

JOSEPH ROBERT BURNS, SWORN, TESTIFIES AS FOLLOWS:

MR. SINCLAIR: Thank you, Your Honour.

MR. SINCLAIR: EXAMINATION-IN-CHIEF:

1 Q Mr. Burns, I understand that you live in
Saskatoon, Saskatchewan; is that correct.

A That is correct.

2 Q And you were a long-time employee of the transit
system here in Saskatoon?

A Thirty-five years.

3 Q And when did you retire?

A October 31st, 1994.

4 Q And when you retired in 1994 what position did you
have with the transit system?

A I was special services and schedules.

5 Q Okay. And how long had you held that position?

A Twelve years.

6 Q Okay. Prior to that I understand that you drove
bus, you drove a transit bus?

A I drove bus for 21 years, yes.

7 Q Okay. Were you driving bus in 1969, particular in
January of 1969?

A Yes, I was.

8 Q And what route did you have at that time?

A Route 2.

9 Q And what route is that?

A That is the Pleasant Hill route from 20th Street

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and Ottawa Avenue to the downtown. It terminated downtown at 23rd Street and 2nd Avenue, and then went back to Pleasant Hill.

10 Q And it turned around at that location and went back?

A That's correct.

11 Q Okay. Now not being from Saskatoon I'll have to apologize, but where is Ottawa Avenue? I'm familiar with the letters on the west side of Idylwyld that starts at A, B.

A Idylwyld. Yeah, 20th Street, the avenues --

THE COURT: Goes west passed Avenue P, and then where's -- Ottawa is back down there some place; is it?

THE WITNESS: Yes. It's X, Y, Whitney, Montreal and then Ottawa.

12 Q All right. So it's about three blocks then passed Avenue Y?

A That is correct.

13 Q So for a good portion of that trip then the bus route takes you down 20th; is that right?

A Basically. Most of the trip was 20th Street.

14 Q Okay. And there would be a bus stop then on a number of occasions or a number of places on 20th Street; is that right?

A Nearly every intersection at that time.

- 15 Q I wanted to ask you about that. At that time was there -- how regular were the bus stops? For example, do you --
- A With the exception of Avenue R, I think there was a stop at every corner.
- 16 Q Okay. So was there a bus stop at Avenue O and 20th?
- A There was, yes.
- 17 Q Would there also be a bus stop at Avenue N and 20th?
- A Yes, there was.
- 18 Q All right. And every other avenue all the way down 20th?
- A That is correct.
- 19 Q With the exception of Avenue R?
- A And the other one was Avenue K because of the railway track.
- 20 Q Okay. And to get downtown, if I was living on Avenue O around 20th and I got on the bus, would I, I would be going east towards downtown?
- A That is correct.
- 21 Q Now when did the bus, when did the first bus of the day start in January of 1969?
- A The first bus of the morning?
- 22 Q Yes.
- A The first bus in the morning began at 6:15 in the

morning, from Ottawa Avenue and 20th Street.

23 Q That's where it started?

A That's where it started.

24 Q How long would it take for that first bus to travel the distance between Ottawa and Avenue O?

A Approximately four minutes.

25 Q Okay.

A If it was a delay it could be a little longer, but from my own experience, if I was a passenger, I would expect to be at that stop about four minutes from the time it left the end of the line.

26 Q All right. So would that be -- what time then if it starts at 6:15?

A Six-nineteen would be approximate time.

27 Q All right. And then how often or after that how regular would the buses show up on any given morning in January of 1969?

A The next three buses were at fifteen minute frequency.

28 Q So if we had the first bus of the day -

A At 6:15.

29 Q -- on time at 6:19?

A 6:19.

30 Q The second bus at Avenue O would be at 6:34?

A 6:34, yes.

31 Q Third bus at 6:49?

A That's correct.

32 Q And the fourth bus at?

A 7:04.

33 Q 7:04. How long did it take to make the entire trip from the start of the route at Ottawa Avenue to the spot where the route ended and the bus turned around, at 23rd and 2nd?

