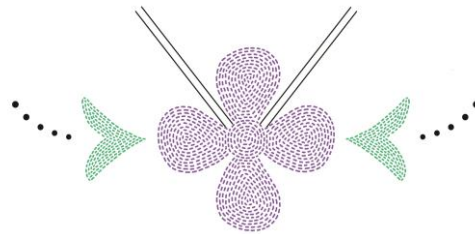


National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls



Enquête nationale  
sur les femmes et les filles  
autochtones disparues et assassinées

**National Inquiry into Missing and Murdered  
Indigenous Women and Girls  
Truth-Gathering Process  
Part 1 Public Hearings  
Sheraton Vancouver Airport Hotel  
Britannia Ballroom  
Metro Vancouver, British Columbia**



**PUBLIC**

**Saturday April 7, 2018**

**Public Volume 103**

**Jason Pierre, Delilah Pierre, Gertrude Pierre,  
Benedict Pierre, Trevor Joe & Melodie Casella,  
In Relation to Cheryl Ann Joe & Linda Eleanor Joe**

**Heard by Commissioner Brian Eyolfson  
Commission Counsel: Breen Ouellette**

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### APPEARANCES

Assembly of First Nations	Julie McGregor (Legal Counsel)
Government of British Columbia	Sara Pye (Representative)
Government of Canada	Lucy Bell (Legal Counsel)
Heiltsuk First Nation	Non-appearance
Northwest Indigenous Council Society	Non-appearance
Our Place - Ray Cam Co-operative Centre	Non-appearance
Pauktuutit Inuit Women of Canada	Non-appearance
Vancouver Sex Workers' Rights Collective	Non-appearance
Les Femmes Michif Otipemisiwak/Women of the Métis Nation	Non-appearance

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Commissioner: Brian Eyolfson

Commission Counsel: Breen Ouellette

Grandmothers, Elders, Knowledge-keepers: Florence Catcheway,  
Laureen "Blu" Waters-Gaudio, Kathy Louis, Ceejai Julian, Audrey  
Siegl, Bernie Poitras Williams, Merle Williams, Deni Paquette,  
Donna Dickison, Ruth Alfred, Harriet Prince, Gladys Radek,  
Louise Haulli, Reta Blind, Elaine Bissonnette, Eunice McMillan,  
Candace Ruth, Janice Brown, Theresa Russ, Deanna Lewis, Jennifer  
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1 Metro Vancouver, British Columbia

2 --- Upon commencing on Saturday, April 7, 2018 at 11:03

3 a.m.

4 **MR. BENEDICT PIERRE:** Before we begin, I've  
5 been asked on behalf of my family, that we're going to give  
6 one minute of a moment in silence in recognition of the  
7 young hockey team players that lost their lives in  
8 Saskatchewan. So before we do anything, I'd like to ask  
9 for one minute of silence starting now.

10 **(SHORT PAUSE)**

11 **MR. BENEDICT PIERRE:** Thank you. Respected  
12 Elders, family, friends, dignitaries, Commissioners, we'd  
13 like to begin by acknowledging and thanking the -- the  
14 Tsleil-Waututh, Musqueam, Tsawwassen, and Squamish -- being  
15 in this sacred territory to come and bring our -- our  
16 testimony to this Inquiry. And the one that we are going  
17 to be speaking of is our beloved Cheryl Ann Joe. And my  
18 family's asked to explain, that I know there's one chair  
19 that is easily left open for that spirit of the person, but  
20 in our family's discussion, one of the things we wanted to  
21 do is in -- in part of our teaching is it has to be -- has  
22 to be clean. I know it may have represented others, but we  
23 want our beloved Cheryl's to be -- to be clean and the --  
24 the purple cover, even the shirt was one of her -- her  
25 favourite colours. So we wanted to explain that's why we

1 have this -- this table here with Cheryl's picture on it.  
2 So I'd like to begin with a -- with a prayer.

3 (Speaking Sháshíshálh Language). He who  
4 dwells above, we'd ask for your strength on this day to  
5 help our hearts and our minds to express and release  
6 emotions and feelings that we need to -- that we need to  
7 bring out and make the information to, you know, the public  
8 in awareness. And the importance, Creator, of this  
9 Commission -- to take these words that we're going to share  
10 today, that, you know, some good comes out of it. And we  
11 say a special prayer for all my family that will be  
12 speaking, Creator,  
13 to -- to touch them and give them that strength that they  
14 need. And to all you that are out there and watching  
15 what's going to happen today. Bless all of our loved ones  
16 at home, Commissioners, and most importantly, our -- our  
17 loved ones in the spirit world, especially our -- our  
18 beloved Cheryl. With that, we'll thank you, Creator, and  
19 we'll begin the work. (Speaking in Sháshíshálh).

20 **MR. BREEN OUELLETTE:** Thank you, Ben. And  
21 thank you for explaining your protocol to us. For the  
22 record, my name is Breen Ouellette, and I am a lawyer with  
23 the National Inquiry. It is my very great honour and  
24 privilege to introduce members of the Joe, Pierre, Casella  
25 family, who have travelled here from Sechelt. I will ask

1 their matriarch, Gertie Pierre to introduce the other  
2 members of her family.

3 **MS. GERTRUDE PIERRE:** My daughter, Melodie  
4 Pierre -- Melodie Casella. And the next one's Trevor Joe,  
5 my nephew, the son of Cheryl Ann Joe. And my son, Benedict  
6 Pierre. And my daughter, Delilah Pierre. And my son,  
7 Jason Pierre. And Freda Ens, our support. And CeeJai  
8 Julian, Selena August (phonetic), my son's common-law, and  
9 Rhoda Julien, and Donna Dickison, Harriet Prince, and Penny  
10 Kerrigan. (Speaking in Sháshíshálh).

11 **MR. BREEN OUELLETTE:** Thank you, Gertie.  
12 And for clarity of the record, the people introduced in the  
13 front row -- row are witnesses and the people in the back  
14 are for support. Mr. Registrar, the family has requested  
15 to affirm using eagle feathers.

16 **MR. BRYAN ZANDBERG:** Good morning,  
17 everybody. I'm going to pass you some eagle feathers  
18 for -- okay.

19 **UNIDENTIFIED SPEAKER:** Three and three.

20 **MR. BRYAN ZANDBERG:** Three and three? Okay.

21 **UNIDENTIFIED SPEAKER:** (Indiscernible).

22 **MR. BRYAN ZANDBERG:** Okay. You've brought  
23 your own eagle feather this morning. Oh, okay. So what --  
24 what I'll ask the family members to do then, is to --  
25 everybody, just reach out and hold the eagle feather that's



1 beside you, or the one you're holding. Okay. So I'll ask  
2 all the witnesses at the same time.

3 **JASON PIERRE, Affirmed:**

4 **DELILAH PIERRE, Affirmed:**

5 **GERTRUDE PIERRE, Affirmed:**

6 **BENEDICT PIERRE, Affirmed:**

7 **TREVOR ANSEN JOE, Affirmed:**

8 **MELODIE CASELLA, Affirmed:**

9 **MR. BRYAN ZANDBERG:** Okay. Thank you.

10 **MR. BREEN OUELLETTE:** And I will take a  
11 moment to offer the family cedar in support of their  
12 testimony today.

13 **(SHORT PAUSE)**

14 **MR. BREEN OUELLETTE:** Melodie, you have  
15 provided photos to share with us today. I ask that our  
16 excellent audio-visual staff please show photo number one,  
17 so that you may describe it for us.

18 **MS. MELODIE CASELLA:** This is a picture that  
19 was taken with Cheryl when she was about 15 years-old. And  
20 she was really proud of that jacket because this is time --  
21 in the time of the '70s where Happy Days was the biggest  
22 crave, and Scott Baio had a jacket similar, so she -- she  
23 wore that very proudly.

24 **MR. BREEN OUELLETTE:** And next, I ask for  
25 photo number two, please?

1                   **MS. MELODIE CASELLA:** This is a younger time  
2                   in -- for her. And it was probably the time, I think, when  
3                   she was living with my parents. And then, I grew to -- to  
4                   love her like my sister, not my -- my cousin.

5                   **MR. BREEN OUELLETTE:** And now, I ask for  
6                   photo number three, please?

7                   **MS. MELODIE CASELLA:** This is a -- a picture  
8                   of Cheryl, and she's holding one of my oldest nephews who's  
9                   the son of my brother, Ben. And that's her son, her  
10                  youngest baby, and he was about -- almost 2 years-old. He  
11                  was a very big boy. And it -- it more shows of the person  
12                  that she is to all of us. She was very loving, and kind,  
13                  and she always had her arms out to embrace us, and -- and  
14                  show us how much she loved and cared for everybody.

15                  **MR. BREEN OUELLETTE:** Gertie, could you pass  
16                  the microphone? Thank you. Would you confirm -- are you  
17                  here today because Cheryl is missing, or she was murdered?

18                  **MS. GERTRUDE PIERRE:** She was murdered.

19                  **MR. BREEN OUELLETTE:** And what day was she  
20                  murdered?

21                  **MS. GERTRUDE PIERRE:** She was murdered in  
22                  January 20th, 1992. Brutally murdered. She -- Brian  
23                  Allender really done a horrible thing with her and  
24                  mutilated her. And, you know, you never forget. I feel  
25                  like it's that first day when we found out she died. I

1 feel like we're right there again.

2 MR. BREEN OUELLETTE: How old was she at the  
3 time of her murder?

4 MS. GERTRUDE PIERRE: She was 26 years-old.

5 MR. BREEN OUELLETTE: Jason, would you share  
6 with us what it was like growing up with Cheryl?

7 MR. JASON PIERRE: Well, for -- for me  
8 growing up with Cheryl, she was like a real big caregiver  
9 towards our family. Like my sister, Melodie, I never  
10 considered her my cousin. I considered her more my -- my  
11 big sister because she was raised with -- with us for a  
12 little while. And she was one of the first ones to really  
13 step out of the -- the rural area, a -- away from the  
14 reserve and enter into the urban area out here in  
15 Vancouver.

16 And at that time, there was a lot of  
17 different things that were going on. And we had another  
18 older cousin, Curtis Paul (phonetic), who was in --  
19 involved with a lot of crime and the such, et cetera. And  
20 he took my sister, Cheryl, under his wing and -- and  
21 taught -- taught Cheryl the best he could about the street  
22 lives. The do's and don'ts of -- of living in the street.  
23 And with that respect, Cheryl passed that onto me and each  
24 and every one of our -- our siblings that -- whenever we  
25 went into Vancouver, she would say, you know, "Don't do

1           this. Don't do that. Don't go here. Don't go there."  
2           You know, and which were like the danger areas, and stuff  
3           like that, where all the criminal activity was going down.

4                           And unfortunately, she got into becoming a  
5           working lady. And at an early age, I -- I took on the --  
6           the responsibility as being a spotter for her, which is  
7           looking out for her. Taking down -- taking down licence  
8           plates, and identifications when the -- the johns would  
9           pick her up. And she always used to tell me, "If I'm not  
10          back in an hour, make sure you go to the -- the Vancouver  
11          Police." And, you know, I -- I prayed and I prayed that --  
12          that that day wouldn't -- wouldn't happen or wouldn't come.  
13          Because there was a couple incidents where -- where she was  
14          taken away. She was taken way out in the Fraser Valley and  
15          an hour had went by, and then an hour and a half went by,  
16          two hours went by. You know, I was trying -- trying not  
17          to, you know, to go to the Vancouver Police, hoping that  
18          she would come back.

19                           And then, just as -- as I was walking down  
20          to the police station to go and tell them about my sister  
21          Cheryl, about what she was doing and -- and then what she  
22          wanted me to do, she came -- she came running across the  
23          street after me. Her -- her clothes were all torn, and she  
24          had a black eye, and a bleeding lip. And fortunately, she  
25          got away that time. But I never, ever thought a day that

1 something like this would ever, ever happen to her, as  
2 brutal as it -- as it was. Not in my wildest dreams did I  
3 ever, ever think something like this would happen to my  
4 beautiful sister Cheryl Ann Joe.

5 These are just some of the things that I  
6 experienced with my beautiful sister. You know, that was  
7 a -- the life that she led down in Vancouver. You know,  
8 because she -- she used to take care of all of us no matter  
9 what. Me -- me in particular, she used to make sure I was  
10 fed all the time. Made sure -- made sure that I was  
11 clothed. Made sure I had shoes on my -- on my feet. She  
12 did so many things for me. I still think about her to this  
13 very day. The pain's still -- feels the same. I just pray  
14 that this will -- the things that we are sharing here  
15 today, will help some other families. Hopefully, then  
16 other families won't have to go through any -- any of this  
17 kind of stuff. Hypothetically, if it does happen and, you  
18 know, we can make some change for their families, you know.  
19 And have some good resources in place for the -- places for  
20 those people.

