40 MR. JOHNSTON: Fair enough.

41

1 THE COURT: In open court on a new date, and I understand
2 you've got a new date.
3

4 MR. JOHNSTON: Yes.
5

6 THE COURT: What is that, please?
7

8 MR. JOHNSTON: There is a -- we booked a half day October
9 18th.
10

11 THE COURT: Do you think it's going to be finished in a half
12 day?
13

14 MR. LIM: We --
15

16 MR. JOHNSTON: We've got just basically one witness for the
17 defence, the accused, and the tape.
18

19 THE COURT: Let me look at October 18th.
20

21 MR. LIM: And I think my friend will allow us to speed up
22 the tape and go over the portion that is -- the 15 minutes that's --
23

24 MR. JOHNSTON: Oh, yes.
25

26 MR. LIM: -- where there's nothing said.
27

28 MR. JOHNSTON: Yes; yes.
29

30 MR. LIM: So that brings us to an hour and a half for the
31 tape or under an hour and a half.
32

33 THE COURT: It's just reference is going to be made to this,
34 and it might as well be made on the day that I'm determining things.
35

36 MR. JOHNSTON: Fair ball.
37

38 THE COURT: Rather than --
39

40 MR. LIM: Fair enough, sir.
41

1 THE COURT: -- now, so -- so that's over until when,
2 gentlemen?
3

4 MR. JOHNSTON: October 18th.
5

6 THE COURT: Yes?
7

8 MR. JOHNSTON: Thursday I believe, 1:30.
9

10 THE COURT: Yes?
11

12 MR. JOHNSTON: Courtroom 355.
13

14 THE COURT: Okay. Yeah, I am here then. Okay. It's
15 adjourned to that date. We'll just leave the matter of putting in the statement and the disk
16 and everything until then.
17

18 MR. JOHNSTON: Very well.
19

20 THE COURT: Madam Clerk, could I have a copy of the
21 indictment sent up to me?
22

23 MR. LIM: Your Honour, could I add -- enter the tape --
24 sorry, the DVD as -- and then I don't have to worry about the judge -- sorry, about the
25 officers. Otherwise I'm carrying -- unless you have no problem me carrying the DVD
26 until the --
27

28 THE COURT: Do you want to --
29

30 MR. LIM: -- next date.
31

32 THE COURT: -- put it in now? Then the officer, if he's
33 sitting around, can go home and do other --
34

35 MR. LIM: Exactly.
36

37 MR. JOHNSTON: Fair ball.
38

39 THE COURT: -- important things or other things.
40

41 MR. LIM: And maybe just --

1
2 THE COURT: We'll make it an exhibit. Have we got any
3 exhibits so far, Madam Clerk?
4
5 MR. LIM: Yes, we --
6
7 MR. JOHNSTON: We're at three.
8
9 THE COURT CLERK: Exhibit 4.
10
11 THE COURT: That's right, the photographs and --
12
13 MR. JOHNSTON: Two doctors.
14
15 MR. LIM: I'm just going to ask the officer --
16
17 THE COURT: Exhibit 4 then?
18
19 MR. JOHNSTON: Correct.
20
21 THE COURT: Okay.
22
23 MR. LIM: Thank you, Your Honour.
24
25 THE COURT: Exhibit 4.
26
27 **EXHIBIT 4 - Videotaped statement of the Accused**
28
29 THE COURT: Okay.
30
31 MR. LIM: Thank you, Your Honour.
32
33 THE COURT: I just suggest, gentlemen, that this is in the
34 interests of everybody here, the administration of justice, law enforcement and the
35 accused, that we don't sort of short circuit things and cut corners so at the end of the day
36 it's not fair to everybody, so I'm going to make it fair to everybody.
37
38 MR. LIM: Yes, sir.
39
40 MR. JOHNSTON: Fair enough.
41

1 THE COURT:

Thank you.

2

3 MR. LIM:

Thank you, Your Honour.

4

5 THE COURT:

Could I have a copy of the --

6

7 THE COURT CLERK:

Yes.

8

9 THE COURT:

And just sent up, no urgency for it.

10

11

12 PROCEEDINGS ADJOURNED UNTIL 1:30 P.M., OCTOBER 18, 2012

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1 Certificate of Record

2

3 I, Jennifer Levasseur, certify that this recording is the record made of the evidence in the
4 proceedings in Provincial Court, held in courtroom 359, at Edmonton, Alberta, on the 21st
5 day of September, 2012, and I was the court official in charge of the sound-recording
6 machine during the proceedings.

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1 **Certificate of Transcript**

2

3 I, Sherry Dahl, certify that

4

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

8

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

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