A Those first four trips the travel time was twelve minutes from the Ottawa Avenue and 20th Street to 2nd Avenue and 23rd Street.

34 Q So then it would be about an eight minute trip between Avenue O and that spot then? Would that be right?

A That is correct.

35 Q Okay. So if I caught the bus at 6:49 for example at Avenue O and 20th, I would be downtown at 23rd and 2nd Avenue eight minutes later?

A Approximately, yes. Mhmm.

36 Q Which would be 6:59 or --

A 6:57.

37 Q 6:57? I'm sorry.

A That's correct.

MR. SINCLAIR: That's fair enough. Mr. Beresh made a comment that I overheard and I agreed with it. Can you --

MR. BERESH: It was kindly made too.

- 38 Q Can you advise, sir, what's the landmarks of that location at 23rd and 2nd? What buildings are around?
- A King George Hotel.
- 39 Q Yes.
- A Hudson Bay Store.
- 40 Q Right. That's good enough. I think I recognize those.
- A I can't remember what the name of the other two buildings were at that time.
- 41 Q I know those two. Can you advise, sir, if a person were on the #2 bus going downtown intending to travel to the City Hospital in Saskatoon, would you have to transfer?
- A You would have to transfer.
- 42 Q And where would you transfer?
- A At the intersection of 23rd Street and 2nd Avenue.
- 43 Q So at that same intersection?
- A That is correct.
- 44 Q Did the buses all stop at one stop there or were they -- were there more than one transfer point downtown?
- A The transfer points were specified by the transit management, so.
- 45 Q So that was one?
- A That was one of them.

- 46 Q What bus would I take if I was going to City Hospital?
- A Route 3 bus.
- 47 Q All right. And was the system set up so that I could get off one bus, the #2 bus, and get on to the #3 bus?
- A The system was set up so you could transfer, yes.
- 48 Q Immediately?
- A Immediately, yes.
- 49 Q Without delay?
- A There would be approximately a one minute wait.
- 50 Q Would the bus be there or would I have to wait for the bus for a minute or would I have to wait for the bus to leave for a minute? Do you understand what I mean?
- A It could be a combination of both --
- 51 Q Of both?
- A -- either one or both.
- 52 Q Okay. And how long did it take the bus, the #3 bus to travel from that transfer point to City Hospital?
- A Approximately five minutes.
- 53 Q Five minutes. All right. So eight minutes downtown, a minute delay we'll say?
- A Or two minutes approximately.
- 54 Q Or two minutes. Okay. Let's give it on the

outside. That's ten minutes; is that right? And then five minutes to City Hospital?

A Yes.

55 Q So if I took the 6:49 bus and was intending on going to City Hospital, I would be there in 15 minutes; is that correct?

A You could be there within 15 minutes; it might be 16, could be 17.

56 Q But around there?

A Yes.

57 Q All right. Now if I was intending on going to the university instead, and in particular the education building, would I have to transfer to take -- to get to that location off the #2 route or the #2 bus?

A Yes, you would.

58 Q And is that the same or a different transfer, transfer point?

A It's different in that you would be required to walk one block from 2nd Avenue over to 3rd Avenue.

59 Q Okay.

A To catch the #7 bus over to the university.

60 Q Now would there be any delay other than the walking to catch from one bus to the other?

A Shouldn't be. Should not have been any delay, no.

61 Q All right. So you would have to walk from 23rd

and 2nd to what -- what?

A One block east to 23rd Street and 3rd Avenue.

62 Q All right.

A To a bus stop located just west of the Memorial
Library.

THE COURT: So on the east side of 3rd
Avenue?

THE WITNESS: On the east side of 3rd
Avenue, on the south side of 23rd Street.

THE COURT: So on the southeast corner of
3rd Avenue and 23rd.

THE WITNESS: Yes, Your Honour.

THE COURT: Okay.