21 Because to this very day, we're still  
22 struggling. And there was so much, different negligences  
23 that happened to our family, and throughout this whole  
24 judicial process. And I pray that other families won't  
25 have to go through it either. There's so much more that I

1 could share and I just thank you all for listening to me.  
2 Thank you very much. (Speaking Sháshíshálh Language).

3 **MR. BREEN OUELLETTE:** Thank you, Jason.  
4 Trevor? What was Cheryl's life like in the weeks and  
5 months before her murder?

6 **MR. TREVOR JOE:** I remember she talked about  
7 getting her life together, so she could get my two younger  
8 brothers back from Alberta.

9 **MR. BREEN OUELLETTE:** Melodie, can you tell  
10 us why Cheryl didn't have custody of her two youngest sons  
11 in the months prior to her murder?

12 **MS. MELODIE CASELLA:** I had gone over to  
13 visit Cheryl at her house. And -- because I'd always go  
14 and stop in to see if there was anything she needed, or if  
15 I could help. And -- and she said that the dad had taken  
16 them to Alberta to go visit family and said he would bring  
17 them back. But at this time, it was -- the -- the weeks  
18 had turned into months for her and not having her children  
19 back. And they were babies. One was only 2 years-old, the  
20 other was 4. So the devastation and the loneliness she  
21 felt in her heart not having her babies at home because the  
22 dad had -- had just prolonged the visit, and just kept them  
23 with him in Alberta.

24 **MR. BREEN OUELLETTE:** And did she go  
25 anywhere for assistance to try and get them back?

1                   **MS. MELODIE CASELLA:** Yeah. I remember her  
2 when she said that she had gone to our band office and had  
3 asked for some kind of help and assistance, financially, to  
4 be able to go to Alberta because she was a single mom on  
5 social assistance herself. And then, nobody would help  
6 her. They wouldn't give her any money to go and nobody was  
7 supporting her or advocating for her to get her kids back.

8                   **MR. BREEN OUELLETTE:** And did she come up  
9 with her own plan?

10                   **MS. MELODIE CASELLA:** Yeah. There was a --  
11 a time in December that through her -- her heartache and  
12 pain of not having her babies at home, and then she had  
13 said that, "I'm going to make the plan." She said, "To go  
14 get my boys." She said, "I'm going to have enough money."  
15 She said for -- for her and I to catch a train and go to  
16 Alberta. And then, go pick up the two little ones and have  
17 the -- the money in place to be able to buy the two extra  
18 tickets and bring them back home.

19                   **MR. BREEN OUELLETTE:** And what was -- what  
20 did you say to Cheryl about her plan?

21                   **MS. MELODIE CASELLA:** But at the time, when  
22 she was talking about this, that I think through her  
23 depression and loneliness of what she felt for missing her  
24 kids, and then, she had been using drugs. And I told her,  
25 "That that wouldn't be good to have your boys home and

1 seeing you do that." So then, I was upset with her and I  
2 told her that, "I'm not going to talk to you." I said,  
3 "Until you do something with yourself."

4 **MR. BREEN OUELLETTE:** And do you remember  
5 the last time you saw Cheryl?

6 **MS. MELODIE CASELLA:** I'm a person who's  
7 blessed with -- and cursed at the same time with a really  
8 good memory. She came to the hospital on the Thursday  
9 before -- she was murdered that weekend. And she came into  
10 my room because I had had my tonsils taken out. And then,  
11 she peeked around the curtain to my -- my bed. And I was  
12 so happy to see her. And then, she sat next to me a -- not  
13 before she wrapped her arms around me and hugged me. And  
14 she was smiling and -- and laughing and then -- because I  
15 hadn't talked to her for almost a month after I had said  
16 that to her in December. And my mom had told her, when she  
17 called the house, that I was in the hospital. So she  
18 wanted to come and see if I was okay. And she said, "We're  
19 going to go to Alberta next week." She said, "I'm going to  
20 go to town this weekend." She said, "I'm going to go make  
21 some money. I'm going to go get my VCR out of the pawn  
22 shop, so my kids can watch videos when they come home."

23 And then, I was released from the hospital  
24 the next morning, and she phoned me on the Friday. And she  
25 said, "I went to the hospital and you weren't there." And



1 she said, "Are -- are you able to come with me to  
2 Vancouver?" And I told her that I wasn't because I was  
3 still recovering from my surgery. And that, "The doctor  
4 had warned me to be careful." And then, she was like,  
5 "I'll be back on Sunday." And she said, "We'll make plans  
6 next week." She said, "Because I'm going to get the money  
7 we need and we're going to go to Alberta." She said, "Next  
8 week, and I'm -- we're going to get my boys home." And  
9 that was the weekend that she was murdered. She didn't  
10 come home that Sunday. And that conversation is like she  
11 called me yesterday. Or I remember her -- her laughing on  
12 the phone, telling me she loved me, and, "I'll see you on  
13 Sunday."

14 **MR. BREEN OUELLETTE:** Trevor, do you  
15 remember when you learned that your mother had been  
16 murdered?

17 **MR. TREVOR JOE:** Yes, I do. My cousin Ben,  
18 beside me, took me out of school right before the end of  
19 the day and he -- he brought me home to my -- or he brought  
20 me to my great-grans and there was a bunch of vehicles  
21 parked out front. And there was a -- a paramedic and a  
22 police car there, so I -- I instinctually knew that there  
23 was bad news, even at 9 years-old. And I -- excuse me. I  
24 walked in the front door and my mom's mom, my Grandma Linda  
25 hugged me, and her face was just full of tears. And I

1 don't know how she got the words out, but she said, "Your  
2 mom's gone, and she's not coming back, Son." That -- that  
3 was how I found out.

4 **MR. BREEN OUELLETTE:** Melodie, can you tell  
5 us about the effect that the police investigation and  
6 coroner's examination had on the family?

7 **MS. MELODIE CASELLA:** When we got in -- the  
8 information from the police in telling us that -- because  
9 through our culture, that when we -- we lose somebody, that  
10 there's a ceremony that has to happen. And then, you know,  
11 typically you have the wake ceremony, but then you have the  
12 burial the next day. But through our culture, then we --  
13 we have our medicine person that we call to come in to do  
14 the burning ceremony. And then, we were never, ever given  
15 a timeframe to tell us how long this would take, what they  
16 were actually doing with -- with Cheryl. Because all -- we  
17 wanted her home because we knew that she had passed.  
18 And -- so then the days kept going by. And then, my family  
19 was so distraught with the news alone, but then the  
20 prolongment of not having a timeframe of when we could  
21 actually make arrangements and plans for the ceremony that  
22 we were supposed to -- to have for Cheryl.

23 And then, it was about ten days that had  
24 passed, and then we finally got word and -- and I remember  
25 it was my brother, Ben, that told me that they would be

1 sending Cheryl back home on the ferry. And then,  
2 everything had to be fast-tracked to call our medicine  
3 person to come and make arrangements for the -- the burning  
4 ceremony. And we were scared that that wasn't going to  
5 happen because when we have the medicine person, that they  
6 get called all over the place in the Lower Mainland, so  
7 then we were making -- my family was making calls and  
8 arrangements to have this happen.

9 But then when Cheryl's body came home, and  
10 then we were talking amongst our family about how we  
11 weren't allowed to have a -- an open casket. And we didn't  
12 know if it was because of the prolongment, or whether it  
13 was because of what was happening with tests that they were  
14 doing, or investigation, and -- or if it was the trauma to  
15 her face. And -- so we didn't -- we didn't know what the  
16 answer was, other than that we weren't allowed to have that  
17 wake ceremony. And we were never given the option to even  
18 have a private viewing as a family, which for us wasn't  
19 normal. Because for closure, you know, to the loss of  
20 somebody that you get that process you expect with a wake  
21 and then -- then the burial service. But we had her  
22 picture sitting on the -- the casket, which was closed with  
23 a blanket on top of it.

24 **MR. BREEN OUELLETTE:** Can you tell me what  
25 you recently learned about the coroner's examination of

1 Cheryl's body?

2 **MS. MELODIE CASELLA:** There was a book that  
3 was written, and the book is called, "Contempt of Court".  
4 And in this book, the coroner had written in the book that  
5 when they -- they cleaned Cheryl's body, that she had this  
6 peaceful and calmness to her face. And that she was, you  
7 know, in our -- our mind of what she saw, made us question  
8 of why couldn't we have seen that? You know, as the last  
9 image of what -- what the coroner was allowed to see, which  
10 for us, I -- I believe as a family is, you know, caused  
11 the -- the lack of closure because we couldn't see her. We  
12 just had the picture on her casket. The images that were  
13 in the media.

14 **MR. BREEN OUELLETTE:** Do you remember the  
15 name of the author of this book, "Contempt of Court"?

16 **UNIDENTIFIED SPEAKER:** Carsten Stroud.

17 **MS. MELODIE CASELLA:** Carsten Stroud. Thank  
18 you.

19 **MR. BREEN OUELLETTE:** And so, are you saying  
20 that the author of this book was allowed to directly view  
21 Cheryl being autopsied by the coroner?

22 **MS. MELODIE CASELLA:** From this book, that  
23 it was very detailed with their involvement that they had  
24 in -- nearly every part of the whole investigation, and  
25 that they -- they paint the image of when they walked

1 through the door of the coroner's room, and then seeing --  
2 seeing Cheryl.

3 **MR. BREEN OUELLETTE:** And did the author of  
4 the book also detail being at other points in the  
5 investigation, early in the investigation as well as later?

6 **MS. MELODIE CASELLA:** When I actually sat  
7 down and read the book through, like, for me, it was  
8 something hard because of the details of what was in there.  
9 That this author was called by the investigators, and then  
10 they told him that there was something that they should go  
11 see. So they have the descriptions of being in the tent  
12 where they were doing the investigation that was, of  
13 course, unfolded through the court proceedings. And  
14 when -- in reading that book front to back, with the  
15 sections that was about Cheryl, that caused great concern  
16 for me. Because, you know, as we know that there's  
17 anything that could be contaminated through an  
18 investigation. And for -- to have a civilian coming into  
19 that -- the tent to -- to witness and view Cheryl's body in  
20 the tent while the investigators were doing everything they  
21 had to do, that there could have been just something small  
22 that could have contaminated the whole scene, and then what  
23 would have happened with our family? That if that was  
24 thrown out of court because it was contaminated with his  
25 DNA, whether it was a hair, or facial hair, or something,

1 at the scene, or even at the coroner's office.

2 **MR. BREEN OUELLETTE:** And so you've spoken  
3 earlier about how the author indicated that she looked  
4 at -- at peace. Do you know if something was done by the  
5 coroner's service or during the police investigation, which  
6 caused Cheryl's condition to deteriorate so that the family  
7 could not have an open casket? Did you receive a coroner's  
8 report?

9 **MS. MELODIE CASELLA:** To date, no. That our  
10 family has never, ever seen the coroner's report to find  
11 out if there was an actual reason, that was medical, like  
12 through, either the investigation or any part of the  
13 process that was involved with the coroners and any, like,  
14 the forensic pathologist, which, of course, was revealed  
15 through the court proceedings, we don't know.

16 **MR. BREEN OUELLETTE:** Do you have opinions  
17 about how the police and the coroner's service could have  
18 handled the return of Cheryl's body to your family in a  
19 better way?

20 **MS. MELODIE CASELLA:** That I feel now,  
21 today, that there was a portion of when the investigators  
22 had -- they had actually come to Sechelt, and I had shared  
23 information that somebody had picked up my cousin and I,  
24 when she was -- we were hitch-hiking. And then, so they  
25 had a photo line-up and were asking if I could I.D. that

1 person as being the driver, which I couldn't. So then,  
2 they said there was a suspect.

3 So they came to Sechelt, you know, through  
4 the ferry and the long drive back and forth, that they'd  
5 made the effort to do that. But then, you know, after the  
6 fact of us not having anybody tell us anything, like, from  
7 having a suspect to actually having somebody arrested, that  
8 it was all done through the media. And that it -- it was a  
9 complete lack of compassion toward our family. Or even  
10 empathy, considering, you know, what was all over the media  
11 on what this offender had done to Cheryl.

12 **MR. BREEN OUELLETTE:** And do you have any  
13 opinions about the communication with your family about the  
14 return of Cheryl to you?

