National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part 1 Public Hearings
Radisson Hotel, Ambassador B
Winnipeg, Manitoba

Wednesday October 18, 2017
Public Volume 11

Darlene Clarke, Jade Frost, Courtney Bear & Cheryl Alexander, In relation to Kim Clarke;

Fallon Farinacci & Ken Boden, In relation to Sherry & Maurice Paul;

Bernadette Sumner, In relation to Amanda Cook

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Les Femmes Michif
Otipemisiwak/Women of the Métis Nation
No Appearance

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                                      Amber Elliot (Legal counsel)
                                      Christine Ashcroft (Legal counsel)

Government of Manitoba        Heather Leonoff (Legal counsel)
                                      Samuel Thomson (Legal counsel)

Manitoba MMIWG2S             Angie Hutchinson (Representative)
                                      Leslie Spillett (Representative)

Manitoba Moon Voices No Appearance

Pauktuutit Inuit Women of Canada & Manitoba Inuit Association
                                      Beth Symes (Legal counsel)
                                      Rachel Dutton (Representative / Manitoba Inuit Association)

Winnipeg Police Service       Shannon Hanlin (Legal counsel)

Note: For the purpose of establishing this record of attendance, counsel are considered present whether they attended one or all of the public hearings held over the course of the day at the Radisson Hotel, Ambassador Rooms A & B (i.e. the two main public hearing spaces).
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Opening Remarks</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hearing # 1</strong></td>
<td>6</td>
</tr>
<tr>
<td><strong>Witness: Darlene Clarke, Jade Frost, Cheryl Alexander and Courtney Bear</strong></td>
<td></td>
</tr>
<tr>
<td>In relation to Kim Clarke</td>
<td></td>
</tr>
<tr>
<td>Heard by Chief Commissioner Marion Buller</td>
<td></td>
</tr>
<tr>
<td>Commission Counsel: Wendy van Tongeren</td>
<td></td>
</tr>
<tr>
<td>Grandmothers &amp; Elders: Leslie Spillett, Skundaal Bernie Williams, Mary Crate</td>
<td></td>
</tr>
<tr>
<td>Registrar: Bryan Zandberg</td>
<td></td>
</tr>
<tr>
<td><strong>Hearing # 2</strong></td>
<td>39</td>
</tr>
<tr>
<td><strong>Witnesses: Fallon Farinacci and Ken Boden</strong></td>
<td></td>
</tr>
<tr>
<td>In Relation to Sherry and Maurice Paul</td>
<td></td>
</tr>
<tr>
<td>Heard by Chief Commissioner Marion Buller</td>
<td></td>
</tr>
<tr>
<td>Commission Counsel: Christa Big Canoe</td>
<td></td>
</tr>
<tr>
<td>Registrar: Bryan Zandberg</td>
<td></td>
</tr>
<tr>
<td><strong>Hearing # 3</strong></td>
<td>73</td>
</tr>
<tr>
<td><strong>Witness: Bernadette Sumner</strong></td>
<td></td>
</tr>
<tr>
<td>In relation to Amanda Jane Cook</td>
<td></td>
</tr>
<tr>
<td>Heard by Chief Commissioner Marion Buller</td>
<td></td>
</tr>
<tr>
<td>Commission Counsel: Breen Ouellette</td>
<td></td>
</tr>
<tr>
<td>Grandmothers, Knowledge-Keepers and Elders: Belinda Vandenbroeck, Leslie Spillett, Florence Catcheway, Thelma Morisseau</td>
<td></td>
</tr>
<tr>
<td>Registrar: Bryan Zandberg</td>
<td></td>
</tr>
</tbody>
</table>
IV
LIST OF EXHIBITS

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Witnesses: Darlene Clarke, Jade Frost, Courtney Bear and Cheryl Alexander</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exhibits: none entered</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Witnesses: Fallon Farinacci, Ken Boden</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exhibits (code: P1P03P0301)</td>
<td></td>
</tr>
</tbody>
</table>


2. One-page copy of In Memoriam for Sherry And Maurice Paul(Bingley) published in Saint Catherine's The Standard, undated, with words "Re: Farinacci" handwritten on top of page.

Witness: Bernadette Sumner

Exhibits: none entered
--- Upon commencing on Wednesday, October 18, 2017 at 09:19

**MS. DEBBIE REID:** I want to first of all thank the women's drum group who drummed us in this morning. It is an amazing way for us to gather.

Hi. For those of you who just joined in today, or coming today, welcome. My name is Debbie Reid. I am the new executive director for the Missing and Murdered Indigenous Women and Girls Inquiry. I'd like to recognize the families who are with us today.

I'd like to recognize Commissioner Audette. I'd like to recognize Commissioner Buller, who is here today; Elder Leslie. And, I'm going to ask Elder Belinda -- I can't say you're last name because it's --

**ELDER BELINDA VANDENBROECK:** Vandenbroeck.

**MS. DEBBIE REID:** Vandenbroeck. I've been getting names wrong this week, so I wanted to make sure. I'm going to ask the elder to do the opening prayer.

**ELDER BELINDA VANDENBROECK:** Thank you very much. First of all, I want to honour the family members that are here that are going to be sharing their story this morning. My name is Belinda Vandenbroeck McGilivery from OCN Bugatti Reserve, in the town of The Pas, which I don't call my home, but my reserve is from there in that area.

I also am a carrier of my Innu language and
wars of life you know as Cree, which I don't. And, I honour our ancestors, 500 Nations in North America. That's where we came from. That's why we're here. And, I thank you for asking me to say the prayers this morning.

I will say the prayers first in my language, and then I will say in English (speaking in Native language).

Creator, we thank you this morning for our lives, that we get to see another day. We thank you for everything that you give us here on earth to live, and we are grateful for that. And, that we live our lives today in a good way, a loving way, a kind way, a sharing way. And, we're asking you, Creator, grandfathers, grandmothers relatives, to come and sit with us today here as a family share their heartbreaking stories of their loved ones (speaking in Native language).

We ask for your blessings, Creator, for everybody that's here. For all the families that couldn't be here, we send blessings to them (speaking in Native language). Thank you.

**MS. DEBBIE REID:** I would like at this point, as Commissioner Buller's first day here, for her to make some opening comments.

**CHIEF COMMISSIONER MARION BULLER:** Thank you, Debbie, and thank you Belinda. I want to start first
of all by remembering and acknowledging the spirits of the
Missing and Murdered Indigenous Women and Girls. And, I
also want to acknowledge the very special courage of
survivors of violence, and the members of the LGBTQ2S
community, who have their very special challenges.

I want to thank the fire keepers, the sacred
fire keepers who started us off this morning with a very
special song, and a little bit of laughter, which was a
great way to start the day. I also want to acknowledge and
thank the members of the Three Fires Midewiwin Lodge, who
started us off in a very good way with some important
teachings and important ceremonies, so that we're grounded
and doing our work in a really good way today. So, thank
you to them.

I'm very pleased to be here again on Treaty
1 Territory, homeland of the Anishinaabe, and also the
Métis homeland, of course. I'm Marion Buller. I'm the
Chief Commissioner of the National Inquiry into Missing and
Murdered Indigenous Women and Girls. Thank you for
inviting us into your community today, and all of this
week, for that matter.

I am humbled to see all of the families and
survivors who are here this week. Thank you. Thank you
very much for coming.

I want to acknowledge today the Manitoba
government. Earlier this year, all parties unanimously voted to declare October 4th a day that honours Missing and Murdered Indigenous Women and Girls. This is the first province or territory that has dedicated a day to what we call MMIWG2S. That commitment does not go unnoticed by us. I see this week of community hearings began in a good way every day, and will continue to do so while we're here. Thank you to all of the Elders, the traditional knowledge keepers, the sacred fire keepers, and all the people who are praying for us; but mostly, who are praying and here to support for the family and survivors. Thank you all. We couldn't do this work without you.

I want to thank my dear friends, of course, and my dear colleagues, Commissioners Michèle Audette and Brian Eyolfson, for honouring families and survivors these past few days, listening to their stories and sharing their experiences. Commissioner Qajaq Robinson sends her warm regards.

My thoughts are with all of the families and survivors this week. I'm so grateful, and I'm honoured to be with you and to hear your stories. With that, I'm going to ask all of us to share in a moment of silence for the spirits of the missing and murdered indigenous women and girls. The lost loved ones. All of them.

--- Moment of silent
CHIEF COMMISSIONER MARION BULLER: Thank you, everyone.

MS. DEBBIE REID: Thank you, Commissioner Buller. I don't know if we explained earlier in the week, but I'd like to now. The chair you see sitting there with a star blanket on it is called our spirit chair. It's in all of our hearings to recognize that it's empty, because our women, girls and two-spirited are not with us; those that are murdered, and those that are missing. I would now like to invite my good friend, Annie, Elder Annie, to come up and do a prayer.