63 Q And on getting on that bus and the bus moving, how
long did that bus take to get to the university?

A That bus usually took seven to eight minutes,
seven minutes, eight minutes.

64 Q All right.

A But it did not go into the university, it only
stopped along College Drive.

65 Q It stopped on College?

A Yeah.

66 Q All right. If I took the 6:49 bus on Avenue O and
20th and I intended to go to the university, I
would be downtown in eight minutes; is that
correct?

- A That is correct, yeah.
- 67 Q So before seven o'clock?
- A Before seven o'clock.
- 68 Q I would have to walk a block?
- A Yes, you would.
- 69 Q To catch another bus. And then it would take me seven minutes to get to the university?
- A Yes. Well as a controlling factor in that, route 7 was scheduled -- didn't leave the 3rd Avenue before seven o'clock. And I believe there was a delay for it to wait for route 4 from the south. So it usually was one, two minutes after 7:00 before it got away.
- 70 Q Was that the first route 7 bus?
- A No, every, every route 7 that left that point would have to wait for the route 4 before it departed from that 23rd Street and 3rd Avenue location.
- 71 Q Was it also on 15 minute intervals though?
- A As far as I remember it was, yeah.
- 72 Q Okay. So the route 7 bus wouldn't leave before seven o'clock. Is that what you testified to?
- A That's what I'm saying, yeah.
- 73 Q Okay. What about the previous route 7 bus, would it not leave before 6:45?
- A It wouldn't leave before 6:45, no.

74 Q Okay.

A And then it would take approximately seven to eight minutes.

75 Q To get to the university?

A To go as far as Bottomley Avenue.

76 Q All right. Now in preparing for your testimony and in giving your testimony this afternoon, have you relied on certain documents or certain schedules of the transit system?

A Yes, I have.

77 Q And do you have those with you?

A I have some documents with me that, that I -- when the transit manager was approached in 1991, and the transit manager asked me if I would go in to some of the archives and dig out the information and formulate it for them. That is where I acquired that information from.

78 Q Okay. All right. And you have that documentation with you?

A Yes.

MR. SINCLAIR: My friend may want to see it.

I don't propose on tendering it unless he would like -- unless Mr. Beresh would like that.

THE COURT: You personally obtained those from archives in 1991 you said; is that correct?

THE WITNESS: That is correct.

THE COURT:

All right.

MR. SINCLAIR:

Thank you. I have nothing

further.

MR. BERESH:

CROSS-EXAMINATION:

79 Q Sir, do you know why you were requested in 1991 to pull these records?

A The RCMP from Calgary I believe, but I don't remember the name of the officer that approached Mr. Ross who was transit manager at that time.

80 Q I take it not by way of search warrant or anything else?

A No.

81 Q Just by request?

A By request, yes.

82 Q I wonder if I can just compare them to the documents I have so we know which ones you obtained, please?

A Okay. This was in archives; this was in archives; this was in archives and this was in archives.

83 Q Okay.

A And I formulated, I formulated this and I formulated that.

84 Q Okay. Sir, I understand that you were a driver on this route but, because of your seniority, you didn't have to drive the early shift?

A That is correct.

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- 85 Q So your shift basically would start when or started when?
- A I started driving approximately at just before twelve o'clock noon.
- 86 Q So one driver would be responsible presumably for the basically 6:45 to noon shift?
- A That is correct.
- 87 Q Another driver for a shift I take it, from what, noon till 6:00?
- A I stayed, I was on it until almost eight o'clock?
- 88 Q Eight p.m.?
- A Seven. I was into the garage at 7:45 p.m.
- 89 Q And was there a shift after that or did the service terminate then?
- A There was service, reduced service continued, but my bus came to the garage.
- 90 Q Okay. But there was reduced service on that route?
- A There was, yes.
- 91 Q And it ran approximately until what time?
- A Till leaving downtown 12:15 to go to -- to cover the route and then it would come to the garage.
- 92 Q Twelve-fifteen after midnight?
- A Twelve-fifteen midnight, yes.
- 93 Q Okay. And having worked on that route, sir, I take it that it was a fairly busy route?