15 **MS. MELODIE CASELLA:** That they could  
16 have -- because they had come to Sechelt, that the least  
17 they could have done was called us, and told us, and  
18 prepared us before the media did.

19 **MR. BREEN OUELLETTE:** And what are your  
20 opinions about how the police and the coroner's service  
21 allowed this author access to Cheryl when you were not  
22 given access to see her?

23 **MS. MELODIE CASELLA:** I think it's a  
24 complete disrespect to a family to have somebody who's just  
25 a -- a civilian, and somebody who can go in there and get

1 all the details of what happened to our loved one, when  
2 we're sitting in -- sitting on the outside wondering  
3 ourselves what actually happened. And then, they're  
4 allowed to do this. That investigators, yes.  
5 Pathologists, yes, coroners. But then to have just a  
6 civilian author go in there and start to report and  
7 document everything, and for us to later read it in a book.  
8 That that's an absolute disrespect to a family.

9 **MR. BREEN OUELLETTE:** And you mentioned that  
10 you've learned about the arrest of the offender through the  
11 media. Did the police make the effort to contact anybody  
12 in the family to warn you in advance that this was going to  
13 be reported?

14 **MS. MELODIE CASELLA:** No, they didn't.

15 **MR. BREEN OUELLETTE:** Do you think that your  
16 family should have been informed directly before they moved  
17 in and made this arrest?

18 **MS. MELODIE CASELLA:** Yes. They should  
19 have, at -- at least, had that courtesy. Considering what  
20 our family was already going through, and the prolongment  
21 of their -- their investigation on what they were doing.  
22 And us waiting for Cheryl to be home with us.

23 **MR. BREEN OUELLETTE:** And would you tell the  
24 Commissioner about how you learned the full details of  
25 Cheryl's murder at the trial?



1                   **MS. MELODIE CASELLA:** That the details of --  
2                   of what had unfolded through the court proceedings, that  
3                   it -- that there was nothing that was, like, shared direct  
4                   to us. It was just all through -- through the courts  
5                   because the offender chose not to speak about anything. So  
6                   then, everything that had unfolded in court was through the  
7                   investigation, which I remember all -- all of, like the  
8                   forensic pathologist, there was a blood splatter expert,  
9                   and all of what -- what was painting the picture of what  
10                  happened to Cheryl. And I don't know if you want me to get  
11                  into what actually was -- was said, or -- through the  
12                  court?

13                  **MR. BREEN OUELLETTE:** If you feel strong  
14                  enough to -- to share with us. I -- I know it was brutal,  
15                  but I will leave that to your judgement.

16                  **MS. MELODIE CASELLA:** When we sat through  
17                  the courts, that we were somewhat prepared in advance for  
18                  the evidence that would be shared because of how graphic --  
19                  graphic it was. Which I have to say and warn, that the  
20                  graphicness of what I'm going to say isn't something that's  
21                  always broadcast through the media.

22                  That when -- when we found out the  
23                  information through the courts, that -- that Brian Allender  
24                  had hit Cheryl to the point of causing head trauma. Where  
25                  it was revealed through the courts that she was probably

1 still alive for two hours after he had done that to her.  
2 And then, after he waited for her to -- to be dead, then  
3 post-mortem, he sexually mutilated her with what they said  
4 to possibly be a saw and a Swiss Army knife. And this is  
5 all through evidence put together to create what had  
6 happened because he would not say anything to anybody what  
7 happened.

8 That he had -- he had not only sexually  
9 mutilated her, but he did cannibalistic acts with the  
10 sexually mutilated parts. And did acts of necrophilia,  
11 which, for us as a family, is unfathomable that a human  
12 being could do something like this to somebody that we  
13 love. And who's been a great part of our life.

14 And then, it wasn't enough that he did that  
15 when it was a CPR officer who was on security patrol, that  
16 it was Sergeant Weir (phonetic) that he went over to the  
17 van where he was parked and then startled Allender, so he  
18 started the car and started to drive away, and then, in  
19 high speed. But Sergeant Weir didn't know that Cheryl's  
20 body was on the other side of the van. And then, he went  
21 and was quick enough to take his licence plate. For us,  
22 that was the greatest godsend and gift that this man could  
23 have ever done for our family. And he tried to chase him,  
24 but he went in the wrong direction, while Allender was  
25 speeding away. And then, had thrown some of Cheryl's body

1 tissue out the window. And then, disposed of the rest of  
2 her -- her body parts into a -- a garbage receptacle.

3 **MR. BREEN OUELLETTE:** What do you remember  
4 the most about Allender's defence at the trial?

5 **MS. MELODIE CASELLA:** That the defence, and  
6 what they tried to use with this psychologist, that he  
7 claims to have assessed Allender and was trying to use the  
8 testimony in court. But then, the Crown couldn't cross-  
9 examine Allender, so they disallowed him. And told him  
10 that -- that it was inadmissible in the court because  
11 during this, he -- they were trying to claim that he was  
12 intoxicated, and he watched Silence of the Lambs, and --  
13 which, could not even be cross-examined by the Crown.

14 **MR. BREEN OUELLETTE:** And so that evidence  
15 wasn't accepted?

16 **MS. MELODIE CASELLA:** No, it wasn't. It was  
17 inadmissible.

18 **MR. BREEN OUELLETTE:** And what was the final  
19 outcome of the trial?

20 **MS. MELODIE CASELLA:** The final outcome --  
21 that it was Honourable Judge Braidwood, that before passing  
22 the sentence of first degree murder with no eligibility of  
23 parole for 25 years, that he said this was the most  
24 appalling evidence that he had ever heard in his 35 years.  
25 And for us, that said a lot because he has probably had so

1 many cases go through his chambers.

2 **MR. BREEN OUELLETTE:** Did the investigation  
3 and the trial leave any loose ends that concern you?

4 **MS. MELODIE CASELLA:** Yes. There are so  
5 many that are of great concern because, you know, at that  
6 time of listening to the evidence that was being unfolded  
7 of how they put together the full arrest of Allender, that  
8 they said that there were in his car garage where the van  
9 was parked, that there were bags of women's clothing. And  
10 then, they had his common-law partner and his mother-in-law  
11 on the stand to testify to say that those clothes didn't  
12 belong to them. And they didn't know whose the clothes  
13 were. And in a canvas bag is where they found Cheryl's  
14 shoes, jacket, and her headband that she had been wearing.  
15 So for us, you know, that said, you know, why would he --  
16 the questions of why would he have all those clothes in  
17 there.

18 And where was the follow-up investigation  
19 when, you know, during the time that -- that there were  
20 women that were going missing in the Downtown Eastside  
21 area. But then it even posed the question that this man  
22 was a hockey coach to some young boys, including his son.  
23 And he travelled all over the Lower Mainland, including up  
24 in Highway 16, Vancouver Island, and even down in  
25 Washington, they said.



1                   **MR. BREEN OUELLETTE:** The total of the  
2 evidence. What concern did that raise for you?

3                   **MS. MELODIE CASELLA:** The concerns were that  
4 this was -- considering the -- the evidence and the details  
5 of what he did to Cheryl, that this could -- could not have  
6 been the first time he had done this because of the -- the  
7 severity of what he did in the act of murder.

8                   **MR. BREEN OUELLETTE:** Did you ever learn  
9 whether the police tried to follow-up on the possibility  
10 that Allender was -- had -- had murdered other women, or  
11 was a serial killer?

12                   **MS. MELODIE CASELLA:** Later on we did have  
13 information shared with us. Like, from one of the retired  
14 detectives, in saying that they did follow-up with the  
15 hockey schedule of the trips that they did take everywhere.  
16 But then, at -- they were looking for whether there was any  
17 missing women or girls in those areas that he was stationed  
18 at for hockey tournaments but claimed that they -- they  
19 didn't find anything on that. But then, whether -- we  
20 don't know about the paint layers of the -- the van. If  
21 that was suspect to any other incidents because that --  
22 we'd never seen it in the media to be publicized to say  
23 whether or not they recognize this man in other areas,  
24 which we were hoping would have been done.

25                   **MR. BREEN OUELLETTE:** And did they ever meet

1 with him and try to extract a confession from him?

2 **MS. MELODIE CASELLA:** After those two  
3 detectives were retired, that one of the detectives had  
4 shared and said that approximately 15 years after he was  
5 put in prison, that they -- they had a visit scheduled at  
6 the prison with him, with Allender, and he didn't know that  
7 they were there. And then, they were sitting there waiting  
8 and the corrections officer was escorting him to the -- the  
9 place that they were meeting him. And as soon as Allender  
10 had seen them, that he turned on his heels and literally  
11 ran down the hallway away from them.

12 **MR. BREEN OUELLETTE:** Gertie, would you tell  
13 us about the ceremony you held after the trial verdict was  
14 issued?

15 **MS. GERTRUDE PIERRE:** The ceremony?

16 **MR. BREEN OUELLETTE:** After the trial and he  
17 was found guilty, you held a ceremony?

18 **MS. GERTRUDE PIERRE:** Well, my sister  
19 planned to honour all the people that had -- is that the  
20 one?

21 **MR. BREEN OUELLETTE:** Yeah.

22 **MS. GERTRUDE PIERRE:** Yeah. My -- my sister  
23 was the one that had planned that and worked along with  
24 Freda Ens to honour all the people that had been involved  
25 with getting Brian William Allender charged and sentenced

1 for 25 years. We honoured all the police, everyone that  
2 was there, we honoured them and we gave them an eagle  
3 feather. And I know I heard that one of the officers that  
4 were there, it was mentioned that he was really race --  
5 racist against Aboriginals. And then, after that ceremony  
6 he was so touched by it, that he went outside the  
7 Friendship Centre, and he started to cry because he was --  
8 he was so touched by what we were doing for everyone. But  
9 my sister was the one that had planned the ceremony and  
10 we -- we held, along with Freda and everybody else. There  
11 was a lot of people involved.

12 **MR. BREEN OUELLETTE:** And so when you say,  
13 your sister, who are you referring to?

14 **MS. GERTRUDE PIERRE:** Linda. Linda Joe, the  
15 mother of Cheryl.

16 **MR. BREEN OUELLETTE:** Thank you. And were  
17 you aware that Allender appealed his conviction first to  
18 the B.C. Court of Appeal, and then later to the Supreme  
19 Court of Canada?

20 **MS. GERTRUDE PIERRE:** My sister had said  
21 that they had went to the -- I think, I forget how many  
22 judges it was first, four? Three or four. And then, they  
23 went to the Supreme Court of judges and, I think there was  
24 seven of them. And they all saw the seriousness of what  
25 Allender had done with my niece and, you know, they



1 wouldn't let any appeal happen for him.

2 **MR. BREEN OUELLETTE:** So they dismissed the  
3 appeal?

4 **MS. GERTRUDE PIERRE:** Yes, they did.

5 **MR. BREEN OUELLETTE:** Was anyone else in the  
6 family involved during the appeals, supporting Linda  
7 through it?

8 **MS. GERTRUDE PIERRE:** No, there wasn't. She  
9 didn't even let us know that she was part of the -- a role  
10 for giving information on Allender. So she was the only  
11 one that was registered.

12 **MR. BREEN OUELLETTE:** M'hm. And do you know  
13 if she had support through the entire trial process from  
14 Victim Services?

15 **MS. GERTRUDE PIERRE:** She had support from  
16 Freda Ens, through the court, and after the court was over,  
17 I don't know. I -- I couldn't say if she had any kind of  
18 support from the Victim Service. She had a counsellor.

19 **MR. BREEN OUELLETTE:** And your family has  
20 provided us with a video clip of an interview of Linda.

21 **MS. GERTRUDE PIERRE:** M'hm.

22 **MR. BREEN OUELLETTE:** And I would ask the  
23 audio-visual team to please play that clip now.

24 **(VIDEO CLIP PLAYED)**

25 **MR. BREEN OUELLETTE:** Melodie --

1 UNIDENTIFIED SPEAKER: (Indiscernible).

2 MR. BREEN OUELLETTE: What's the hardest  
3 part about watching that video?

4 MS. MELODIE CASELLA: The hardest part of  
5 watching that video is because she's no longer with us.  
6 But the support that she talks about, I don't believe stuck  
7 with her because we didn't know all the years of what she  
8 had weathered on her own. That these appeals that were  
9 applied for, it was in 1995 through the B.C. Court of  
10 Appeal, where there were three judges, where one had  
11 accepted some of the evidence to go through to the Supreme  
12 Court of Canada for the appeal. And that didn't happen  
13 until 1997. So I couldn't have imagined what my auntie had  
14 gone through alone because you're still reliving the trauma  
15 all over again of the evidence to ensure that some sort of  
16 justice would continue.