ELDER ANNIE BOWKETT: Good morning, everybody. And, thank you. I just want to explain for about our Qu’liq this morning. The Qu’liq, the stick, Takotik (phon), if it wasn't for that how it's made, the Qu’liq itself wouldn't be lit.

And, for the wonderful people to remember us as Inuit people, and for you all, and for anybody to be open to our own lives and support one another. And, that is called the Qu’liq of our culture. It keeps us open and warm. And, by -- just by looking at it, the flame is beautiful, and so calm too. But, we use it for many, many things in the igloo or in the tent.

We usually have four, four on each side of our table. And, they usually be big ones, but for this,
this is a smaller one that is made for us, for all of us.

And, I just want to say one -- one thing.

If we tell our stories, please, if we go outside or outside of this building, let us leave the things that we tell our stories in here. Please. And, let's not take it outside when we go for break. Leave it here. Thank you. I will say my prayer in my dialect (speaking in Native language).

Thank you.

MS. DEBBIE REID: Wendy, I will now turn it over to you. I'll now turn it over to you.

Hearing # 1

Witness: Darlene Clarke, Jade Frost, Cheryl Alexander, Courtney Bear

Heard by Chief Commissioner Marion Buller and Commissioner Audette

Commission Counsel: Wendy Van Tongeren

Registrar: Bryan Zandberg

MS. WENDY VAN TONGEREN: Thank you very much. Good morning, Commissioner Audette and Commissioner Buller. For the audience, my name is Wendy van Tongeren, V-A-N, T-O-N-G-E-R-E-N. And, I am one of the Commission counsel, and I have the honour of assisting with the evidence that will be coming from the Clarke family today in connection to the loss of a loved one.

I'd like to start, please, with -- I'm going
to pass the microphone to all the people that are present here. And, Diane has the microphone in her hand. And so, I'm asking -- sorry, Darlene has the microphone in her hand. And, I'll ask her to just say your name and spell it, spell the last name. And then, identify your connection to the lost one, so that we start to get an idea of the family members who are here today, and whether or not they are going to speak or in support -- who are family members, who are support.

So, start with your name, please, and identify your relationship to the deceased.

**MS. DARLENE CLARKE:** My name is Darlene Clarke, C-L-A-R-K-E. Kim Clarke was my only sister. That's my relationship to her.

**MS. JADE FROST:** My name is Jade Frost. My last name is spelt F-R-O-S-T. And, Kim was my auntie.

**MS. COURTNEY BEAR:** Good morning, _bonjour_, (speaking in Native language), Strong Flying Eagle Woman. My English name is Courtney Bear, B-E-A-R.

**MS. CHERYL ALEXANDER:** (speaking in Native language). My English name is Cheryl Alexander, A-L-E-X-A-N-D-E-R. And, Kim was my auntie as well.

**MS. DARLENE CLARKE:** First of all, I would like to say a prayer to the Creator to give me strength to say what I have to say. This is not a very easy task for
me, for I have experienced hell on earth. I find that I am
reliving the tremendous loss of my only sister, Kim Clarke.
She was not a street person. She was missing, and she was
murdered. This is extremely emotionally and physically
draining for me as when it had happened. It was horrific,
and I try not to dwell on it. It's like trying to get out
of a dark pit.

My family suffered great trauma, heartbreak, sorrow, shock, loss, disbelief, loneliness, emptiness, pain, depression, anxiety, nightmares, terror, fear and rage.

This inquiry is a painful reminder of that.
I do not forgive her attacker. Only God has that power.
How do you rehabilitate someone that is evil, sadistic, and shows no remorse for what they have done? For the safety of others, he should be locked up permanently.

While incarcerated, he has received his education and job skills. How nice. What supports were put in place for my sister and her family after he washed my sister's blood from his hands?

Her children were robbed of a mother's love, and were greatly affected. They did not have her love, but they did have the love of their dad, who was the best dad any child could have. The children dealt with their loss through drugs and alcohol. As a result, our family
suffered another huge loss, her baby. He was young, handsome and strong, and wanted to be with his mother. We love and miss him, and wish he could have been with us longer. Our family is still grieving for him.

I also want to say another prayer for the members of this committee, as they have a big job to do. I ask the Creator to preserve their sanity, and to be with them each and every day as they listen to all these testimonies.

I also pray that the families find peace and healing. There are so many families suffering. It makes a person wonder why something was not done prior to today to end their agony. For the sake of my grandchildren and great-grandchildren, I think they should be taught as young as five years old that they are the potential victims, and what they should do to protect themselves and to be safe.

When they come into contact with anyone, they should treat people with suspicion and distrust. This should be drilled into them. And, if it sounds harsh, well, it's better than being dead.

I want to thank you for the opportunity to express my opinions. There is only one way for me to go in my life, and that is forward. So, I must leave the demons in the past where they belong. Thank you very much. I'd like to pass this to my daughter now.
MS. JADE FROST: I've seen a lot of heartbreak in my family. And I was with my nephew, Andrew, on the day -- on New Year's. And, he did tell me how much he wanted to be with his mom, because he was a baby when his mom did die. And, I talked to him. And, yeah, shortly after, I think three weeks later, he did die. I told him that his mom was still here in spirit. And, yeah.

I remember spending, like, lots of days at the park with my auntie, and she was a very good mom to her kids. We always took my kids to swim, and we had picnics in the park. Yes, there's lots of times I miss, like when we went to Bingo.

I remember the next day something was wrong because me and my auntie were going to meet at the zoo with the kids. We were going to take them on a field trip, and she already prepared the salads. And, when she didn't show up, I knew something was wrong. So, I called her husband and I called my sister, because they were together the night before.

And so, we kind of set to search out right that morning when I knew that we were all planned and set to go to the zoo, and she didn't show up. And, yes, I just remember those few days that she was missing, like, how hard and difficult it was to get through.

I was excited to start university the
following month, and I kind of didn't know if I was going
to. But, I did, because I thought if I didn't, I would
just -- maybe just be stuck in the past. And, I thought my
auntie, before she did pass, she gave me a letter. It said
always believe in your dreams. Always believe in your
dreams and follow your heart. And, I knew she would
probably want me to go on to university, so I did start.

And, it was a very difficult year. And, I
still sometimes have a difficult time dealing with her
death.

MS. COURTNEY BEAR: Good morning. I'd just
like to give thanks for this day. I thank the Creator for
giving me the strength to be here with my mom, Darlene, to
support her.

And, I reflect back of when my Auntie Kim
was murdered, and the effects and impacts that it's had on
my life. And, not just my life, but my whole family, you
know, her children, my sisters, my brother, my mother, my
uncles, you know, my grandmother, you know. And, it's
important, I feel, to share their truths, you know, because
they're not here today.

And, I know that my grandmother, she had a
very close relationship with my Auntie Kim and her
children. And, with her death and the loss for that
impacted her in a great deal, you know.
And, I remember being a young adolescent, you know. I was 13 when my aunt was murdered. And, I remember standing with my older sisters and my niece and my nephew on top of the Redwood Bridge, you know. And, not wanting to believe that this potentially could be her, you know.

Because my aunt, she had so much love. And, she accepted and honoured every single one of her nieces, you know -- my mom's daughters, you know. Everywhere she would go, my aunt was so proud of us, you know.

And, that's something that I know that the attacker can never take away from me, is that love that I experienced from her, you know. That love, and that acceptance, and that appreciation, and her way of giving, because she gave, you know. She would give the shirt off her back, you know, and she was such a loving woman, you know.

And, you know, to see how after all these years, to be impacted by the ripple effects of disconnection as a family unit, alcoholism, drug addition, mental health issues, incarceration, you know, plagued my whole family because of this loss and this death that we had experienced, you know.

And, where is the justice for us? Where is, you know -- where was our healing, you know, when we needed
people to support us? As a family unit, we couldn't be there for each other. We were not able or equipped, at that time, to support one another, to comfort another. We were all on our own personal journeys. Every single one of us at different ages and stages in our lives.

And, you know, me being the youngest, and young, like I had no sense of direction. I knew that my family members were going through what they were going through, and I had to lean on other outside supports as a youth, you know, to get through those hardships, and to heal and to find strength, and you know.

I still don't understand today what came out of all of this, you know. Like I still struggle with thinking like, you know, her murder and the loss and, you know. And, I see my cousins, and, you know, the loss of her youngest son. And, it hurts. It hurts to watch people you love destroy their lives, you know. That pain was inflicted by somebody else that took a life that, you know, has no remorse to how it has impacted every single one of us, you know.

And, it's been a great loss, you know. And -- but, today, I can say that I'm really grateful that my family is able to come together. The ones that have come, you know, on our healing journey and embarked on, you know, this spiritual path to be here for one another, to support
one another, to see that we're here, you know. We're going
to speak the truth, we're going to share our story, and
we're going to stand with each other each step of the way
So, migwetch.