- A It was.
- 94 Q And at that time were the buses independent of overhead wires? Did they rely upon electrical current?
- A They were relying on electrical current at that time still.
- 95 Q All of the ones on the route?
- A On the route 2, yes.
- 96 Q So I take it because of the effect of weather on that type of system, the service was somewhat less reliable in inclement weather, like winter as opposed to summer?
- A It wasn't. I never run into a situation where it was not reliable because of weather.
- 97 Q I'm not being critical. I'm saying weather was a factor, wasn't it?
- A The only thing we had to watch if the weather was, was frost on the lines and we had to turn the shoes. But the schedule was generally maintained quite --
- 98 Q I appreciate that. I'm saying there's a greater likelihood that the service might not be as precise in terms of timing in winter as opposed to summer?
- A Pretty much as reliable.
- 99 Q Were the --

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A The only thing that would make a difference is in the winter time more people riding than there are in the summer, so there would be some variation in the time due to that factor.

100 Q So there could be delays caused by that?

A Yes.

101 Q Okay. Were the drivers then required to keep any type of schedule of, say, random spots on the route, what time you get to Avenue O for example? Just a rough running type of schedule?

A No, the only thing that was specified, the first four trips the running time was 12 minutes -- pardon me, nine minutes from Ottawa Avenue and 20th Street to 1st Avenue and 20th Street. And then from 1st Avenue and 20th Street to 23rd Street and 2nd Avenue was three more minutes. Now then after seven o'clock the running time changed, and it was 12 minutes from Ottawa Avenue.

THE COURT: After 7:00 a.m. you said?

THE WITNESS: After 7:00 a.m., yes. The frequency increased from every fifteen minutes to every ten minutes beginning at seven o'clock, and the running time was also increased. Then it was 12 minutes from Ottawa Avenue and 20th Street to 1st Avenue and 20th Street. And then four minutes from 1st Avenue and 20th Street to 23rd Street and

2nd Avenue.

102 Q Were the drivers required to keep any type of record of where they're at? For example, there was an accident in the middle of the street, couldn't get through so I'm delayed. Would you be required to write anything down at all to keep track of that?

A Yes, we were supposed to record on, if there was a delay we had to record on our trip sheets.

103 Q And did you check the archives for those records? Or do you think they exist now?

A I didn't check for those, and I don't think they exist now. Like, I went -- when I was requested to appear I went to look, see if I could find more detail and then some, the City Hall archives came in and took some of that away, and I haven't been able to set my hands on any of it. So I don't know what they did with it.

104 Q Well, presuming a driver made some notes about his or her shift, were you expected to turn those notes in to someone? A supervisor?

A Yes. The supervisor received your trip sheet at the end of your shift when -- when he looked after the fare box on your bus, like.

105 Q And what would the trip sheet contain, briefly, please?

- A In those days when the operator reported for work he would go to the schedule book and then he had a trip sheet, and he was required to write down the times of his route according to this trip sheet, and his on time and his off time and what run he was working. And then there was a punch clock. At that time there were punch clocks at quite a few different locations. I know that there was still one existing on Ottawa Avenue at 20th Street. And you had to punch that clock before you left that terminal.
- 106 Q And what would you punch it on to? A card, or?
- A On to that trip sheet.
- 107 Q On the trip sheet?
- A Yes.
- 108 Q Okay. So in one day when you came back and looked at your trip sheet after your shift, how many punch items would you have?
- A On that particular route there was only just that terminal time on it, eight -- eight times for the shift.
- 109 Q Eight times. So you'd make the route in one hour?
- A No, pardon me. That one would have 16 on it.
- 110 Q Oh, yeah. I suspect. Every half hour?
- A Every half hour approximately.
- 111 Q Okay. So would you record anything else on the

trip sheet?

A There was space, like, if you encountered an accident and you had a delay then you wrote a note on the back saying why you were delayed.