17 MR. BREEN OUELLETTE: And can you tell us  
18 what Linda was like before Cheryl's murder?

19 MS. MELODIE CASELLA: My auntie, before  
20 Cheryl's murder, she was a very hard-working woman. She  
21 was absolutely brilliant. And she was going to school to  
22 become a teacher. And then, she ended up coming back home  
23 and she was the curator for our museum, who worked to  
24 gather all of the history for our people in the Sechelt  
25 Nation.

1                   **MR. BREEN OUELLETTE:** And, Gertie, can you  
2 tell us about how Linda's life went after the court appeals  
3 were finally over?

4                   **MS. GERTRUDE PIERRE:** Well, I used to go and  
5 visit my sister when -- because she lived in Vancouver.  
6 And every time I went to see her, I could see, you know,  
7 that -- she didn't really want to -- to live. She kept  
8 saying, you know, "I'm living hell on Earth, Sis. I just  
9 want to die. I just want to be with my daughter." She  
10 said, "I'm sick and tired of everything around me." And I  
11 kept saying, "But, you know, you have your grandsons and  
12 your daughter." She said, "I can't even be a mother." She  
13 said that, you know, "Losing Cheryl took -- ripped my heart  
14 out. I just can't even think about anything else  
15 because, you know." The hardest thing for my sister was  
16 when, you know, we -- we couldn't see her body. And that  
17 just tore her apart. She said, "I just wanted to see her."  
18 Or, you know, "How do I know it's not her in that casket?"  
19 She said, "I needed to see her to have a closure."

20                   But, you know, that was the hardest thing  
21 for her. And I could see, you know, and I guess, when I  
22 kept going to visit her, I'd always take pictures of her  
23 and her life was being taken out of her. You know, she was  
24 slowly dying. The last time I saw her, a week before she  
25 died, I remember I looked at her, and her eyes had no more

1 spirit in -- in her eyes. She was dead already. You know,  
2 she -- she just didn't want to live. And she kept saying,  
3 "Sis," she said, "You know, I -- I just don't want to be  
4 here on Earth. I'm tired of suffering. I just want to  
5 go."

6 **MR. BREEN OUELLETTE:** And, Gertie, when --  
7 when she -- she was the curator of the museum, as Melodie  
8 said, and then she moved to Vancouver after the court  
9 process was over?

10 **MS. GERTRUDE PIERRE:** Yeah. She -- she  
11 moved back to town when -- after my niece died. And when,  
12 you know, she died on Salisbury and Powell, and my sister  
13 lived up the hill from where my niece died. Because she  
14 would go down there all the time to, you know, just -- it  
15 was just four blocks away from her home. And she -- you  
16 know, she felt she needed to be there, you know, to be with  
17 her because she -- you know, she knew, you know, how she  
18 died. And the brutality of her death just killed her. You  
19 know, to think about Brian Allender doing what he did to  
20 her, tore her apart, tore her heart apart, her soul apart.  
21 And she had a really difficult time. You know, she -- she  
22 tried to be a grandmother to her children, but she just  
23 couldn't do it anymore. She was too lost in grief.

24 **MR. BREEN OUELLETTE:** Trevor, would you  
25 share with the Commissioner what your Grandma Linda was

1 like before your mother was murdered? And how that  
2 compared to living with her in Vancouver afterward?

3 **MR. TREVOR JOE:** She was just a -- a very  
4 typical grandma before -- before that happened. She went  
5 to bingo and she drank occasionally, but she always had her  
6 life had -- especially me and her other daughter, my Auntie  
7 Bobbi (phonetic), she always had our lives -- she always  
8 had our lives in control. And she was -- I would say she  
9 was happy before that.

10 **MR. BREEN OUELLETTE:** And then afterward?

11 **MR. TREVOR JOE:** It was -- it was like a  
12 polar-opposite. It's -- you can't even explain. It's like  
13 watching somebody go through an addiction. Like, you want  
14 to see the person that you remember, and that took care of  
15 you, but you just -- you know, that person's not there  
16 anymore. And that's just, kind of, what Grandma was like  
17 after my mom died. It was -- it, like, my Auntie Gertie  
18 said, it was just very soulless when you looked into her  
19 eyes, she wasn't happy, and she wasn't sure of herself, she  
20 wasn't confident. And that wasn't my grandma.

21 And she began drinking more, and gambling  
22 more, and I just say that her life spiralled, basically,  
23 right out of control after that.

24 **MR. BREEN OUELLETTE:** Melodie, can you tell  
25 us when Linda died and what the cause of her death

1 ultimately was?

2 **MS. MELODIE CASELLA:** Auntie Linda died in  
3 December 2008, and it was through her drinking when she had  
4 passed away. And my mom got the call from my cousin Bobbi  
5 that her mom had -- had died.

6 **MR. BREEN OUELLETTE:** And, Trevor, do you  
7 remember -- before she moved to Vancouver, did she try to  
8 get help?

9 **MR. TREVOR JOE:** I can remember her trying  
10 to get help through the band, and the Chief and Council  
11 wouldn't give her the necessary leave of absence required  
12 to deal with such a -- an event. So -- and she did reach  
13 out for help, and the door was permanently shut on her, as  
14 I remember.

15 **MR. BREEN OUELLETTE:** And do you believe  
16 that people, like your grandmother, should have the right  
17 to take enough time from work to grieve the way they need  
18 to, without having to fear that they will lose their job?

19 **MR. TREVOR JOE:** Absolutely. I think that's  
20 very fair.

21 **MR. BREEN OUELLETTE:** And, Melodie, is there  
22 anything that you want to add about leave for the family  
23 member of a murdered person? What -- what needs to be  
24 allowed to that person?

25 **MS. MELODIE CASELLA:** That I think that

1 for -- for somebody that's -- has full-time employment in  
2 a -- a place of employment that if they were to apply for  
3 bereavement leave, they give them three days. Well, this  
4 isn't your typical death in your family. We waited for ten  
5 days just for Cheryl's body to come home. And then, you --  
6 you have to go through the process of waiting for a date  
7 for a pre-trial, to even start the process of -- of Supreme  
8 Court.

9 And so, with consideration for -- for  
10 somebody who loses a loved one in the manner that they --  
11 they have, that three days isn't right. That I think  
12 through, you know, whether it's employment, your E.I.  
13 Employment Insurance, that there has to be something  
14 amended or changed to support a person through -- through a  
15 death and a murder. Not a death, a murder. And I think,  
16 through our -- our own community, our First Nations  
17 community, is that we need a human resource worker who  
18 could advocate and support that individual who's looking  
19 for this. Because some people probably don't know what  
20 their rights are to begin with. And if there's some other  
21 avenue to take more time off to support that person who's  
22 going through a tremendous amount of grief and pain, and  
23 then on-setting some, probably, PTSD. And where was the  
24 support around that for Auntie? And, you know, counselling  
25 through -- through our own community.

1                   **MR. BREEN OUELLETTE:** And we've discussed  
2                   this previously, you mentioned Employment Insurance.  
3                   Are -- are you thinking something similar to the way  
4                   maternity leave works under Employment Insurance?  
5                   Something that has enough time and it gives a person an --  
6                   an income and -- and they have their job security, so they  
7                   can go back?

8                   **MS. MELODIE CASELLA:** Yes. I believe that  
9                   there should be something similar in place because I don't  
10                  believe that they would have to go out of their way to --  
11                  to prove to either their place of employment that they're  
12                  going through absolute grief, and loss, or PTSD, and having  
13                  to expose what they're going through. That there has to be  
14                  some kind of consideration to support that person.

15                  **MR. BREEN OUELLETTE:** And do you think that  
16                  Victim Services needs to be enabled to help people more  
17                  following the -- the court process?

18                  **MS. MELODIE CASELLA:** That I know that  
19                  through our community, that it's -- it was very rural. It  
20                  still is. We're ferry bound. And then, to have some kind  
21                  of support or advocacy through Victim Services where, you  
22                  know, our situation is different from those that are in an  
23                  urban setting. For whether there's services that are  
24                  available outside the community, which we don't have that  
25                  opportunity. And that there should be some kind of



1 referral, through Victim Services, to help to advocate and  
2 support the family through the process and what they have  
3 to go through.

4 **MR. BREEN OUELLETTE:** I understand, from our  
5 previous discussions, that you and your mother registered  
6 with Victim Services and the Parole Board, within the last  
7 decade. Why was it at that time?

8 **MS. MELODIE CASELLA:** That it was when --  
9 when we had talked to our friend, Freda, and then she had  
10 asked us about whether or not we were registered. Because  
11 we later found out that Auntie Linda was registered through  
12 Victim Services, so with a Parole Hearing coming up, the  
13 25-year benchmark eligibility for Allender, that there  
14 weren't any family members registered.

15 So we got the forms to -- to be registered  
16 through Victim Services, which is a two-fold process, which  
17 later goes onto being referred to the Parole Board of  
18 Canada application forms to attend a parole hearing. And  
19 then, which, of course, they refer to the Department of  
20 Justice to have our family make a request for financial  
21 assistance to attend the -- the parole hearing. If there  
22 was anything to go wrong for a family through that process,  
23 we experienced it.

24 That my mom and I, when we got registered,  
25 that the warden of the institute had jumped over us, as

1 registered family members, and then we were -- my mom and I  
2 were on the ferry, we got a call to say that Allender was  
3 approved for a work release program application, which  
4 would be starting in the summer for two months. We were  
5 absolutely outraged and disgusted that that had happened.  
6 And then, they retracted and called us back to say that we  
7 violated your rights as registered family members through  
8 the Victim Rights Act. That -- that there was a process  
9 that we did not include, with your mom and you, to be a  
10 part of. And then, they called a meeting to talk to us  
11 about this. And we were so outraged with what had  
12 happened. And the good thing about it was that it  
13 prolonged him even being allowed, so he didn't end up  
14 having the work release program that summer.

15 And I -- then when it moved on for reaching  
16 out to family members to come with us to the Parole  
17 Hearing, then I was the one that was doing the support for  
18 my family because we're in Sechelt, and we weren't -- were  
19 never advised of anybody in Sechelt that could help my  
20 family. With my own personal load of stress, that I got  
21 all the forms together, I got all my family registered.  
22 But through that process when we were sending information  
23 for the financial assistance to the Department of Justice,  
24 that the email address that -- that they gave us, we sent  
25 all of our personal information to them with our -- our

1 scanned copies of our I -- government I.D.'s. And then,  
2 when we did a follow-up of what was going on, of whether or  
3 not we'd get financial assistance, we found out that they  
4 didn't receive the information. "Could you please fax it?"  
5 So we faxed it. They said they still didn't receive it.  
6 "Could you send it to this email address?" So the final  
7 email sent, then all of my family that was attending, which  
8 was six of us, they finally received all of our  
9 information. Which delayed any processing for us to even  
10 get financial assistance to attend that parole hearing.

11 And then, we later shared with our legal  
12 counsel, Breen, that we didn't get reimbursed for four  
13 months after the parole hearing. And for my family, you  
14 know, the concerns around that -- that if none of us had a  
15 credit card to secure our hotel room, we wouldn't have been  
16 able to go. If -- if none of us had financial means to get  
17 there and back through the ferry, through the gas and  
18 mileage, paying for hotel and our food, that we could not  
19 have been a part of that parole process because of what had  
20 happened to us. So -- which will come, I guess, along  
21 later of -- of all the recommendations around what we'd --  
22 had gone through in that process, between registration  
23 where you can't just apply for a parole hearing observation  
24 unless you're registered through Victim Services.

25 So it's a lot of stress on a family when

1       you're having to do this on your own. And then, they're  
2       just sending you a link through the email. How many family  
3       members even have email or internet at home? The access,  
4       you know, which can be limited for some. So then, I didn't  
5       want the stress for my family, so I printed all the forms  
6       out. Filled them all out for my family. Scanned them all,  
7       emailed, faxed, and then ensured that they were registered  
8       to be able to come together for that parole hearing.

9                   **MR. BREEN OUELLETTE:** You have also provided  
10       evidence to the Commission in the form of a letter from  
11       Correctional Service Canada, in -- indicating that Allender  
12       was being allowed escorted temporary absences from the  
13       prison. Did that concern you?

14                   **MS. MELODIE CASELLA:** The escorted temporary  
15       absences, that when we got this information along with the  
16       work releases that he had been applying for, and actually  
17       been granted, that this -- the -- the information of what  
18       we know of what he did to our loved one was not being  
19       considered. That it seems that when you go through Victim  
20       Services and then you get the information back to you on  
21       reports on the -- the offender, that it -- that it raised  
22       concerns about the programs that were being offered in the  
23       prison system, that doesn't seem to -- to fit, you know,  
24       for him to be even eligible as being rehabilitated enough  
25       to be outside of the confines of a prison setting. And

1 then, it was saying that he was going for personal  
2 development purposes, for that escorted temporary absence.