MS. CHERYL ALEXANDER: Bonjour. In terms of
being able to understand some of the things that have
happened, it's hard. It's hard for the family to
understand that moving forward part, and to be able to
support each other.

My family has endured a great loss. They've
shown me how to be -- and I don't want to use that word --
but I've never met a bunch of stronger people. We don't --
as we're hurting, we're also together, you know, that
support. I haven't always had that in terms of being able
to say that.

That healing has come, over the last --
since this process has started. And, being able to speak
that truth together as women of the family, to be able to
be strong, that's hard. But then, we start talking about
our relatives that are not with us anymore, and they are
with us. Those connections that we have are so important
to be able to support the ones that are still needing that
support. We're always going to need that support. There
is no timeline on grief.

I'm so glad today that you've honoured each
and every one of the people that have gone on during this process, because they are here with us. We carry them with us. The culture has helped. And, like my young cousin said, at each stage, we're at different stages of that healing.

We're all here to support. Our community needs to know that, that there's no one answer, you know, and each story it's different. Whatever social faction had to happen -- justice, education, you know, there's always the same commonalities.

That's who we are as a people. I think it's time for us to start looking for solutions and support. The perspective needs to change, because that's how we're going to have to start addressing the problem in terms of healing, support.

It's got to stop. We have to start telling our future generations how to be safe, how to be educated, you know. It's such an epidemic now in terms of all the different agencies. I won't get into that.

As a front-line worker, I see it every day. I feel it every day. I'll tell you right now, I'm not one to read the paper. I'm not one to watch the news ever since this particular incident happened to my family. It's too tragic; it's too heartbreaking. And it's just something that you -- you feel and -- to make your sanity.
I think that's where I'll stop sharing. I say migwetch to the Commission, to each and every one of you for coming. It's a hard road to hear this. I just hope that our prayers are answered. Our requests for support through community through those healing initiatives, those continue. There is no timeline for grief or loss.

So, whether it be this inquiry whether it be the healing practices of people that are going to do it; regardless. And, that's how our family had to start, you know. That was mentioned. There was no -- there was nothing. And so, now -- now there's initiatives. And, that's good, but it has to be for everybody. So, I say migwetch.

MS. DARLENE CLARKE: I'll just pass the microphone now to Wendy. So, thank you very much for listening to our story.

MS. WENDY VAN TONGEREN: Thank you. Darlene, I'd like to ask your permission to ask some questions, because I think it's important for the Commissioners and your friends and family, and those who care about the story who are listening to know, for example, that what happened on July 23rd, 1998 and what happened on July 26th, and how you, yourself, played a heroic role in assisting the investigators to make sure
that somebody was identified as the culprit and was held accountable.

And also, I'd like to ask questions about recommendations and thoughts that the family has about how children who survive the tragedy of the death of a mother, how support can be provided. What does it look like, and what people should be thinking about beyond the good thoughts and recommendations that have already been given.

So, I'm asking for your permission for me to ask some questions. And, you can answer them, or you can identify somebody here who could answer them. But, if you are happy with what you as a family have said already, we can leave it there.

MS. DARLENE CLARKE: You have my permission.

MS. WENDY VAN TONGEREN: Okay. Thank you.

MS. DARLENE CLARKE: You have my permission to ask questions. If I'm unable to, maybe another member can answer them.

MS. WENDY VAN TONGEREN: Thank you very much. So, we'll start, if you can, with the narrative from the day that Kim went missing. Can you tell us about what it was that happened on July 23rd, 1998?

MS. DARLENE CLARKE: Can I ask my daughters which one is strong enough to answer that question?

MS. WENDY VAN TONGEREN: Absolutely.
MS. JADE FROST: It was the morning when we were going to the field trip, and she didn't show up for the field trip. And, I knew something was wrong, because we were already prepared for it. She made salads. And so, then I called her husband, and I called my sister, and I said you know what? Auntie Kim didn't come to the field trip. I don't know what's going on. Did she sleep in, or what's up? Because we went to Bingo the night before.

So, I think it was a little bit later that day, around noon, my sister, Eileen, said something bad happened by the Redwood Bridge and that there was a trail of blood leading down to the river. And, I said -- so, then we put two and two together. Like, that's the path my Auntie Kim would have went home.

Yeah, and from there, I know my sister, she called the cops. And, we said that, you know, Auntie Kim was missing. This is the likely path that she would have went home on.

MS. WENDY VAN TONGEREN: So, is it your understanding that your sister, Eileen, was -- or, sorry. That your sister, Eileen, was with Kimberly that night before she went missing?

MS. JADE FROST: She was. We were at Bingo, and then they left together and went home.

MS. WENDY VAN TONGEREN: But, at some point
they got separated, did they?

**MS. JADE FROST:** Yeah.

**MS. WENDY VAN TONGEREN:** And, you said the red -- was it the Redwood Bridge?

**MS. JADE FROST:** Redwood Bridge, yes.

**MS. WENDY VAN TONGEREN:** And so, this occurred in Winnipeg?

**MS. JADE FROST:** Yes.

**MS. WENDY VAN TONGEREN:** And, you didn't actually go to the bridge yourself during those days, did you, or did you go?

**MS. JADE FROST:** I did go.

**MS. WENDY VAN TONGEREN:** And, there were other family members who went as well. And so, tell us about that part, the role that the family played in trying to discover what had happened at the bridge, and to provide that information to the police.

**MS. JADE FROST:** I think we were all in shock and disbelief. Like I remember I was living in the Maples, and I remember just going to the bridge as fast as I could. And, I started thinking like, no, this can't be true; this can't be happening. Like, it's not my auntie, I'm pretty sure.

**MS. WENDY VAN TONGEREN:** And, I appreciate this is something that you would have heard from someone
else, but did you hear about how, as a result of the family participating, that the police were actually able to get forensic evidence that allowed them to eventually identify who had harmed Kim?

**MS. JADE FROST:** Yeah.

**MS. WENDY VAN TONGEREN:** Did you hear about that part?

**MS. JADE FROST:** Yeah. I went to the trial.

**MS. WENDY VAN TONGEREN:** Okay. So, what -- what was it that your family did that assisted, eventually, so that there were a number of factors that pointed to the suspect who was responsible?

**MS. JADE FROST:** Well, we knew that her jewellery was missing. Like, she had a gold necklace and gold bracelet, and we knew that was missing.

**MS. WENDY VAN TONGEREN:** And, I think Eileen went to the bridge too, didn't she?

**MS. JADE FROST:** Yes.

**MS. WENDY VAN TONGEREN:** And, she told the police about where they had been before?

**MS. JADE FROST:** Mm-hmm.

**MS. WENDY VAN TONGEREN:** And, the police went there?

**MS. JADE FROST:** Mm-hmm.

**MS. WENDY VAN TONGEREN:** And, do you know
that part of the story? Do you remember it from the trial?

MS. JADE FROST: I try not to remember the trial too much, because the fellow was rude. He was -- he had a girlfriend at the time. He was blowing kisses at her. He was smiling. He showed no remorse.

The things that I do remember from the trial, I was sitting kind of close, and I remember seeing some of the pictures that was for the jury to see. And, it was like the marks of, like, the blood splatter. And, that's the parts that I don't want to remember.

MS. WENDY VAN TONGEREN: Absolutely. And, I understand that Darlene was also at the trial. And, it was very difficult for her, but she was very strong and courageous, and sat there in support of her sister?

MS. JADE FROST: Mm-hmm. My grandma was there, and I believe other family members were there. My grandma was a little bit -- she had hearing aids, so every now and then we would have to go and talk to her, and tell her what was going on.

MS. WENDY VAN TONGEREN: Is there anything else that, Courtney, that you would like to add?

MS. COURTNEY BEAR: What was the question?

MS. WENDY VAN TONGEREN: It relates to the heroic actions of the family that resulted in a man being identified as the culprit.
MS. COURTNEY BEAR: I know for myself, based on my experience and what I know, that morning, myself and my other sister that I was with, and her daughter, we knew that my auntie never made it home that night. And, we started calling around.

And, you know, it was out of character for my aunt not to return home. She always made it home to her husband and her kids. No matter where she was, or what she was doing, she would always say that she had to make it home, you know.

And, her and my other sister -- my Auntie Kim and my sister, they were out and they went to a house party and, you know, and my auntie decided to leave, you know. And, today, I think the evidence that, you know, helped to put away her killer was so detrimental to the case.

There was a cyclist that was passing that identified my aunt, that he seen her walking down Burrows (phon). She tried to stop to use the phone, the pay phone. He kept hanging up the phone on her. He wouldn't let her use the phone. And, she kept walking, and she was trying to get away from him.