112 Q Okay.

A And then it was submitted to the inspector, end of the shift.

113 Q Okay. And these were kept on a daily basis?

A Yes.

114 Q Okay. Now having worked in that area, sir, you say that the buses were busier in the winter than the summer. Busy might mean a lot of different things to different people. What does that mean to you in relative terms? Can you tell us the passenger rate?

A Number of passengers at a bus stop --

115 Q Sure.

A -- would be greater. So instead of having three or four people, you might have five or six people riding, morning.

116 Q Yeah.

A So it takes a couple more seconds for more people to board, so it slows it down at each stop.

117 Q So when you say busy, you're talking, I take it, somewhere five to ten riders get on per stop?

A That's correct, yeah.

- 118 Q Okay. And I take it you could tell at least by the dress of a number of people who rode on that route, their sort of type of work? Whether they wore suits as compared to what we might consider other type of working clothes; is that fair to say?
- A You could tell, yes. But it wasn't something personally that I paid much attention to.
- 119 Q Well I'm not saying it in a derogatory fashion.
- A No.
- 120 Q I'm saying you could sort of see the socio-economic group of people?
- A Right.
- 121 Q And I understand from that area there were a lot of people who are called blue collar workers today?
- A Mhmm.
- 122 Q You could see that?
- A Yes.
- 123 Q It wouldn't be unusual to have a number of people, say, who you'd see in the construction trade? Who appeared to work in the construction trade?
- A Mhmm. Yes.
- 124 Q That was your observation. That was not uncommon to see?
- A Not uncommon to see, no.

- 125 Q Right. People wearing hard hats. It wouldn't be uncommon to see somebody wearing a hard hat?
- A No, it wouldn't.
- 126 Q I take it, it would be common actually? That is you'd see --
- A Hard hats weren't that common, but.
- 127 Q You'd see it everyday?
- A Yeah.
- 128 Q Somebody or some people wearing hard hats?
- A Mhmm. Yeah.
- 129 Q Okay. So that wasn't unusual to see on that route?
- A No, it wasn't unusual.
- 130 Q Okay. Likewise, people who might be going to jobs where you're required to wear a uniform. It wouldn't be unusual to see somebody in what appeared to be a uniform?
- A That was common, yes.
- 131 Q Nurses' uniforms, generally white as I understand in those days. It wouldn't be uncommon to see people dressed in nurses' uniforms?
- A Except in the winter time when you have a coat, you know, it's hard to tell what kind of a uniform a person had on.
- 132 Q Fair enough. But when you could tell, when you could see the inner clothing, it wasn't unusual to

see people dressed as -- in white dresses or what appeared to be white uniforms; correct?

A That's correct.

133 Q Okay. You indicated in the statement you provided to the police or in the note, that you were aware of the death of the person who came to be known publicly as Gail Miller?

A I was aware of it, yes, only by the newspaper.

134 Q I appreciate that. And that was going to be my question. Do you remember around the time there being publicity in the newspaper?

A Yes.

135 Q And I take it, it probably had some greater significance to you than, say, another death somewhere else because it wasn't far from your route?

A Well it had some significance in that respect, yes.

136 Q So, just so we're clear, I take it the newspapers at the time reflected that there was a death and the general location of where the body was found?

A Yes.

137 Q And you came to understand that from either hearing it on the radio or seeing it in the press?

A Yeah.

138 Q Yes?

- A Yes.
- 139 Q Okay. Now -- I'm sorry.
- A If my recollections are correct, I was the first -- the transit system called me in to do an extra that morning and the operators that were appearing for work on route 2, they knew it before I did because they were talking about it in the men's room. So that was the first I was aware of it.
- 140 Q Okay. And when you say operators, I think you mean drivers?
- A Drivers, yeah.
- 141 Q One and the same thing. Okay. By the way, at that time did you have some method of communicating from the bus to a central office, like a two-way radio or anything like that?
- A Only by telephone.
- 142 Q By telephone?
- A Yeah, a pay phone or run into a business place.
- 143 Q Okay. So I'm interested in this, you learn about the incident, and then in the next couple of days were you driving the route?
- A Yes, I was driving that route. Yes. But --
- 144 Q Yes. Okay.
- A -- I don't even remember what day of the week it was.
- 145 Q Let's assume it was a Friday. Would you normally

work on Saturday and Sunday?