3 **MR. BREEN OUELLETTE:** And so for the benefit  
4 of the Commissioner, when, in your previous research into  
5 Correctional Services, can you describe the purpose of  
6 the -- the stated purpose of an -- an escorted temporary  
7 absence, or a work release, or a transfer from a maximum to  
8 medium, or medium to minimum-security prison?

9 **MS. MELODIE CASELLA:** That taking it on  
10 myself for researching everything that's involved with --  
11 with the Parole Board and Correctional Service Canada that  
12 these are only granted for somebody who poses the least --  
13 the least risk of escape. Where they're graduated from the  
14 maximum, where he was at, to a medium-security facility.  
15 And then, where we had later found out that he was --  
16 without consulting with us as registered families, or  
17 Victim Services, that he went to a minimum-security  
18 facility. And then, to even go on escorted temporary  
19 absences, it -- it's all based on the least amount of risk  
20 for escape.

21 **MR. BREEN OUELLETTE:** And the ultimate goal  
22 of relaxing these restrictions, what did you learn that the  
23 ultimate goal is?

24 **MS. MELODIE CASELLA:** The ultimate end goal  
25 of what Correctional Service Canada is doing is to,

1 basically, set up that offender to go through these de-  
2 escalated security measures due -- down to minimum-  
3 security, to escorted temporary absence, and work release  
4 program, is to eventually have them released from the  
5 institution.

6 **MR. BREEN OUELLETTE:** And is there any  
7 consideration of whether or not the particular offender  
8 poses a -- a continuing risk of harm to society?

9 **MS. MELODIE CASELLA:** No. That it's more  
10 based from what they have in all of their -- their websites  
11 on Correctional Service Canada, the least amount of risk of  
12 escape.

13 **MR. BREEN OUELLETTE:** Are you concerned that  
14 Linda's death, and the resulting lack of pressure from a  
15 family member, caused Correctional Service to start  
16 grooming Allender for parole release by building these  
17 measures into place?

18 **MS. MELODIE CASELLA:** From putting all the  
19 information together on what has been going on with this  
20 offender after I got registered, that after my Auntie Linda  
21 passed away in 2008, and then he started applying for the  
22 work release program in 2015. And then, seven of those  
23 were outside of the institution, even before that parole  
24 hearing happened in 2016. So then to -- to start to read  
25 the information on what was happening in that institute,

1 was beyond disgusting to say the least, on what they were  
2 doing with this offender. And then, not considering the  
3 details of what he had done to even be in that institution,  
4 or in -- incarcerated for life without eligibility of  
5 parole for 25 years, and then to be allowing this after the  
6 one person who was registered had passed away of -- just a  
7 few years before that.

8 **MR. BREEN OUELLETTE:** So are you concerned  
9 that the burden of ensuring that a dangerous offender stays  
10 inside is placed on the shoulders of the family?

11 **MS. MELODIE CASELLA:** That it is -- that you  
12 don't -- you don't get the justice with the judge  
13 sentencing somebody to prison. That for a family, they  
14 have to be registered through Victim Services. And then,  
15 to start to fight a system to have justice continued  
16 because, you know, we were thinking that if my mom and I  
17 hadn't registered before that parole hearing, that you  
18 know, how many more things would he have gotten away with?  
19 And then, eventually, with what they were doing in working  
20 to try to get him lowered from max right down to minimum,  
21 and then having these work releases and ETA's to be outside  
22 of the facility, to eventually have him back out amongst  
23 society. You know, and -- and doing who knows what to the  
24 next person because of what Correctional Service Canada was  
25 doing.

1                   **MR. BREEN OUELLETTE:** Just before you went  
2 to the parole hearing, your family was asked to provide  
3 victim impact statements to Correctional Service Canada and  
4 the Parole Board. Would you explain what you were told the  
5 purpose was for those statements?

6                   **MS. MELODIE CASELLA:** We were told that  
7 those victim impact statements were going to be used in  
8 assessment for the parole hearing, for the parole panel, to  
9 review our information of the impact of what Allender had  
10 done to my cousin Cheryl. And then, whether or not he  
11 would be granted what he had requested, which initially  
12 was, I believe, it was day -- or full parole. And then, we  
13 get another letter that it's been added to day parole. And  
14 then, to have escorted temporary absences add -- added on,  
15 so he could leave the facility more. And -- but through  
16 Victim Services they had said to us, "When you write your  
17 victim impact statement, do not put anything that will be  
18 self-identifying." Like, for a location of where we live,  
19 and who we are associated to our loved one.

20                   **MR. BREEN OUELLETTE:** So when did the parole  
21 hearing take place?

22                   **MS. MELODIE CASELLA:** That took place in  
23 December 13th, 2016, which was the month before they would  
24 have initially let him out on day or full parole, January  
25 21st, 2017. That was at Mountain Institute in Agassiz, B.C.



1                   **MR. BREEN OUELLETTE:** Thank you. Can you  
2 tell me how the parole hearing was delayed at the start?

3                   **MS. MELODIE CASELLA:** Well, when we showed  
4 up at Mountain Institute, the family has a sitting area  
5 that they go and wait next to where the -- the parole  
6 hearing room is. And my -- as my family was sitting there  
7 waiting, the Pacific Region Director, Patrick Storey had  
8 come in with his assistant, Lucinda Fraser (phonetic). And  
9 then, when they walked in they looked at us and said that  
10 we need to advise you that Mr. Allender has requested an  
11 Elder-Assisted Hearing. And he is -- he's Caucasian. And  
12 we were absolutely outraged with the information that was  
13 delivered to us because there was never, in any one of his  
14 assessments, saying that he was taking what's called the  
15 "Red Path" in the prison. So this is something that I had  
16 researched, even before we went there because I had  
17 information that this could be a possibility. And it was  
18 never confirmed with us as a family.

19                   So when my mom, and I, and my cousin Trevor,  
20 my sister Delilah were sitting there and we said that,  
21 "This is using our culture against us." And then they were  
22 saying that the Elder that was with the offender was asking  
23 if we would go out there, and the process would be that  
24 they would do a smudge ceremony, similar to like a talking  
25 circle. And this just infuriated us even more. And then,

1 my mom said that, "We will go in there. We will read our  
2 victim impact statements, but we're leaving the room and  
3 we're coming back here. We're not going to go through the  
4 process of what you're telling us to do. And we'll go  
5 about -- go back in there for when the parole panel gives  
6 their -- their decision for Allender. But otherwise, we're  
7 not going to sit through this." And then I said that, "I'm  
8 born and raised First Nations." I said, "My teachings are  
9 that when you go into a setting like this, the Elders say  
10 that you leave your negativity on a hook outside the door."  
11 And I said, "How dare you ask us to go in there and to tell  
12 Allender that we're going to leave that emotion on a hook  
13 outside this door when he brutally murdered my cousin."

14 So then they -- they had the audacity,  
15 Patrick Storey and Lucinda Fraser, to say that the offender  
16 has rights and this is what his request is. And we -- we  
17 stood our ground and said, "No. We're not going in there."  
18 So then Patrick walked out, and then quite a bit of time  
19 went by. So he went and he told the parole panel where our  
20 family stood on what the request was by the offender. And  
21 then, he later came in and he asked, "Could you please come  
22 out there because the parole panel would like to address  
23 you as a family on what they're going to decide." And we  
24 wanted to be assured that we weren't going in there for  
25 some kind of a smudge ceremony to -- to break the -- the

1 ice for Allender, between us and him.

2 So we went and we sat there, and they told  
3 us that because of the fact that we were First Nations and  
4 Allender wasn't, that they said that they would up --  
5 uphold our rights as victims. And then, because we were  
6 First Nations, and then they asked him if he understood  
7 what his rights were, and he said yes. That he could  
8 either walk out, rather than have a regular parole hearing,  
9 or to have another Elder-Assisted Hearing applied for. But  
10 he said he wanted to continue with a regular parole  
11 hearing.

12 **MR. BREEN OUELLETTE:** And so what did you  
13 learn once the parole hearing got under way? Was this the  
14 first time you had ever heard Allender speak?

15 **MS. MELODIE CASELLA:** That we were really  
16 surprised that -- that he actually did speak at his -- his  
17 own parole hearing. And he had tried to -- to start to  
18 talk about what Dr. Lohrasbe was saying about -- about him.  
19 The -- the portions that were inadmissible in court of the  
20 Silence of the Lambs, and how it made him do what he did to  
21 Cheryl. And then, he was still using that after 25 years,  
22 and after all of the assessments that were done on him  
23 claiming his high level of accountability.

24 And through that information shared, that he  
25 started to say that he had -- in the '70s had these strobe-

1 light effects. And when they asked him to explain it, he  
2 was saying, "It's like when the light goes on and you're  
3 fully aware of what you're doing and where your  
4 surroundings are, to the light going out and it's  
5 completely dark, and you don't know what happened." And  
6 then he had talked about this information, like, through --  
7 through his parole hearing.

8 And it was -- was like, he became so  
9 consumed, he forgot there were other people in the room.  
10 And then, finally, when he realized, I guess, that we were  
11 all sitting there, then he just closed right up. Shut  
12 right down and got really quiet. And then, the information  
13 that -- that he was sharing too about what he had done to  
14 Cheryl's body post-mortem, that he was trying to deny at  
15 first and then later would admit what he did.

16 And then, we had heard through, I guess, a  
17 psychologist through Mountain Institute on the assessments  
18 of what was done on Allender as well while he was in there,  
19 in giving what their view would be for him to be whether a  
20 high-risk or a low-risk to reoffend again. And he said he  
21 was medium to high-risk for sexual offences.

22 **MR. BREEN OUELLETTE:** And do you remember  
23 the psychologist report giving a diagnosis as to his  
24 condition?

25 **MS. MELODIE CASELLA:** They diagnosed him

1 with erotophonophilia. And what that breaks down to is  
2 they say it's a lust murderer. And after we went to the  
3 parole hearing, I went online and started to research from  
4 some of the psychologists that had assessed people with  
5 this diagnosis who sexually mutilate their victims, or  
6 commit acts of cannibalism, or necrophilia, in his case was  
7 all three, that either they get caught or they end up  
8 dying. And if they caught, it's because when they go  
9 through this they have these fantasies of what they want to  
10 do, and then they eventually end up going out to fulfil  
11 that fantasy.

12 **MR. BREEN OUELLETTE:** Did you learn whether  
13 or not this condition is capable of being rehabilitated or  
14 cured?

15 **MS. MELODIE CASELLA:** With that psychologist  
16 report and what I was reading online, said that it's  
17 incurable.

18 **MR. BREEN OUELLETTE:** And so all the  
19 evidence at the parole hearing indicated to you what about  
20 his condition and whether or not he should be returned to  
21 society?

22 **MS. MELODIE CASELLA:** That through --  
23 through the diagnosis, through the institute itself, and  
24 saying that he's incurable, that it was part of my victim  
25 impact statement with the research that I did on the

1 Correctional Service website. That the sexual offender  
2 program that they offered and claimed was in the advanced  
3 stages of participation and completion, that those programs  
4 are for acts of an offender doing either hetero,  
5 homosexual, or pedophilia, on living victims. And in this  
6 case, everything that he did to Cheryl was post-mortem.

7 **MR. BREEN OUELLETTE:** You spoke about the --  
8 the bureaucracy of getting registered for the parole and  
9 the -- the lack of support. How do you believe that  
10 families should be supported in making and preparing for a  
11 parole (phonetic) -- a parole hearing?

12 **MS. MELODIE CASELLA:** That families need to  
13 be supported fully through this process from the beginning  
14 through to the end, and after the parole process. Because  
15 for us, you know, that we weren't prepared for what was  
16 going to happen at that institute. And then, having to go  
17 home and then to absorb the information that shared. And  
18 then, forcing a family into the position of becoming an  
19 expert researcher on the information of what's being  
20 delivered to a family, that I could never imagine what  
21 another family would go through if they didn't have  
22 somebody that would advocate or support them. But a family  
23 member shouldn't have to be that sole person to advocate  
24 and support, when they already have a lot going on in their  
25 own life.

1                   **MR. BREEN OUELLETTE:** Delilah, am I correct  
2                   that you registered with Victim Services and wrote an  
3                   impact -- a victim impact statement as well?