And then there was that guy on the bike that identified -- that seen my aunt with a male. And, he identified her and, you know. And, it was after like, you
know, after we phoned and made a report. Like my sisters, they phoned and made a report, and they said like it's out of character. And, they said we can't -- you know, we can't say this is a missing person, or we can't say that this is her. Like we don't have enough evidence to say that, you know.

And, I remember those four days leading up to her body being discovered, and how it was so heavy and like, like our family was just all together. We were -- like, didn't know how to react, or what to think, or even to know if it was her, or to know that, you know, is this true, is this possible, you know? Is there somebody out there that actually would do this, you know? We've never been impacted by such tragedy or trauma prior to her murder, you know.

And, then yeah, you know. Her body resurfaced after the three, four days in the Redwood Bridge. And, it was identified as, you know, my auntie, Kimberly Jane Clarke, you know.

And, I wasn't at the trial, you know, but I remember when the trial was going on, you know, from family members. And, the things that were, you know, the horrific things that were done to her, and you know.

And, it -- it's just like how do you -- like for me I think like how do you -- I don't understand, you
know. There's times where it's like the clarity and -- for
many years I was resentful and angry of like, Creator, why
would you take such a beautiful person away from us? And,
it wasn't even that the Creator took her away, you know.
This was impacted by somebody else. Inflicted pain from
another person, you know. And so, you know.

And, even when she had her -- like, when we
had the funeral, you know, because she was so badly
unrecognizable, we weren't able to have an open casket, you
know. We weren't able to see and say our goodbyes, you
know, as a regular funeral of somebody that dies of a
natural cause, you know. They had to have closed casket.

And, they said to the family -- like I
remember that day of the funeral and the pastor saying to
my mom like, “Darlene, you don't want to see your sister
like that. Remember her the way that you see her when she
was alive,” you know.

And, you know, just that. Like, you know,
there's closure in that piece of being able to say goodbye
to somebody, you know. And, I wasn't able to, you know, to
have that closure. Or, nor was any of my family members
able to have that closure because of the impacts of her
murder.

MS. WENDY VAN TONGEREN: And, is it that you
learned that this man, he was a total stranger? He had
never met your auntie before?

MS. COURTNEY BEAR: Yeah, he was a total stranger. He was a total stranger. Never -- they never, ever crossed paths prior to that night of them being out. And, he followed her from where they were; my auntie and my sister.

MS. WENDY VAN TONGEREN: And, he was 19 years old at the time that this took place?

MS. COURTNEY BEAR: Yes. He was 19 year old -- 19 years old. Yes.

MS. WENDY VAN TONGEREN: And, I also remember when we met in July, Courtney, that it was clear that Darlene, standing strong, she actually instigated the family going down to the bridge to try and help?

MS. COURTNEY BEAR: Mm-hmm. Yeah.

MS. WENDY VAN TONGEREN: Once you were sitting there, and Darlene had the intuition to say this looks like its related to what happened, and the family should be there?

MS. COURTNEY BEAR: Yeah. And, I definitely say, like, even that, like, my mom has always been like the backbone of my family, you know. Even when she felt like she knew was happening, and "Everybody get down there right now." Like, I think this is, you know, what it is.

And, I think my mom already knew before we
even all knew. So, it was, you know, she knew that we
needed to be together, you know, even at that time. But,
you know, as something so traumatic like we all kind of
dispersed. And, you know, we're coming back together as a
family after 17 plus years. That's a long time.

MS. WENDY VAN TONGEREN: Yes. How old was
your auntie when she died?

MS. COURTNEY BEAR: She was 36 years old.

MS. WENDY VAN TONGEREN: And, she had how
many children?

MS. COURTNEY BEAR: She had three.

MS. WENDY VAN TONGEREN: And, you've -- all
of you have already addressed the very traumatic results
that this had on the children, and eventually the
grandchildren as well.

MS. COURTNEY BEAR: Mm-hmm.

MS. WENDY VAN TONGEREN: Is that right?

MS. COURTNEY BEAR: Yeah.

MS. WENDY VAN TONGEREN: So, I would like to
offer the opportunity to you to give some specific
recommendations on how this country can protect and assist
the children of indigenous women and girls who are slain.

MS. DARLENE CLARKE: I've been in touch with
the Parole Board, and I was asked to write a victim impact
statement. And, when they sent me all his particulars, it
made me so angry I couldn't even mail the letter, because he received education, job skills; whereas, my niece and nephew didn't have the opportunity to be educated or receive any job skills.

So, I think there should be more put in place for the victims of a violent crime, or the families of a violent crime.

And, as for -- I think there should be workshops for young children, as young as five years old, to not be so trusting, and to be suspicious if anybody is trying to be too kind to them, so that they don't fall into any -- any trap, so. But, they are -- they -- nowhere to go for their safety and protection.

MS. WENDY VAN TONGEREN: Thank you.

Darlene. Anybody else?

MS. COURTNEY BEAR: I'd just also say that, you know -- you know, for the ones that are impacted in the immediate family, for services to be provided to them right away, you know. Like, I know that nothing -- no services, no healing, no outreach was provided to my aunt's kids.

And, you know, they have been the ones that have been impacted and inflicted, I'd say, the most, you know, because those were her children. So that, you know, what kind of life and future are they going to have when they are only having -- have one parent left to undue
circumstances of their life?

Like you know, nobody ever wishes this upon another person to go through this, to feel this, to experience this, or for another person to be impacted by that experience. So, I think it's like supports, healing, ceremony, you know, spiritual aspects to be provided, you know.

**MS. WENDY VAN TONGEREN:** Mm-hmm.

**MS. CHERYL ALEXANDER:** Furthermore, for those supports for recommendation, as we all know, the healing path is different for each and every one of us. So, for the ones -- and especially for my auntie's kids, when they are ready to have those services provided, and indefinitely -- regardless, it might take the rest of their life. For their children, for all the victims and family members that need those services, there should be no timeline. It should be continual, because those losses were impacted in such a way that there is no coming back from something like that, you know. You might be able to move forward, but those losses are never replaceable. So, to be able to have that; those services and recommendations that when they do come forward.

Whether it's five minutes down the line, whether it's 15 years down the line, those services will be readily available, and they'll be waiting for them in terms
of whether it's culture, counselling, whatever it is they need support in.

Whether it's education, you know, support.

All the services to be provided and it has to be indefinite. There should be no timeframe on the healing services provided. That needs to be sent strongly as a message to Canada, you know. This is not something that hasn't happened overnight, and it's going to take a heck of a lot longer for us to be able to come to be able to address.

So, I think that now, with this inquiry, that is one of the key pieces is that now that the -- the awareness is out there. Now, we're actually looking at the action plan. And, that needs to be one of the key pieces, is that that timeframe on the services needs to be ongoing. Thank you.

MS. WENDY VAN TONGEREN: And, is there a bit of a complicating factor in that when a crime like this is committed, the family, the friends, the police, they don't know who the person is responsible. So, sometimes, they actually look to family members as potential suspects. And, would that also play a role in terms of the relationships, the children, and how they carry the story from that time forward?

MS. DARLENE CLARKE: I don't think so. I
think -- I don't think family members were under suspicion of her disappearance or murder.

**MS. WENDY VAN TONGEREN:** In this case, was -- at least they interviewed the husband, Kim's husband, right?

**MS. DARLENE CLARKE:** Mm-hmm. But he is -- he is a very -- he's the best father any child could ever have. And, even prior to that night, he's always been a very good dad to his children. So, it would be pretty hard to convince the kids that he was capable of any atrocities.

**MS. WENDY VAN TONGEREN:** Yes. And, he's okay, too, the father? Does he need some support as well?

**MS. DARLENE CLARKE:** Yes, he does. He's grieving, and I'm grieving as well. I've never shared this with him, but each of us, I guess we grieve in our different ways. And, he's not -- he's a very private person. Maybe I'm an outspoken one, so. But, I do know enough to say, well, you know, that's fine. You can deal with it your way, and I'll deal with things my way, the way we grieve.

**MS. WENDY VAN TONGEREN:** Thank you, Darlene.

**MS. DARLENE CLARKE:** You're welcome.

**MS. WENDY VAN TONGEREN:** Okay. So, an issue that we talked about back in July was some common examples of racism that are shown towards indigenous women and
girls, and misogyny or sexism towards indigenous women, and how -- what changes can come about to improve their life experience with the presence of racism and misogyny in current times.

**MS. DARLENE CLARKE:** That's very -- something like that is not part of the past. It's still happening in this day and age. Like there is a lot of racism towards Aboriginal people, not only women but the males as well. And how to overcome it? I'll have to ask one of my daughters for that answer.

**MS. CHERYL ALEXANDER:** Some of the ways are being shown to the media, social media today; the #MeToo campaign. To be able to talk freely, and not feel guilty; not feel ashamed of unwanted sexual advances, rape, incest. To be able to talk like that, there's lots more people coming forward.