A I did not work Sunday.

146 Q Didn't work Sunday?

A And I did not work Thursday.

147 Q Okay. So you worked everyday except Thursday and Sunday?

A During that time, yes.

148 Q Okay. Now the reason I ask that is this, after you learned of it and you knew you were driving in the general area, did you observe increased presence of police or police cars in the area apparently investigating this?

A Not that I recall, no.

149 Q Do you remember being at some point stopping your bus and seeing the police around talking to people around a bus stop?

A Not when I was driving.

150 Q I'm not saying it happened to you. I'm just saying if anything like that ever happened?

A No.

151 Q Okay.

A I don't recall, no.

152 Q Yes.

A But then, like, it was later in the day. They may be concerned about morning time of the day, you now. So it didn't involve me going to work later

in the day.

153 Q Okay. But I take it from your position, at least having heard the event, you came to expect the police were obviously going to be investigating in that area?

A I expected they would, yeah.

154 Q And did they speak to you at the time, any police officer?

A None, no.

155 Q But I take it you learned from your colleagues that some, some operators were interviewed?

A I don't recall that either, no.

156 Q Well when was the first time you were approached about this?

A When was the first time I was approached about this?

157 Q Yes.

A Well when Mr. Ross, the transit manager in '91 asked me to look up this information.

158 Q Okay. Before that no one ever spoke to you? From 1969 onward no one ever spoke to you about this event?

A Except my wife and I, we discussed it.

159 Q But she's not a member of the police force?

A No, she's not.

MR. BERESH:

Okay. Those are my questions.

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Thank you very much, sir.

THE COURT: Any re-exam?

MR. SINCLAIR: Just one point, just as a matter of clarification. It's something I wanted to bring up.

THE COURT: Sure. Let's see what it is.

MR. SINCLAIR:

RE-EXAMINATION:

160 Q Back in those days, what side, if the bus was going east, what side of the intersection was the bus stop? For example at O and 20th, would it be on the southwest corner of that intersection or the southeast corner of that intersection?

A It was in the southwest corner.

161 Q And would that be the case for all of the intersections down 20th Avenue or 20th Street?

A Yes.

MR. BERESH: Would it be on the west side?

MR. SINCLAIR: Pardon. On the west side.

MR. BERESH: They're all on the west side.

THE WITNESS: They were all near side stops as far as I remember.

162 Q Near side stops; is that what you called them?

A Yes. We called them near side stops. Yes.

163 Q So on the west side of the intersection as you're going east on 20th?

A Yes, yeah.

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MR. SINCLAIR: All right. Thank you.
Nothing further. Thank you, Mr. Burns.

THE COURT: All right. You're excused,
sir. Thank you very much.

THE WITNESS: Thank you very much, Your
Honour.

MR. SINCLAIR: Again, I apologize, Your
Honour, for being out of witnesses at this point,
but we are.

THE COURT: Okay. So that's the last one
for today.

MR. SINCLAIR: Yes.

THE COURT: What about for tomorrow then?
Do we have any more than just the four lined up?

MR. SINCLAIR: Yes, we do. It looks like we
have Mr. Beauchamp, I think he's coming tomorrow.
Vicky Fontaine is coming tomorrow. And I expect
that is going to be more than a full day.

THE COURT: Yes. And Beauchamp. Okay.
So we'll go. Should we just start at 9:30 and
then maybe go 9:30, maybe 12:30, and then 1:45 on
tomorrow to try and catch up some time, make sure
we get through them?

MR. SINCLAIR: Sure.

THE COURT: Or would you like to start
earlier? Which would counsel prefer? Is 9:30 a

better starting time and we'll leave it as is.