4                   **MS. DELILAH PIERRE:** Yes. With the help of  
5                   my sister, I was registered.

6                   **MR. BREEN OUELLETTE:** And were you told how  
7                   the statement would be used?

8                   **MS. DELILAH PIERRE:** Not specifically  
9                   through the Parole Board, but they informed me to write a  
10                  letter, or not -- not even to write a letter. I registered  
11                  through the Parole Board for support of my mom and my  
12                  sister. And I did not want to write a victim impact  
13                  statement as I was 6 years-old at the time of Cheryl's  
14                  murder. But I -- I had sleepless nights leading up to this  
15                  parole and it was because I felt the need to write the  
16                  victim impact statement because -- it was because of my  
17                  Auntie Linda, which was the mother of Cheryl. And I -- I  
18                  had to write this letter on her behalf because I watched  
19                  her for 16 years suffer from 6 years-old to 26.

20                  **MR. BREEN OUELLETTE:** Were you told whether  
21                  or not Allender would be reading it?

22                  **MS. DELILAH PIERRE:** No.

23                  **MR. BREEN OUELLETTE:** Were you told whether  
24                  there were any restrictions on what you could write in the  
25                  victim impact statement?

1                   **MS. DELILAH PIERRE:** Not necessarily. They  
2 just said, "No personal information about where you live  
3 and, you know, a formal letter with your name signed on the  
4 letter to know that it was from you."

5                   **MR. BREEN OUELLETTE:** And so copies of the  
6 five victim impact statements for you and some of your  
7 family members have been provided by you as evidence today.  
8 I understand that you would like Trevor to read your  
9 statement into the record?

10                   **MS. DELILAH PIERRE:** Yes.

11                   **MR. BREEN OUELLETTE:** Trevor, would you  
12 please read that statement?

13                   **MR. TREVOR JOE:** I'm very honoured and --  
14 and proud to, Delilah, it's a wonderful piece. It's to the  
15 Correction Service Canada:

16                   "According to the Correction -- According  
17 to the Correction Service website, victim  
18 impact statements are written statements  
19 in which victims can describe the effect  
20 of the crime on them, and any harm or  
21 loss suffered as a result of the crime.  
22 I write these words to describe the loss  
23 of my cousin, Cheryl Ann Joe, who was  
24 brutally murdered by Brian William  
25 Allender. Just a name to me. A name I



1 never knew and due to his actions, a name  
2 that I will never forget. I feel the  
3 need to express myself through this very  
4 sad, depressing, and heavy heart. Not my  
5 heart, but spiritually. My late Auntie  
6 Linda Eleanor Joe's heart, the mother of  
7 Cheryl, the pain she endured from her  
8 daughter being murdered is pain I never  
9 understood because I was too young at the  
10 time.

11  
12 I write this statement remembering my  
13 late Auntie Linda Joe, the impact it had  
14 on her. I recollect the unconditional  
15 love she spread to her daughter,  
16 grandsons and extended family. But I  
17 also remember her as a broken mother of a  
18 murdered daughter. When I was young, I  
19 always wondered why she suffered the way  
20 she did. As my knowledge grew and  
21 details unfolded in regards to the murder  
22 of my cousin, it is with too many  
23 feelings I cannot list, but simple to  
24 say, Allender committed the most horrific  
25 criminal act against a human being.

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This human being cannot be compared to anybody on this Earth, but someone I can only be told about through stories from my older relatives. My auntie suffered silently, but I know she felt she needed a purpose to life to try and protect her other daughter and grandsons that were left without a mother.

Linda Eleanor Joe, who is not here today, she is not able to write a victim impact statement to present to you. Although, I believe the statement she would write would be pages long into a novel. My Auntie Linda is not able to voice her feelings as to how she lived without her beloved daughter, Cheryl. Depressingly, I can say the dark thoughts that flooded her mind are caused by a horrible, graphic memories explained in court of Allender murdering her daughter.

I cannot fully describe the suffering she felt, but I can try to express from

1 childhood memories in how this affects me  
2 as an -- as a -- as an adult. I was too  
3 young at the time to understand her pain,  
4 to cry with her, share sleepless nights  
5 with her. But this year, this month, and  
6 this very moment I partially understand  
7 how the murder of her daughter tore her  
8 apart. Psychiatrists couldn't help her,  
9 counsellors continually prescribed  
10 medication to numb her, and doctors  
11 administered more pills to temporarily  
12 block out the memories. When my Auntie  
13 Linda woke -- awoke, the horrible  
14 memories would return, and another day  
15 would pass until the day she passed away  
16 and reunited with her daughter in Heaven.

17  
18 What I would like to say is this, if my  
19 aunt -- if my Auntie Linda, whom I  
20 thought was one of the strongest women I  
21 ever known, could not heal spiritually,  
22 mentally, and physically, then how can  
23 the man that committed this infamous  
24 murder be healed from what he had done?  
25 Why is it now Allender thinks he can walk

1                   this Earth and rebirth a new life into  
2                   society? A life that my Auntie Linda and  
3                   Cheryl can no longer have?

4  
5                   I remember my little cousin crying at --  
6                   at night because he was scared that the  
7                   same man was going to murder more people.  
8                   This is the fear Allender instilled in my  
9                   little cousin, the son of Cheryl. The  
10                  continuous rippling effect from  
11                  Allender's horrific murder damages so  
12                  many of my family members. I cannot even  
13                  fathom the idea of him being healed by  
14                  taking particular programs in the  
15                  penitentiary. My Auntie Linda could not  
16                  be healed from the memories of her  
17                  daughter being murdered by this man. If  
18                  this man is deemed as safe to work  
19                  release programs, or parole, how should  
20                  my family cope during this process? Too  
21                  many questions that I am starting to ask  
22                  with the possibility of no answers or  
23                  response from this man, that I can no  
24                  longer speak of.

25

1 I have tried my best to get in touch with  
2 the same wavelength and strength as my  
3 Auntie Linda. I ponder on what thoughts  
4 crossed her mind, and what she would  
5 speak of this very day. My auntie was  
6 such a knowledgeable woman, with so much  
7 strength and love. I wish she could be  
8 here with me and my family. This is the  
9 reason I wrote this big V.I.S. It is to  
10 have a choice for someone that is no  
11 longer with us today -- is to have a  
12 voice for someone that is no longer with  
13 us today. I need to know that my family  
14 will be safe, and this man will not be  
15 able to walk the same streets as the rest  
16 of us, as we try to cope with the  
17 memories of what he did. Signed, Delilah  
18 Pierre"

19 **MR. BREEN OUELLETTE:** And Trevor, we spoke  
20 previously, do you believe Delilah was on the same  
21 wavelength as Linda?

22 **MR. TREVOR JOE:** I absolutely believe that.  
23 My grandma couldn't have wrote that any better herself. It  
24 was -- it was very, very articulated well.

25 **MR. BREEN OUELLETTE:** Delilah, I understand

1 that there was a problem with your victim impact statement,  
2 and the statements of some of your other family members.  
3 Would you please tell the Commissioner what happened?

4 **MS. DELILAH PIERRE:** Well, we went to the  
5 parole hearing on December 13th of 2016. And I got a  
6 telephone call. I was with my mother on Friday. We went to  
7 a Murdered and Missing Indigenous Women meeting, and I just  
8 go for support for my mom, you know. And she's a board --  
9 she was a board member at that time. And I received a phone  
10 call, and it -- without even knowing that it was January  
11 20th, Friday, 2017, which is Cheryl's spiritual journey, the  
12 day that she was murdered, I got a phone call from the  
13 Parole Board.

14 I got a phone call from the Parole Board of  
15 Canada, and it was Patrick Storey, the Director of the  
16 Pacific Region, and he told me that my privacy was breached  
17 from -- that my victim impact statement was disbursed to the  
18 wrong offender. And my name is written on that victim  
19 impact statement. And thankfully, I was with my mom because  
20 Lord knows, I don't know what I would have done if I was by  
21 myself. I fell apart on the phone, just crying in  
22 convulsions while Patrick was on the other line.

23 And I said, "What do you mean my privacy was  
24 breached? I don't even know what that means?" And he said  
25 that my letter, along with two other of my family members,

1 including Trevor's and another cousin. Three out of the  
2 five, apparently my mom and my sister's weren't included,  
3 but they were given to another offender from -- for another  
4 parole hearing. And all he said was that my letter was  
5 immediately given back from this offender because he said,  
6 "I do not recognize these letters."

7 And then I -- I asked Patrick on the  
8 telephone, I -- I said, "How do I not know that this  
9 offender that received my letter, is another psychopath?  
10 Another murderer that now knows my name?" And I said, "For  
11 all I know, you know, in this day and age of social  
12 media" -- thankfully I don't -- I don't have Facebook. I  
13 don't have any social media, but this is not the reason why.  
14 I just don't follow social media. But in this day and age  
15 you can track anybody down. And then, Patrick tried to  
16 reassure me, and said, "You're -- you're going to be fine.  
17 You're -- you're safe. And that this person's hearing --  
18 parole hearing was immediately postponed since he received  
19 three letters, mistakenly."

20 And throughout registering with the Parole  
21 Board of Canada, I kept getting emails back from Lucinda,  
22 "We didn't receive your information. Can you resend it  
23 again?" I had about three or four times, "Can you please  
24 send your information?" This is my driver's licence, my  
25 registration, my S.I.N. number, all my personal information.

1           Where was it going? Who was it going to? I have no idea.  
2           I still don't know. And then, for this to happen, it almost  
3           ruined my life. It did ruin my life.

4                           **MR. BREEN OUELLETTE:** Can you tell us about  
5           the impact it has had on your life?

6                           **MS. DELILAH PIERRE:** From that day in --  
7           January 20th on Friday, I feared for my safety because it's  
8           all I kept thinking. I went to this Parole Board to keep a  
9           criminal behind bars. I wrote that statement for my Auntie  
10          Linda. And then, I started regretting it because I felt  
11          like it put my life in danger. You know, I -- I work in a  
12          public outlet, and my name is registered online for my job  
13          that I carry.

14                          And I fear that people would look up my name  
15          and I -- I thankfully, you know, with the job position I  
16          have, I'm a casual, so I'm on-call for work. But I stopped  
17          taking those calls for work because I didn't want to go out  
18          anymore. I didn't want to -- you know, I lived in Vancouver  
19          and my family was in Sechelt. So from January 20th to this  
20          day, you know, over a year and three months, I -- I stopped  
21          going to work, and I -- I laid in bed. I -- I got anxiety.  
22          And I'm not a person -- I never had anxiety or fear  
23          instilled with me every day. You know, I work in the public  
24          health sector, and I never understood anxiety and depression  
25          until I started seeping into that.



1                   Because I -- I feared for my life, wondering  
2                   what kind of offender received my statement? Was he a  
3                   murderer? And I asked Patrick that on the phone -- Patrick  
4                   Storey. And he said, "I can't disclose that information,  
5                   but I'm -- I'll know -- let you know that you're -- you're  
6                   going to be fine because we did a risk assessment." And I  
7                   said, "Well, how is that risk assessment done? Is this a  
8                   psychological risk assessment? Is this based on the  
9                   criminal charges of this offender?" He couldn't give me  
10                  in -- information because it would breach the  
11                  confidentiality of the offenders. Meanwhile, my  
12                  safety -- and I was breached.

13                  So I -- I stopped going to work. I almost  
14                  lost my job because I was wondering why they weren't calling  
15                  me anymore. And I didn't fulfill the correct number of  
16                  hours of work for a casual. And then, I had to appeal with  
17                  my work. And thankfully, they had some understanding. But  
18                  even though I wrote those letters, I didn't get support from  
19                  work. I told them the circumstances of my anxiety and, you  
20                  know, and it ruined my life. And thankfully, with the  
21                  support of my family, my mom and my dad especially. The  
22                  sleepless nights and when I couldn't get out of bed, and my  
23                  mom would ask me just to go for a walk, and -- it was just  
24                  really hard. And it still is.

25                  I mean, I -- I could ride the SkyTrain to

1 work and anybody that looks at me, then I'm thinking, "Do  
2 they know me?" And it -- it's that fear that they instilled  
3 in me because of what they did to me -- the Parole Board of  
4 Canada. And who did this? How did this happen? Why did  
5 this happen? You know, I -- I still have questions to this  
6 day. And I still don't have answers through the Parole  
7 Board of Canada or, you know, through the Privacy  
8 Commissioner. And it's -- it's been a long hard road, but  
9 with, you know, with the support of my -- my parents and my  
10 brothers and my sister. And it's been really hard dealing  
11 with this privacy breach because of Parole Board Canada  
12 faulty mistake. A filthy mistake that, no matter what they  
13 say or do -- and they apologized in a letter, but I don't  
14 even accept that apology.