And, part of the key to that is being able to have that strength inside to say, you know? That communication, that public communication to be able to talk about safety, about things that need to be talked about and addressed.

Showing education, showing our children what values are. Parenting and boundaries, you know. Raising children is a hard job, and some of those boundaries are very grey areas, you know. As an educator, as a parent, a
lot of those times those hats that you put on are conflicting because of social boundaries that we have.

Education is key, and consistency with those boundaries as well, to be able to show through our programming parenting -- I was just on social media this last week, looking around to see what's out there. And, I applaud a lot of the agencies, because there's some really good programming. And, I'm not just talking in Manitoba. I've looked in a lot of different territories. And, some of the programming out there is phenomenal for young girls to become empowered, for young men to find their voice.

The programming is good. And, that's what we need to show our community members, at any age, whether it's through Pow-Wow club, whether it's through after school programming. These are things that need to happen, because it's so hard. And, we need to change that perspective so that it's all about support, and we're building these little people for the future.

We want them to have the best. We want them to have all the things that are needed, the supports. And, for me, that starts with the perspective; not looking at our future generations as future young men and women that are going to fill our jails. I'm not looking at the negative anymore. I want to see the positive in everyone. I want to see the hope, and the support, and the strength,
because that's where it needs to happen. And, that starts
with perspective in terms of how our programming is done.
The language, right down to the funding, you know.

We have to really start looking at --
because we are a strong people, so we have to start being
more aware. And, language is part of that; our strength in
being able to understand. We know we're we've been. We
know what we've been through. Now, we need to know how to
change that around, and I believe it really starts with our
perspective.

Our communities are strong. We're able to
say we can support each other, you know. We're not
standing alone anymore. Whereas people -- if there's
people that need to come together, people will come
together all the time. We've shown that. We've shown that
in this community. Our family has done it. Every family
in here has done that through support.

And so, that's where -- for me, that's what
healing looks like. Does that make sense?

**MS. WENDY VAN TONGEREN:** Yes. Thank you.

It makes a lot of sense. And, there's some very good role
modelling here which illustrates about what you are
speaking. Thank you.

**MS. JADE FROST:** I think that there needs to
be, like, a lot more programming, like the programming and
supports that Ka Ni Kanichihk offers. Like they have the Butterfly Club, they have the Kistesimaw program. They have the Wahkohtowin program, and then the counselling program. And, I think those are all very good programs. I have taken part in some of them. But, I think they need to have more long-term programming in order to help the families move forward.

**MS. WENDY VAN TONGEREN:** Thank you so much. That's very helpful to give examples like that. Thank you. So, in a moment, I'm going to ask the Commissioners whether or not they have any questions for you. But, is there anything that anyone feels that they need to say before I do that?

**MS. DARLENE CLARKE:** No.

**MS. WENDY VAN TONGEREN:** Okay. Thank you. Madam Commissioners, those are questions I have for this family.

**CHIEF COMMISSIONER MARION BULLER:** Thank you all very much for coming and sharing your story about Kim today.

I just have a few questions about taking a different perspective of services and moving forward. Maybe you could give me a few more examples, please, about changing that perspective, looking from the strength perspective, please?
MS. CHERYL ALEXANDER: I guess in terms of when I say the perspective, the negativity -- and I know this is something I learned in sociology, in university, that the public perspective of aboriginal people, it comes from a negative base.

So, I guess, that being said in the back of my mind is that I'm a thinker, and I tend to over-generalize in terms of perspective. My perspective is not necessarily the same perspective as my neighbour, someone down the street, it doesn't matter.

I don't see someone in terms of race, you know. People are humans. That's how I tend to think. So, when I say -- but when I start talking about programming, people are like, "Oh, no. Not everybody needs that." So, I'm thinking that, well, am I wrong?

And, I'm coming from a front-line worker perspective. I spent 25 years in front-line services, so I see what's out there. I see the people that are coming to the program, and the need. And then, for me, it's always about the lack of change in government. I hate to say politics, but that seems to be always the shortfall. And, who ends up paying in the long run? And so, that's where I'm seeing perspective from. I want to see the continue -- the continuity of service regardless of the change of the date.
And, I know that's really -- that's something that's never going to be a continual line, because I know how government works. But, it needs to be so that the social transfer somehow keeps that continuity, because in the end, it's the same people at the bottom levels that need to have that continuity for services, you know.

The agencies that we have here do phenomenal work with what they're given. But, at the end of the day, it's about the almighty dollar, and that needs to change. It needs to be about people first, and that healing -- those services still need to be provided. So, how do we get to that point? Does that answer?

**CHIEF COMMISSIONER MICHELE AUDETTE:**


And, it's the first time we hear for long term, long term. We always say seven generations, so it is something I'm pretty sure it will be in the report and recommendations, because we know -- we know that short investments or short programs that organizations are facing every day, it's beautiful, and then it's ending. So, yes, you -- I'm very, very comfortable.

And, the beauty also, you gave us a gift this morning of how, with a tragedy, how can a family get
unified, get together, and the spirituality. We lost that. It's coming back from our very -- we kept it over a generation, and they're here today to teach us again what our ancestors were doing.

So, you have that gift, and I'm humbled to be here sitting in the room with you. Very honoured.

Merci beaucoup.

MS. COURTNEY BEAR: Can I say something? I think on the recommendations, you know, as an alumni student from the University of Winnipeg, and doing research on topics I've done, you know, I've read many policies, and guidelines, and recommendations, and I really hope that, you know, through this process of recommendations that organizations, agencies, and governments follow through with what the recommendations that are required that are going to come out of this inquiry, to be applied. Because many times I see in research or policies and guidelines, and recommendations, you know, it's about writing the document, but nothing is actually being, you know, pushed forward or addressed and applied.

And, I think that's what really I would recommend as a recommendation, is that the recommendations be utilized, not just written in a document and not applied, and not changed to find any solutions in the long run of future generations. So, thank you.
MS. WENDY VAN TONGEREN: I think, then, it's time for the gift giving.

COMMISSIONER MICHÈLE AUDETTE: Some beautiful women from Haida Gwaii, grandmothers, when we had the hearing in Smithers a couple of weeks ago, there were some women who were marching, walking from Prince George? Prince Rupert to Smithers. And, they gave us eagle feathers from their territory for the families who shared their truth to us in Smithers.

And, it became something for us at the National Inquiry that people across Canada saw that we were giving the eagle feathers, so they sent from their respective territories. So, they travelled (speaking in French language) to here.

And, this is a gift for you family members and survivors. Thank you so much. And empowered women, also.

MS. DARLENE CLARKE: Well, I honestly and truly didn't know that we were going to be given a gift. It comes as a surprise to me. So, thank you. My family thanks you.

CHIEF COMMISSIONER MARION BULLER: Also, what we like to do is give gifts to the family, because what you tell us is a sacred gift to us. And, in order to return the gift, we give the families seeds, local seeds.
This is fireweed. It's a beautiful flower, and it's always the first to come back, so...

MS. DARLENE CLARKE: My daughter has a green thumb.

CHIEF COMMISSIONER MARION BULLER: Good. So, this is from all of us, the staff and the Commissioners and Elders at the National Inquiry, to thank you. Please plant the seeds, and let's see what grows.

MS. DARLENE CLARKE: Thank you very much.

CHIEF COMMISSIONER MARION BULLER: Okay. So, thank you.

MS. WENDY VAN TONGEREN: Okay. Thank you, everyone. Thank you for your attendance today. And, we are on a break now. And, if you could come back, please, at 11:15? Thank you.

--- Upon recessing at 10:18 a.m.

--- Upon resuming at 11:21 a.m.

Hearing # 2

Witnesses: Fallon Farinacci, Ken Boden

In Relation to Sherry and Maurice Paul

Heard by Chief Commissioner Marion Buller

Commission Counsel: Christa Big Canoe

Registrar: Bryan Zandberg

MS. CHRISTA BIG CANOE: Good morning, Chief Commissioner. May we proceed and recommence?
I would like to introduce you today to Fallon Farinacci. Fallon will be telling her story of how her mother was stalked and murdered, and her father was also murdered by the stalker in order to get at her mother. And, it's not an easy story. And, Fallon has travelled a distance because the murders occurred here, but she now lives in another province.

And so, what I would like to do is I would ask that each of the family members, or people that are here in support of Fallon, just introduce themselves as well.

**MS. SHEENA:** I'm Sheen Macanashnee (phon) and sister, friend, to Fallon.

**MR. KEN BODEN:** I'm Ken Boden. I was best friends with Fallon's dad.

**MS. DEBBIE BODEN:** I'm Debbie Boden, best friend to Fallon's mom.

**MS. MICHELLE:** Michelle Mazukevich (phon).

**MS. BREANNE MARTEN:** Breanne Marten, lifelong friend of Fallon.

**MS. THELMA MORRISSEAU:** Thelma, supporting the family.

**MS. CHRISTA BIG CANOE:** Thank you. So, actually what we're going to do is we're just going to
Hearing - Public
Fallon Farinacci & Ken Boden,
(Sherry & Maurice Paul)

start with Fallon actually answering some questions. And, we're not going to start with the death. We're going to start with the strengths and contributions, and her fond memories of her parents growing up. And so, I'm going to just ask you to share some of those thoughts.