MR. SINCLAIR: I think 9:30 was better
because of probably the witnesses.

THE COURT: Witnesses and you have to
interview, yes.

MR. SINCLAIR: Just in case we can't get
them.

THE COURT: Okay. All right. Let's go
9:30. And then we'll see how many we can -- and
we'll try and put in a full day tomorrow then.

MR. SINCLAIR: Thank you, Your Honour.

THE COURT: Okay. Oh, just wait. I have
here some copies of decisions. I don't know if
they'll be of any assistance on --

MR. SINCLAIR: Briefcase, yeah.

THE COURT: Yes, on the *K.G.B.* potential
application. I have a judgment or rulings of
Judge Seniuk on the *Bigeagle* matter at the prelim
stage, and Justice Hrabinsky on *Bigeagle* at the
trial stage. And then I have another one
unreported of Justice Gerein on the *Garry
Gettler* (ph), which again was a statement of a
type of *K.G.B.* on a person who had passed away.
So I have copies for both counsel.

MR. SINCLAIR: Thank you. Thank you, Your
Honour.

MR. BERESH:

Thank you, sir.

THE COURT:

Okay. Is there anything else
or is that all there is for today then?

MR. SINCLAIR:

No, that's all for today, Your
Honour. Thank you.

THE COURT:

Okay. Mr. Johnston will be in
charge of these, the reading material. All right.
Thank you.

(COURT ADJOURNED TO JANUARY 14, 1998)

(COURT RECONVENED - JANUARY 14, 1998)

THE COURT: Good morning.
MR. BERESH: Good morning, sir.
MR. SINCLAIR: Good morning, Your Honour.

Your Honour, just before we start, my friend will be, or my colleague will be calling a number of witnesses for the Crown this morning. And while he is doing that, some of the exhibits I would request be removed from the courtroom in the custody of a court security officer. I've spoken with Mr. Beresh about this. The purpose of this is so that the exhibits can be opened and handled in a manner that respects --

THE COURT: The integrity.
MR. SINCLAIR: -- the integrity of them.
THE COURT: Of each exhibit. Okay.
MR. SINCLAIR: And so that they can be shown to a witness who will be testifying later on today. It's anticipated that that witness placed some marks on those exhibits. And it would be a very slow process I think if we were cutting opened the sealed bags and showing the contents to the witness on the stand. I'm hopeful that we can save the Court some time by having the exhibits removed, opened in the presence of the court officer and a representative of, legal

representative of Mr. Fisher, and my friend has agreed to that.

THE COURT: In a separate room. Okay.

Mr. Beresh, any problems with that?

MR. BERESH: None, sir. It's being done in the presence of Mr. Hurley so I have no problem with that.

THE COURT: Yes. Okay. As long as there's the presence of a court officer then I think they're still deemed in the custody of the court then.

MR. SINCLAIR: Actually it's the court security person.

THE COURT: Oh, yes.

MR. SINCLAIR: And I think that's sufficient for Mr. Beresh's purposes.

THE COURT: Oh, yes. And he's an ex-police officer and trained in exhibit continuity, et cetera.

MR. SINCLAIR: All right.

THE COURT: So he has knowledge of the essence of the process. All right. The order so made with the consent of Defence. All right.

MR. SINCLAIR: Thank you very much, Your Honour.

MR. JOHNSTON: Call Richard Hounjet to the

stand, please, Your Honour.

THE COURT: Okay.

MR. BERESH: For Your Honour's information the issue of exclusion of the witnesses I think has been resolved by consent. Inspector Orem will not be sitting through the proceedings but Officer Stringfellow will.

THE COURT: Okay. Will continue to sit through the proceedings, except for the evidence of Pambruk.

MR. BERESH: He won't be ordered to do that but I guess at his option.

THE COURT: No, no. That's right. Yes, that's right. It's done by agreement. That's just preferable to have these matters dealt with that way when possible.

MR. BERESH: Yes. Thank you.