15 **MR. BREEN OUELLETTE:** And you mentioned the  
16 Office of the Privacy Commissioner of Canada, did you make a  
17 complaint, and did you have assistance to do that?

18 **MS. DELILAH PIERRE:** Not necessarily. It  
19 was, you know, through the support of my sister, you know,  
20 who's been very strong and supportive on my behalf, and  
21 telling me things and processes that I needed to get done to  
22 legally protect me. Or -- you know, so I followed-up with  
23 the First Nations Legal Clinic, which is located downtown  
24 for free support. And that was only because, you know, my  
25 mom and my sister kept telling me, you know, "You need to

1 follow-up. You need to figure out and get answers." And,  
2 you know, so as tough as it was, I -- I registered through  
3 the First Nations Legal Clinic, and I told them my  
4 situation. You know, which they said that was quite  
5 serious.

6 And, you know, so they have articulated law  
7 students that were sent -- designated to my case. You know,  
8 I had about three or four filter through last year, and they  
9 filed a legal complaint to the Privacy Commissioner of  
10 Canada. When my sister went online through the Parole  
11 Board, and the steps and processes that the Parole Board of  
12 Canada were supposed to follow with the Privacy Breach, and  
13 they were supposed to lodge a complaint through the Privacy  
14 Commissioner and follow steps and procedures in which the  
15 Parole Board of Canada did not do. It was only because I  
16 followed through with the First Nations Legal Clinic that  
17 they lodged a complaint to the Privacy Commissioner of  
18 Canada to figure out how this happened. How this privacy  
19 breach was turned into the wrong offender when this  
20 happened. And how this risk assessment was done.

21 Because all I had in the letter was saying,  
22 from the Parole Board of Canada, that this offender, "Will  
23 not harm older adult woman." What does that mean? I'm 31.  
24 Am I old? Is it Aboriginal woman? That's how vague they  
25 were in the letter. So I wanted to know, you know, and --

1 and also in that letter they said, "A risk assessment was  
2 done." How? Through psychological reports? You know,  
3 is -- is this offender still going to be released?  
4 Additional to that letter they said that, "This offender  
5 would not be in the same region" as me. That, "He will  
6 still be released." So I wanted answers.

7 And the First Nations Legal Clinic filed  
8 this report with the Privacy Commissioner of Canada. And I  
9 only spoke with this Commissioner once, and he basically  
10 said the same thing. That, "You are not at risk or harm."  
11 And this was your telephone call. No follow-up. No -- no  
12 phone calls. Just all -- no written letters from the  
13 Privacy -- Privacy Commissioner of Canada. Except last July  
14 (sic) -- or September, saying, "We are now closing your file  
15 because we've seen that the Parole Board of Canada followed  
16 the correct measures of the complaint, and provided you  
17 answers, and that we feel satisfied. And we are now  
18 clousing (phonetic) -- closing your file."

19 **MR. BREEN OUELLETTE:** And so you've provided  
20 evidence of all the -- the correspondence you have received,  
21 correct?

22 **MS. DELILAH PIERRE:** Yes, I have.

23 **MR. BREEN OUELLETTE:** Okay. Thank you. So,  
24 Trevor, what effect did the death of your mother have on you  
25 as a young boy, growing into a man?

1                   **MR. TREVOR JOE:** I think it definitely  
2                   affected my relationship with women. It definitely -- it --  
3                   it numbed my emotion. It was like my heart stopped beating  
4                   in my chest when I was 9 years-old. And it didn't really  
5                   start beating again until I seen my son a couple years ago.  
6                   So I went through a real dark spell. Like I said, it -- it  
7                   nullified my potential to the point where I just didn't  
8                   really want to finish anything. I was really good at  
9                   starting stuff and I just -- I didn't have the -- the  
10                  emotional support, or the confidence to carry out the  
11                  endeavours that I was pursuing.

12                  **MR. BREEN OUELLETTE:** And, Ben, would you  
13                  share with us Cheryl's gifts and strengths as a person?

14                  **MR. BENEDICT PIERRE:** Well, Cheryl's gifts,  
15                  you know, what I, you know, recollect of her is, you know,  
16                  her being the eldest grandchild of my Grannie Carrie's  
17                  (phonetic) children, which was my Auntie Linda, you know,  
18                  she was very, you know, cherished by my Grandmother Carrie.  
19                  And took care of her as she was growing up because of some  
20                  of the social challenges that she faced. But, you know, she  
21                  was somebody that, you know, watched out for each and  
22                  everyone of us, you know, Jason, Melodie, myself, my cousins  
23                  Raquel, Dawn (phonetic), Dexter (phonetic), Sabina  
24                  (phonetic), Charlene (phonetic), Roger.

25                  You know, she was always the one that took

1 care of us, especially in summer times. You know, whether  
2 it was babysitting us, being the eldest of all of the  
3 cousins. And, you know, like was mentioned earlier by my  
4 brother, we considered her more of a sister because, you  
5 know, she lived with us during periodic times. But, you  
6 know, some of the things we think about and recollect of her  
7 is, you know, like being a mother watching out over all the  
8 younger cousins. You know, head counts during swimming,  
9 during the summer. Making sure everybody was okay.

10 And the same experience with my brother,  
11 Jason. You know, mine was the same with the streets in  
12 Vancouver. She, you know, always protected us and watched  
13 over us. You know, because, you know, we lived periodically  
14 in Vancouver ourselves for a period of time. You know,  
15 always laughing, jovial. You know, she had dreams and  
16 aspirations and, you know, I -- I know one thing for sure,  
17 is that, you know, she loved her -- her three children  
18 dearly, with all of her heart. You know, and I think in  
19 some ways, you know, what ended up happened was, you know,  
20 the cause of her trying to, you know, collect money.  
21 Unfortunately, she couldn't get it anywhere else. Trying to  
22 fight to get her children back, and to reconcile with them  
23 to bring them back to B.C. and be a family.

24 Unfortunately, you know, she met some very,  
25 you know, unfortunate circumstances. But she'll always

1 stand out -- out in my mind as being a wonderful human being  
2 on this Earth, despite the difficult, you know, hurt and  
3 pain we carry. And what has been expressed today of the --  
4 the traumatic, you know, way that she was taken off of this  
5 Earth by Brian Allender. You know, there's a lot of other  
6 great things that will, in my mind, stay in my mind that  
7 I'll remember and try to remove that negative and hurtful  
8 feeling.

9 **MR. BREEN OUELLETTE:** And Melodie, you  
10 wanted to add about Cheryl's gifts and strengths?

11 **MS. MELODIE CASELLA:** That Cheryl was a very  
12 strong and resilient woman. And she was a person who would  
13 always try to find a solution to a problem. And then, I  
14 think a lot of what she shared with me as a young woman,  
15 that she did her best in -- in trying to -- to be supportive  
16 toward me and whatever that -- whatever it was that I was  
17 going through in my own life. And always finding a way to  
18 make me smile and see through that, that things would get  
19 better.

20 **MR. BREEN OUELLETTE:** Gertie, what do you  
21 hope will happen as a result of your testimony today?

22 **MS. GERTRUDE PIERRE:** Well, what I'd like to  
23 see is for women to have more safer places in society.  
24 Where they have safe houses, and they have more support  
25 services, and they, you know, can have a place to go when

1           they, you know, don't be looking all over the place for  
2           support for counselling or anything. To have it in place  
3           for our women.

4                       And, you know, for them to -- when they need  
5           to go to treatment, that the treatment's available. And  
6           they don't have to wait for weeks or months before they can  
7           go to try and rehabilitate themselves with the alcohol  
8           addictions, and the drug addictions.

9                       And I really believe that, you know, the --  
10          the women really need to have the people show the respect,  
11          the caring, and the love that they deserve, instead of  
12          having the systemic violence that's going on around them.  
13          Because there's so much violence that is happening to our  
14          women today. So I think that we really need to have a lot  
15          of services for, not only the women, but the men to see, you  
16          know, how to treat women in a respectful way, instead of  
17          being so violent with them.

18                      Because, you know, we -- we -- a lot of our  
19          people still are hurting from the residential school system  
20          that they were in. And that really needs to be looked at  
21          and worked with because we have a lot of people that carry  
22          the hurt. And, you know, in residential school you were  
23          never, ever taught to be a parent. You were never taught to  
24          love. You were never taught to care. You were isolated.  
25          You never done anything, you know, everything was grouped



1 together. Never anything was done individually. You never  
2 thought for yourself. So now, today, our people really need  
3 to see that they are invaluable, and that they can do, you  
4 know, the things that they need to do to go back to school,  
5 educate themselves, become good parents. And, you know,  
6 love, and care, and respect one another. I really believe  
7 that, you know, we really need to look at that.

8 **MR. BREEN OUELLETTE:** And, Trevor, would you  
9 tell us what you hope will happen as a result of your  
10 testimony today, with respect to children of murdered and --  
11 and missing women?

12 **MR. TREVOR JOE:** I'm hoping -- I -- I think  
13 that kids dealing with this kind of trauma, the best thing  
14 for them -- like, we all talk about counselling and  
15 psychiatry, and stuff. And it's good to -- to have those  
16 people to talk to, but I found what benefited me most, was  
17 being a part of sports teams because they didn't just help  
18 me through that time. I still have some of those teammates  
19 from when I was 8, 9 years-old that are great friends with  
20 me today. So I think for a kid growing up, if you get him  
21 around the right sports team and you keep him real busy,  
22 it'll -- it'll benefit -- it'll benefit them their whole  
23 lives.

24 **MR. BREEN OUELLETTE:** And, Trevor, you --  
25 you just whispered to me that you had a message that you

1 wanted to send to Canadians?

2 **MR. TREVOR JOE:** My message was that I'm  
3 very grateful and honoured to be a part of this healing, but  
4 the fact that we're here exemplifies racial and gender  
5 inequality in our country. Thank you.

6 **MR. BREEN OUELLETTE:** Ben, what do you hope  
7 will happen as a result of your testimony today?

8 **MR. BENEDICT PIERRE:** Well, for me, first  
9 and foremost, you know, the -- this Inquiry has given a  
10 voice to my family. You know, you've heard, you know,  
11 through some of this testimony a lot of, you know, hurt and  
12 pain. The concerns that we have about the -- the  
13 institutions of the judicial system, or the justice, you  
14 know, involving the police, coroners, you know, media  
15 issues, you -- you know. And so many things, you know, have  
16 happened and are unfolded throughout this process that, you  
17 know, we're bringing to light that we hope that can shed  
18 some light where some changes need to take place. You know,  
19 for families, you know, that have to go and experience  
20 through this thing when these, you know, horrible things,  
21 you know, happen in society. And families have to be  
22 confronted to deal with this.

23 You know, we have to be on that, you know,  
24 level equal playing field. Like my -- my cousin just talked  
25 about, you know, the racial or gender biases. You know,

1 the -- the colonial, you know, views on institutions. And  
2 one of the things in following the Inquiry that, you know, I  
3 want to really bring attention to is the -- the provincial  
4 government who's currently, you know, led by the N.D.P. and  
5 the -- the Green Coalition. Is that under the -- the  
6 Liberal government, the terms of reference was -- was set up  
7 regarding the Missing and Murdered Women Indigenous Inquiry  
8 (sic), so under the -- the Privacy Inquiry Act -- the terms  
9 of reference was set up, you know, through the information  
10 that was collaborated between Judy Wilson Raybould and the  
11 Attorney General in B.C., where there's a document, it's  
12 Document 802, the Missing and Murdered Women and Girls  
13 Inquiry (sic). And it was enacted November 9th, 2016  
14 following information from the federal government, that  
15 there's a Section -- Section 42, Subsection A and B, where  
16 the Commission cannot find any misconduct, you know, by any  
17 persons or cannot create any reports of any misconduct of  
18 findings by person or persons. And they cannot -- the  
19 Commission also cannot, you know, question the -- the issues  
20 related to any prosecutorial decisions made by, you know,  
21 the justice system.

22 And a lot of the different things that we  
23 related to around the parole breach, you know, the hearings  
24 and the information, you know, and if it wasn't for my  
25 sister, how aggressive and intelligent she is with her

1 research and her education at bringing all this stuff to  
2 light, you know, we really need to have that stricken. You  
3 know, and what the Liberal government adopted and have  
4 the -- the N.D.P., you know, amend that so the Commission  
5 can go out and hold people responsible and accountable. You  
6 know, just like an example is in Ontario with the police out  
7 there with the issues back east that they're faced with,  
8 that the -- the Commission was able, through their process  
9 with all the other 14 province and the territorial  
10 governments, where there's a forensic team that's set up  
11 that is, you know, and all of the issues that were done in  
12 Ontario by the police, you know, where they're able to  
13 question to find if there's any findings of misconduct.