MS. FALLON FARINACCI: Okay. I don't know where to start.

So, my parents passed away when I was nine. And -- sorry, I don't know where to start. They were both really involved in the community that I grew up in, which is St. Eustache, Manitoba. And, I had lots of fond memories. I'm actually here still, and have such a bond with my friends and my family because of the upbringing that I had attached to my community and to everyone.

I think had I moved away when I was nine, and not had my parents support me the way they had, I wouldn't be here today. I wouldn't know anything about my past or my family. And, because of my friends, and my family, and the Bodens, I know a lot more about my past, because of such a strong relationship.

So, my -- both of my parents were involved in the community in St. Eustache. I have a strong religious belief and background because of them as well. And so, these are all things that are really important to me, because now I can pass those one to my children, and
they can continue to know who their grandparents were.

A lot of times your family history is lost if you don't have that continued support, and I think it just speaks volumes as to what my parents instilled in me before they passed away.

So, I have -- I was really lucky. They always brought me here to Winnipeg. I danced at The Forks, at the Royal Dance Conservatory there, so that's something that I hold dear to my heart. And now, my daughter, I made her a little dancer as well. She's not here today. So, yeah. I don't -- I have -- I don't know.

**MS. CHRISTA BIG CANOE:** That's okay. Can you tell me a little bit more about your parents? When you say they were active in the community, what do you mean exactly?

**MS. FALLON FARINACCI:** So, they were both in the community club. They were both members of it alongside Ken and Debbie. And then my father was also the president for our local Métis federation. It was the MMF in St. Eustache, South Western. And so, yeah, they were. Again, I attended church with my father and my mother there as well. We were always doing community things. A great memory I have is a scavenger hunt that we did for the community. And, again, that was with my parents as well, so...
MS. CHRISTA BIG CANOE: Excellent. And, what did your mom and dad do? Where did they work?

MS. CHRISTA BIG CANOE: So, my father worked at Standard Arrow here in Winnipeg. And then my mother actually worked at Misericordia Hospital, here in Winnipeg as well.

MS. CHRISTA BIG CANOE: Okay. And so, before we actually talk about what happened with Mr. Ducharme...

MS. FALLON FARINACCI: Mm-hmm.

MS. CHRISTA BIG CANOE: ...can you tell me once your parents passed -- because you keep referring to your lovely support people -- what happened when you lost your parents? Where did you go? What were the next steps?

MS. FALLON FARINACCI: So, the night that my parents were killed, my mother was allowed to write a will. So, he, Andre, allowed her to write a will, so she did. And, it stated that we would go to my aunt's in Ontario. So, we had to leave. We left within a month's time from the place, the only place we knew.

MS. CHRISTA BIG CANOE: Can you tell me just a bit about your house and your home, too?

MS. FALLON FARINACCI: In St. Eustache?

MS. CHRISTA BIG CANOE: Yes, please.

MS. FALLON FARINACCI: Yeah. Absolutely.
We were actually almost neighbouring, again, to the Bodens. We had our full garden there that I remember always planting and playing in. We had a fairly large yard as well. It was a three-bedroom home. And then -- it was a normal upbringing. I had a great -- I have only fond memories of where I lived.

MS. CHRISTA BIG CANOE: And so, let's talk about Andre Ducharme.

MS. FALLON FARINACCI: Mm-hmm.

MS. CHRISTA BIG CANOE: So, how did your family know Andre Ducharme?

MS. FALLON FARINACCI: So, Andre actually went to school and grew up with my dad. He was also known as the town bully, is what the media kind of gave him his name after he passed away that day. He -- so, my dad knew him. My dad -- I remember having Andre at our house before this happened with our priest, actually. And then, I would later find out someone would tell me, I don't know who, that it was my dad trying to get him help.

He was -- he drank, he did drugs. He was not a contributing member to the society, whatsoever.

MS. CHRISTA BIG CANOE: And so, what happened with Andre and your mother?

MS. FALLON FARINACCI: So, in November of 1992, it was Andre's birthday, and it was also one of my
mother's co-worker’s. And, there was a really bad snow storm that day. I was sick. We were going to Winnipeg for Andre -- my mother's co-worker's birthday. And, we turned around and we went home.

Andre Ducharme found out that my mother was not going to be celebrating his birthday with her -- with him, sorry. And so, he threatened her. He said, “You will not see to see your next birthday,” because she did not celebrate it with him. He, up to that point, was just starting to get -- become more and more obsessed with her.

MS. CHRISTA BIG CANOE: And, when we say obsessed, like, was he making advances at her, or making comments?

MS. FALLON FARINACCI: I don't know everything. I know that he did come to our community centre searching for her at one point as well. So, I think it just started to get a little more and more out of hand. And then after he threatened her, then my parents got a restraining order against him.

MS. CHRISTA BIG CANOE: And, before making this threat, when he threatened your mother by saying that she won't see her next birthday, she took it serious enough to get an order. Was there anything else that happened?

MS. FALLON FARINACCI: Yes. So, one time when he came to the community centre, it was family Bingo
night, and he actually came there with a shotgun looking for my parents at the open community centre. He had it concealed. But, I remember being left behind. I don't know if I was left with the Bodens or other family members. And, my mom, they took her out. My dad, they both left. And, they brought her across the field to my aunt's house.

**MS. CHRISTA BIG CANOE:** Now, during the same time frame there was another woman. Her name was Terri-Lyn Babb.

**MS. FALLON FARINACCI:** Mm-hmm.

**MS. CHRISTA BIG CANOE:** Can you tell me what you know about that story?

**MS. FALLON FARINACCI:** Yes. So, as I said, my mom worked at Misericordia Hospital. And, Terri-Lyn Babbcott -- or Babb.

**MS. CHRISTA BIG CANOE:** Babb.

**MS. FALLON FARINACCI:** She was standing outside at a bus stop. And, she was shot by her stalker, and killed. And, my mother's first instinct was to go outside to check the colour of her hair, because she thought it was Andre who had accidentally killed this other woman, looking for her, knowing that she worked at the hospital. It wasn't obviously meant for her. It was Terri-Lyn's stalker that killed her, so...

**MS. CHRISTA BIG CANOE:** And, take your time,
and only share what you're comfortable sharing. But, can you please tell the Commissioner about the night that you lost your parents?

MS. FALLON FARINACCI: Yes. Absolutely.

The whole story?

MS. CHRISTA BIG CANOE: Whatever you're comfortable with.

MS. FALLON FARINACCI: So, I woke up at -- I believe it was 12. And, I was woken up by noise in my house. I didn't know what was going on, so I got up. And, I -- my parents' bedroom was just outside of my room.

I pushed the door open, and I just saw, like, people scrambling, kind of. And so, it was my mother and Andre. And, they were fighting, and my little brother was standing in the hallway. He was five at the time, and he was just crying.

And so, leading up to that night, my dad was a volunteer firefighter in our community as well. And, he had told me, and both of my parents told me without scaring me -- I never knew anything about Andre stalking my mother before that night. They just told me if anything ever happens, you know, you're to call the police, and make sure you tell them that you are Sherry and Maurice Paul's daughter, because they'll know us.

And so, at the time in our community there
was no 911. You had to call a seven-digit number for help. And so, I went to call. And then I saw Andre running at me, and so I ran downstairs and I hid.

I hid behind my older brother's bedroom door, and that's when I kind of realized, where is he? He should be in the house. He was seventeen at the time, my brother, Carson. And so, I stood behind the door wondering what was going on. No idea.

And then they came downstairs. So, Andre brought my mother downstairs and my younger brother. And then he started to yell and scream, and wanted my mother to look for my older brother because he should have been there.

He was tied up. So, when Andre actually entered the house, he came in and put a shotgun to my brother's stomach, and told him if he yelled, he would kill him. And so, my brother didn't. And, he brought him to the basement and tied him up. And said -- tortured him verbally for I think it was an hour he was in the house before he went upstairs.

And so, we were looking for my brother. Andre made me, my younger brother and my mom look for him. And then he said that they had to go upstairs and talk, my mother and Andre. And, my mother did not want to go upstairs. She said, no. And, at that point, he said if
you don't go upstairs with me, you're going to have to choose which one of your children I kill. So, she obviously went upstairs. My younger brother and I had to stay downstairs.

And, I tried to call for help, but the phone was ripped out of the wall. He had done that earlier, so I didn't. And, we stayed down there. We actually fell asleep on my younger brother's -- or my older brother's bed, until 4:30.

And then I heard my mom screaming. So, I don't know what was happening in the time that we had fallen asleep. That was -- at the time, I know my mom was allowed to write her will, where we would go.

At 12:00 a.m., the first 911 call went in. So, before -- not from me, someone else.

My older brother had escaped. And, he ran to the Bodens' house, and that's where they had called 911. The first call had went in.

So now, at 4:30, I come upstairs, and I heard Andre say -- or my mother say, "Why do you have to shoot me? You already shot me in the eye." Which was not what had happened, but I don't know. This is something I had heard, and I have always -- this is my statement, and I can still remember it.

They were in my bedroom at that time. So, I
went into my parents' room, and I was calling again for help on the phone.

And then, I realized that my dad was actually in the bed beside me, and I thought he was sleeping. And then it was my younger brother that had come around the bed, and lifted the sheet to see that he had been shot and killed.

And then I stayed on the phone. I was trying to call for help, asking for ambulances to come and for police to come. I called several times. I don't know exactly how many calls went in.

My mother was in my bedroom, and then she tried to leave the room, and Andre shot her. And, it hit her in her shoulder, but because it was a shotgun it spiralled and severed her spine, and she was killed instantly. And so, she laid half in my room and in the hallway.

And so, I believe she -- I can't remember what time she passed away at. He stayed in my room. I never saw him again. We continued to call for help. No one came. My younger brother and I sat in the house from the time that my mother was lying there until 8:30 a.m. when help finally came in.

Andre stayed in my bedroom, and then he turned the gun on himself and killed himself after he had
shot and killed my mother.

    The first phone call, as I said, went in at 12:00. The police officer who received the call went back to bed, and didn't respond until 3:00 a.m. So, we waited for help. And, at 8:30, help came in. And that was only because -- I found out, because my grandfather decided to go in himself. And then only then did the SWAT team, and the police, and the paramedics come in and take us out of the house.

    MS. CHRISTA BIG CANOE: Thank you. I know it's not easy. After this -- and you were quite young, so you may not recall exactly. But, after this all happened, a couple things happened in Manitoba. One of them was actually an inquest into your parents' death, I understand. Can you tell me what you know about it?

    MS. FALLON FARINACCI: So, there was an inquest. A lot of my family from Ontario came, and elsewhere. And, they came here to support my family here, and also for my parents. Because of the 911 calls going in they believed that my mother could have been saved. My father couldn't have, they don't think, because he was shot and killed instantly.

    But, we were in the home -- my mother was in the home. When I woke up, my father had already passed away, so he had already been killed. And, we were in the
half for eight and a half hours. I believe that my mother passed away at 6:30 in the morning, so she was alive for six and a half hours.

The SWAT team was sitting outside. They had numerous times they could have shot and killed Andre. They did not. They never made an attempt at all. And, because of that, my mother -- my mother passed away. So, the inquiry was looking into, I believe, the response time, how long it took, why they didn't go in.

Also, Andre, we had a restraining order against him. What happened with that as well, and I -- my -- the -- and also for the response, the lack of response for the three hours that the police officer chose to go to sleep, and not send anyone out to our home.

I also know that the local police knew he was -- that my parents had a restraining order against him, and that he was known to the community for everything, so...

**MS. CHRISTA BIG CANOE:** Fallon, I'm just going to show you a document. This came out from the Law Reform Commission, and we've had an opportunity to talk about this in the past.

**MS. FALLON FARINACCI:** Yes.

**MS. CHRISTA BIG CANOE:** I didn't copy the whole thing, because it's 175 pages. But, when this report
came out, in the introduction it refers to your parents.

**MS. FALLON FARINACCI:** Yes.

**MS. CHRISTA BIG CANOE:** I'm just going to give a copy to the Commission.

**MS. FALLON FARINACCI:** Okay.

**MS. CHRISTA BIG CANOE:** At the introduction -- so, Fallon's family is actually referred to in the introduction of this report. And, for context sake, this report talks about stalking laws in the 1990's, and the lack of stalking laws.

**MS. FALLON FARINACCI:** "In 1993, Manitobans became acutely aware of the potential tragic consequences of stalking when three innocent persons lost their lives. The first case involved Terri-Lyn Babb who was murdered in Winnipeg on January 21st, 1993 by Ronald Bell, a former practical nurse. In 1990, Ms. Babb was a patient at the hospital where Mr. Bell worked. Mr. Bell became infatuated with her, and followed her over a period of several months, recorded her daily movements in his diary, and took pictures of her.

In March of 1991, Mrs. Babb made a police report about the harassment, and a summons was issued to Mr. Bell. The matter was remanded over and over until it was heard on May of 1992.

The interim, despite a peace-bond agreement
entered into by Mr. Bell in May 1991, the harassment continued. Mrs. Babb made additional complaints to the police that she feared for her safety, because Mr. Bell continued to follow her -- follow her and threaten her. Another summons was served on Mr. Bell, but he did not show up for his hearing.

When all matters were finally heard in May 1992, Mr. Bell agreed not to contact Mrs. Bell [sic] for 12 months.

In August 1992, Mr. Bell's application for a permit to carry a restricted weapon was approved. In November 1992, he registered a gun.

Three months later, Mr. Bell walked up behind Mrs. Babb and shot her in the head while she waited for her bus.

Mr. Bell eventually pled guilty to murder, and on May 30th, 1994 was sentenced to life imprisonment with no parole for 18 years." So, he's probably out right now.

"The second case involved the murder of Sherry," my mother, "and Maurice Paul, by Andre Ducharme at their farmhouse outside of Winnipeg in 1993. Shortly thereafter, Mr. Ducharme killed himself.

Maurice Paul and Andre Ducharme had grown up together. Mr. Ducharme became obsessed with Mrs. Paul.
And, when she rejected his advances, he warned, "You're not going to live to see your next birthday, and I'm not going to live to see my next birthday."

Mr. Ducharme was charged with uttering threats, contrary to Section 264.1 of the Criminal Code, and was released from custody on conditions that he not communicate to Mrs. Paul or come anywhere near her residence.

Ducharme continued to talk of killing Mrs. Paul with others.

When the news of Terri-Lyn Babb's murder was publicized, Mrs. Paul became extremely concerned over Mr. Ducharme's conduct, and immediately instructed that the uttering charges previously agreed to be dealt with on a non-judicial basis proceed in criminal courts.

Six days later, Mr. Ducharme killed Sherry Paul and her husband.

The Babb and Paul cases are the two most tragic publicized situations of stalking in Manitoba, but they are not isolated events. Stalking is a growing problem across Canada.

In 1995, 4,446 incidents of stalking were reported nationally. However, Statistics Canada is of the opinion that the number of stalking-related incidents is closer to 10,000. Approximately 40 people are charged with
harassment in Winnipeg alone each year.”

MS. CHRISTA BIG CANOE: And so, this document was actually written in 1995, if I'm correct. I apologize. I can check that. But, I believe this was written in the '90's after your parents' death. What we do know is following this push for law reform, there was a change in Manitoba law on stalking.

MS. FALLON FARINACCI: Yes.

MS. CHRISTA BIG CANOE: So, can you tell us a little bit about what you know about the change in law?

MS. FALLON FARINACCI: I just know that it became -- I don't know a whole lot about the stalking laws. I just know that they were changed only after these two incidents. So, it's really important that it had to go that far. I'm not familiar with all of the changes that happened with it.

MS. CHRISTA BIG CANOE: Yes. But, one of the things -- one of the things to be aware of, the statistics you just read that are from the '90's. And, I'm not asking you a statistical question. I don't expect you to know the answer to this. But, I do know that you have maybe an opinion on whether or not the stalking laws are still strong enough, and how do you feel about that?

MS. FALLON FARINACCI: Definitely not strong enough. I've actually just come to find out myself, in the
last couple of years, that Andre was actually -- to go back
to my parents with the stalking laws, was that Andre was
actually released that day that he killed by mother,
knowing that he was stalking her. And, he was released the
same day that he killed her.

   So, yeah, I don't think that there's still
enough done, especially for women being stalked. And, it
needs to be taken more seriously, definitely.

**MS. CHRISTA BIG CANOE:** Definitely. And, I
think it goes without saying, the deaths have had a huge
impact on your life, and you've spoken a little bit about
those. But, can you share with us what the loss with has
meant?

   You told us, you know, I lost my parents at
nine, and so then you didn't have parents, and you had
great supports. But, can you please tell the Commissioner
about the impacts of losing, you know, beloved parents that
were active in the community, and what that -- how that
changed your life?

**MS. FALLON FARINACCI:** So, when my parents
first passed away, I did not want to move. I didn't want
to move. I fought very hard with my family here locally,
as well as our friends, so that I didn't have to leave.

   So, I definitely -- I come back here because
I want that connection to my parents, because I don't have
it, so. And, had they not passed away, I think I know I would still be here. And, yeah, I miss out on everything. Like I have had my -- thankfully, I have the Bodens to have stand beside me, and I call them mom and dad.