14 Because me and my cousin were talking before  
15 we came in here, is that, you know, this process is set-up  
16 because there are faults. And those faults have to be  
17 corrected. And, you know, there has to be, you know,  
18 restructuring, whether it's policies, or legislation,  
19 whatever it may be in order for the change to start  
20 happening, you know, on the ground for our Aboriginal  
21 communities. Whether you're living in a rural area or an  
22 urban area, you know, that there are so many things that are  
23 an unequal playing field for our people. And we're over  
24 represented in a lot of different areas in society, but  
25 we're yet -- we're such a small margin.

1                   So I think these are the changes I want to  
2                   be part of in what we shared today in honouring my cousin  
3                   Cheryl. Bringing a voice to her spirit, my Auntie Linda's  
4                   spirit, my Grannie Carrie's spirit. Because that's what we  
5                   want to change for those future generations as we -- we move  
6                   forward. You know, because that's what we all have to do  
7                   together, is move forward together as one. And to make it a  
8                   better society for everybody. Thank you.

9                   **MR. BREEN OUELLETTE:** And, Delilah, what do  
10                  you hope will happen with respect to privacy breaches as a  
11                  result of your testimony today?

12                  **MS. DELILAH PIERRE:** Well, I want  
13                  accountability with the Parole Board of Canada. For people  
14                  to properly do their job and keep the community safe. But  
15                  they did the total opposite by putting me in the danger  
16                  zone. And then, I also want the Privacy Commissioner in  
17                  Canada to do their job properly, to follow-up on these  
18                  cases, with this privacy breach. And do a thorough  
19                  investigation, rather than a slap on the wrist and say that,  
20                  you know, we're letting this offender go, and you're safe.  
21                  Changes need to be made and procedures need to be followed  
22                  properly and safely in the institutions when families are  
23                  going to the Parole Board because that was hard enough as it  
24                  was for my family. Let alone, to deal with the privacy  
25                  breach. If things were done properly then, you know, the --

1 our voices need to be heard as a family.

2 **MR. BREEN OUELLETTE:** Thank you. And,  
3 Melodie, what do you hope will happen as a result of your  
4 testimony today regarding the Pathway Initiative, and the  
5 Parole Board, and resources for families?

6 **MS. MELODIE CASELLA:** That I think in the  
7 research that I had done for the Pathway Initiative program  
8 that had been started in Ontario, that it was set up because  
9 we're -- our First Nations People are over represented in  
10 the institutions. And that it was something that was  
11 helping, then they opened the floodgates for everybody to be  
12 a part of this program, and to claim our culture when there  
13 are so many offenders that have violated our Indigenous  
14 people. That that has to be relooked at. And then,  
15 reconsidered seriously so no other family will ever have to  
16 go through what my family did sitting in that room that day,  
17 to be told that there's an Elder-Assisted Hearing. What if  
18 it was a family that didn't know they had rights and they  
19 went and they sat through the process? And had an Elder  
20 sitting next to an offender who murdered -- brutally  
21 murdered their cousin, their mother, their sister, their  
22 auntie, grandmother?

23 That we have to work to look at protecting  
24 our people in our communities by adjusting these programs  
25 that are set up for offenders to be able to fall through the

1 cracks and slip through the system and end up back amongst  
2 society. Because these issues that my family dealt with,  
3 that -- that I cannot help but go back to, if a family  
4 didn't have somebody that would be strong enough, even  
5 though they didn't feel that strong, to research and do  
6 everything that they could to try and find some form of  
7 justice or answers that my family needed through the Parole  
8 Board of Canada.

9 That you -- like I said, you become the  
10 expert. You know, and I was fortunate to be sponsored to go  
11 get a degree in the university, but it wasn't intended to  
12 become this researcher to fight against Victim Service, the  
13 Parole Board, Correctional Service Canada. And then, later  
14 help my sister with the Privacy Commission of Canada. That  
15 these injustices shouldn't happen after the incarceration of  
16 an offender. Because you're absolutely re-victimized all  
17 over again, and wondering how could we have faith in that  
18 system? So I feel that the changes through that Pathway  
19 Initiative, the "Red Path", that has to be reconsidered.  
20 The Elder-Assisted Hearings has to be reconsidered. And  
21 that the whole assessments that happen with offenders in  
22 institutions, there has to be a better assessment that  
23 will -- if they're going to be doing some kind of programs,  
24 that it should be listed and outlined for a family to be  
25 made aware up front. Not sitting in the next room before a

1 parole hearing happens.

2 And I think something that I was hoping to  
3 have happen when I attended a Victim Advisory Council  
4 meeting with my mom and Freda, that when a family goes  
5 through a court process, they're not ready in a position to  
6 be registered through Victim Services because of either the  
7 offender's getting a light sentence, but they still have the  
8 right to be registered. But at the time that a -- that a  
9 family is probably not ready to be registered. So I had  
10 suggested to say to the Pacific Region Director of Victim  
11 Services, "Why can't there be a form to have a family member  
12 say, 'Please contact me in six months because I'm not ready  
13 to register. And I may be ready in six months or a year.'"

14 Because at the time, you don't feel ready  
15 because you want to leave that part behind you and start to  
16 move on with your life. But then, we ended up getting  
17 registered, like, just before that parole hearing, my mom  
18 and I. And I wish that we had had that opportunity from the  
19 beginning, well after the -- the court proceedings. But  
20 there was no option to be registered through Victim Services  
21 in six months or a year. So I think after a court  
22 proceeding, that that should be made available to us.

23 And that the advocacy and support should be  
24 the moment a family member is registered to help and assist  
25 them because if other families want to be a part of it, that



1 should be made available as well. Instead of from the  
2 distance of what my family had to go through. And I'm sure  
3 that any other family in Canada that's in a rural community,  
4 they probably don't even have a Victim Service office. So I  
5 think that there should be better access to families to get  
6 the supports that they need in preparation for a parole  
7 hearing, and all of the paper work that's to follow.  
8 Because we don't -- some of us don't have the technology to  
9 be scanning things, or even emailing. We -- some can't  
10 afford it, it's too expensive.

11 **MR. BREEN OUELLETTE:** And do you think that  
12 a clinically diagnosed dangerous offender, who has no chance  
13 of being cured, should be considered for parole on the basis  
14 that you understand to be considered?

15 **MS. MELODIE CASELLA:** No. Because this  
16 process of what they were doing, like I said, through all  
17 the different programs that happened in the institution,  
18 it's based on the level of risk for escape, not the reality  
19 of diagnosis of what's happening by a psychologist with the  
20 offender. So it has to become a full-type package deal for  
21 assessment, not just based on whether or not they're going  
22 to flee the facility, or run away on a work release program.  
23 There's more to it.

24 From what you've heard today on what he did  
25 to my cousin Cheryl, that was never considered, or never a

1 part of, or even the psychological reports that I read of  
2 the medium to high risk of reoffending of a sexual nature.  
3 But that's -- doesn't even describe what he did to my cousin  
4 Cheryl.

5 **MR. BREEN OUELLETTE:** And I understand you  
6 wanted to give a message to Canadians about why they should  
7 be concerned, as you are.

8 **MS. MELODIE CASELLA:** The message that I  
9 would like to share, through everything that my family has  
10 gone through, from the moment we found out Cheryl was  
11 murdered up until well after the parole hearing, the people  
12 in Canada have to be afraid of this system that's become a  
13 revolving door of offenders. Because this person who did  
14 this to my cousin was a hockey coach for young boys. He was  
15 implored to -- to be trusted to be with these children. And  
16 then, when you learn about the other offenders that are out  
17 there, they could be the person driving your cab, driving  
18 your bus, walking down the street, somebody that passes you  
19 by without you even knowing it.

20 That everybody in Canada should be scared of  
21 what's happening with Correctional Services Canada, and what  
22 my family has gone through. And with the thoughts of, what  
23 could have happened if -- if we hadn't been a part of that  
24 parole process, and he was out? Because they based it on  
25 the level of risk for him escaping, not the level of risk

1 of -- of him reoffending and doing this to somebody else.  
2 And having another family going through the grief of what  
3 we've gone through.

4 So I think that with what the opportunity  
5 that we've had to sit here today, that I'm hoping that the  
6 people in Canada will -- will seriously think about what's  
7 happening with Correctional Services Canada because this  
8 isn't right. This isn't justice from when he was sent to  
9 prison.

10 **MR. BREEN OUELLETTE:** Thank you. I will now  
11 ask the Commissioner if he has any questions for the family.

12 **COMMISSIONER BRIAN EYOLFSON:** Thank you very  
13 much. I don't have any particular questions. I think at  
14 this point, I just want to thank each of you for coming and  
15 sharing with us today. For being able to have the strength  
16 to share such a terrible loss, but -- and I just want to  
17 acknowledge your strength and resilience as a family as  
18 well. For -- and thank you for coming here and telling us  
19 about Cheryl and sharing some good things as well. Some  
20 good memories and the -- the photos that were put up. So I  
21 want to thank you for contributing to the work of the  
22 Inquiry, for sharing your truths with not just us, but all  
23 of Canada today.

24 And as an appreciation for you giving that  
25 gift of your truth and sharing it, we have some small gifts

1 of reciprocity we'd like to share with you before we wrap  
2 up. I'm going to ask the Grandmothers here with me, Blu and  
3 Florence, if they'll -- they'll help with these gifts before  
4 we wrap up.

5 **MS. LAUREEN "BLU" WATERS-GAUDIO:** So on  
6 behalf of -- so on behalf of the Commission, we'd like to  
7 offer you these small gifts. These are eagle feathers which  
8 have come from Thompson. The matriarchs here sent us 500 of  
9 them, and we went through them with families like yourself,  
10 to show respect to you. And to give you a tool that you can  
11 use on your healing journey. So these are eagle feathers  
12 that were collected through Thompson, Manitoba. And as well  
13 as with them there's packages of seeds. And those seeds are  
14 wild strawberries. So we give them to you because number  
15 one, they're a woman's medicine. So in memory of your --  
16 your loved one. And also, to remind you of -- you put those  
17 seeds in the dark and they stay dormant for a long time, but  
18 then they start to grow. And once they see that light, they  
19 flourish, and they come -- they come alive. And your family  
20 is very strong like that. You've come together, very strong  
21 like those roots that exist underground, and we wanted to  
22 thank you for the work and the information you gave us  
23 today. So thank you so much, and we really appreciate that.  
24 Ay ay.

25 **(SINGING AND DRUMMING FOR THE FAMILY)**

1                   **MR. BREEN OUELLETTE:** Pardon me? Oh, yes,  
2 of course. Commissioner, I'm adjourning this hearing on  
3 your behalf.

4           **--- Exhibits (code: P01P15P0402)**

5           **Exhibit 1:** Folder of three images on shown during the  
6 public testimony of the family.

7           **Exhibit 2:** Linda Joe video (16.8 MB, 43 seconds, MP4  
8 format.

9           **Exhibit 3:** Letter of Gertrude Pierre to Corrections  
10 Service Canada, dated August 16, 2016.

11           **Exhibit 4:** Letter of Delilah Pierre to Corrections Service  
12 Canada, dated October 25, 2016.

13           **Exhibit 5:** Letter of Trevor Joe to the Parole Board of  
14 Canada (undated).

15           **Exhibit 6:** Letter to Raquel Marjorie Joe (undated and  
16 unsigned).

17           **Exhibit 7:** Second letter of Melodie Pierre to Corrections  
18 Service Canada, dated August 16, 2016.

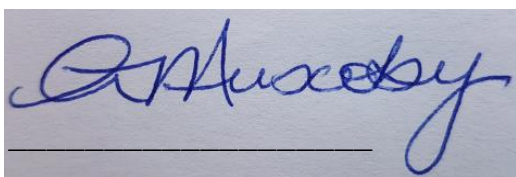
19           **Exhibit 8:** Corrections Service Canada/Victim Services -  
20 Pacific Region letter to Melodie Casella, dated  
21 January 16, 2017.

22           **Exhibit 9:** Parole Board of Canada Decision re: Day  
23 Parole, Full Parole Denied, dated January 13,  
24 2017 (eight pages including covering letter  
25 addressed to Melodie Casella).



LEGAL DICTA-TYPIST'S CERTIFICATE

I, Amanda Muscoby, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.



Amanda Muscoby

April 12, 2018