And, my older brother, he passed away in 2004. He committed suicide. And so, I know if my parents were here -- you never know what someone is going through, and I don't want to blame it on that. But, I will lean on the fact that my parents weren't here that I then lost my older brother.

I have my younger brother, and I have a connection with him. It's just not as strong. We were actually separated when I moved to Ontario, and I lived with my grandmother. And, I'm so thankful for her. She took care of me and raised me. My younger brother had to live with my aunt who was the person that my mother had left us to. And, she was not a good person. So, I don't have a relationship with her.

Growing up, we -- I didn't have what I know I have here. I grew up with families, us getting together for Christmas, and having a full relationship with all of my dad's side. My grandmother did make a great attempt at having that connection with my family here, but again, in the '90s, you know, it wasn't so easy. I wasn't -- you didn't talk on the phone like you do now. So, I didn't
have that same connection that I know I could have had here.

And, something like this means so much to me, because I'm getting to learn more and more about what I missed out on, so...

**MS. CHRISTA BIG CANOE:** Yes. Thank you.

And, earlier you had said your dad was -- was it vice president of MMS?

**MS. FALLON FARINACCI:** He was the president.

**MS. CHRISTA BIG CANOE:** President. I'm sorry. I got that wrong. And, you had talked about the fact that within the community, you participated in a lot of events, particularly with your dad's side of the family. When you had to go to Ontario, did you stop being able to do a lot of cultural events?

**MS. FALLON FARINACCI:** Yeah. Absolutely. I don't know -- I don't know nearly -- I barely know anything about my culture at all. So, when I come home, I ask. And, thankfully, I have Ken to tell me, and I have a couple of my aunts to tell me as well. But, that's when I come here. So, that's where I get that connection.

I lost out on all of that my whole childhood because of that. I don't know nearly enough about who I am, and it shows. It definitely shows that lost part of me, where to go, what I'm supposed to do.
MS. CHRISTA BIG CANOE: In terms of any other impacts or thoughts you have, in terms of recommendations that you would make to the Commission about changes in laws or issues based on your lived experience, would you like to share some of those?

MS. FALLON FARINACCI: Absolutely. They have to change. They have to be more strict. The -- everything, like going back to that time in our community, why didn't help come right away? Was it -- they know -- they knew I lived in an Indigenous community. I lived in a very strong Métis community. They knew exactly what they were coming into.

They had a -- my parents had a restraining order against him, so why was that -- why wasn't it answered? Is there more reason behind it?

I found out as well, like, the police were saying everything was fine. They were going in for help; everything was okay. And, they never went in. They never went in. People from the community were trying to find out more answers, and they just evacuated everyone and made them wait. And so, why? Why was all that done? And, how come what has been put into place for change as well for them -- not for my parents, but for the community for that help.

And then for stalking laws as well, a woman
should not have that fear and should not live with that
fear. I could not imagine what my mother felt. I know, as
a mother, to have that feeling lingering, knowing your
children. It's just not right.

MS. CHRISTA BIG CANOE: In terms of you
explained to the Commissioner and shared in your story that
you had to go away, was there any type of counselling? Was
there any opportunity to bereave -- to grieve for parents
and for your family?

MS. FALLON FARINACCI: So, the day that my
parents passed away, I remember being -- they told us at
the hospital, and then we had someone come in to talk to
us. I don't remember us actually talking. We were still
grieving. It almost happened immediately they wanted us to
share our emotions with counsellors, which was fine. But,
I don't recall any help after that.

And, I don't think that -- sorry. So then,
when I moved to Manitoba, or Ontario, we did have child
play counselling, where they would have us come and play
rather than it be sit down and speak with them. And, I was
nine. I knew what they were doing. I didn't open up. I
just kept it to myself.

I've always been open with my story. I've
always shared it. And, I think because of that it has
helped me a lot. However, my brother had night -- my
younger brother had terrible night terrors, and so that's why we went for that counselling.

And then I grew up, and there's no more help. And, if I want help, I have to pay for it. If I want to talk to someone, I have to pay for it, which is fine. I want that help, and I'm willing to pay for it. However, I think it needs to be continued.

I know it has to be continued, because there's so many blocks I have in life, and I've never blamed anything on my past. It's sort of made me stronger. However, to have that support, to continue to have that support as an adult is extremely important.

And, again, I can't say anything why my brother committed suicide. However, if he had help who knows how it would have went. So, that is 100 percent. If I could do anything to make a change, I would say you have to continue to support the children who are going through this into adulthood, because it lives with you a lifetime. It does not stop.

**MS. CHRISTA BIG CANOE:** And, you've touched on the fact that you're a mother. And, how many children do you have?

**MS. FALLON FARINACCI:** Three.

**MS. CHRISTA BIG CANOE:** And, do you mind sharing their names?
MS. FALLON FARINACCI: Yes. So, Carmine, my son; he will be 12 tomorrow. And then I also have a daughter. Her name is Ever, and she will -- she just turned eight. And then, I have a son, Vetter. And, he's right over there. And, he is seven weeks today. Yes.

MS. CHRISTA BIG CANOE: So, in terms of like some of the -- when you think of your children, do you ever have similar fears? Are you hyper-vigilant? What from your life experience has impacted the parenting you're doing now?

MS. FALLON FARINACCI: So, I make sure -- there's a lot of things. I make sure my children know as much as I know about my heritage. I want them to learn more, because I bring them here specifically so that they have that connection.

I think on the airplane when I'm coming here, if I were to pass away, would they ever come here? They don't have the -- they don't have that connection. They have this family, but I need them to know more about their past, their history. That's so important to me. My dad was a very, very, very proud Métis. So, it's important that they know who I am. So, I always talk about it, but again, they only go so far for what I know.

And then, obviously, I have those fears; the fear of me passing away, the fear of one of my children
passing away. I live with it all the time. It's unfortunate that I live with that anxiety and fear around death.

MS. CHRISTA BIG CANOE: I want to share something with you.

MS. FALLON FARINACCI: Yes.

MS. CHRISTA BIG CANOE: And, if I may hand one to the Chief Commissioner as well. And, I'm just going to hold it up just for a minute ---

MS. FALLON FARINACCI: Sure.

MS. CHRISTA BIG CANOE: --- so the camera can -- it's going to be hard to see. But, can you tell me who is in this picture?

MS. FALLON FARINACCI: My mother and my father, Sherry and Maurice Paul.

MS. CHRISTA BIG CANOE: And, can you tell me this -- this was a memorial that was 20 years after the fact. Do you want to read that in?

MS. FALLON FARINACCI: "In loving memory of Sherry and Maurice who were taken away from us 20 years ago. We think of you often. We laugh and we cry. Our memories of you, we'll have till we die. Sadly missed by mom, my grandmother, Fallon, Luke, Carmine, Ever, Clinton, Lilly, George, Terry and Kyle." That's all my mom's family.
MS. CHRISTA BIG CANOE: And, the need for your family to memorialize them 20 years later to remember the day.

MS. FALLON FARINACCI: Yes.

MS. CHRISTA BIG CANOE: Can you tell us a little bit about that?

MS. FALLON FARINACCI: It was always important for us to remember them, and to continue to have them in our memories. And, to make sure that other people do as well, because if we don't continue, then their memories and what they went through disappears. And, it shouldn't be forgotten.

MS. CHRISTA BIG CANOE: And so, if there was a way or recommendations for families that have lost loved ones through violence like this, what would they be? What are ways the Commission can honour and memorialize your family?

MS. FALLON FARINACCI: Make the changes. That's the best I can say. No memorial. That's not going to do anything. Make the changes that need to be done. It has to stop; otherwise, it's just going to continue.

I'm happy. I'm proud of who I've grown up to be. But, I know I can be a total wreck, and a totally different story, because unfortunately, sometimes people do not have the strength to continue on. And so, changes have
to be made if we don't want it to continue. It can be a cycle, and it shouldn't be.

**MS. CHRISTA BIG CANOE:** And so, with your permission, we'd actually like to invite who Fallon calls mom and dad to maybe make a couple comments as well, please? And, feel free to share whatever it is you'd like to share.

**MR. KEN BODEN:** First, I'll make a little comment there. Fallon, it wasn't a shotgun; it was a 22 he had stolen from his uncle. And, it was broken in half, so that's why it was easy to hide.

Anyway, Maurice was a -- a good friend of mine. He worked for me. I have my own construction. He worked for me off and on, and we were hunting partners. So, when we'd go out, we went out for two, three days of hunting, and we'd really enjoy going out together.

So, Maurice was very scared of Andre. Two, three days before, we went for supper there, me and my family. And, he told me if anything happens to my kids, he says, you take care of them. So, I did as much as I could, because she was gone to Ontario for a while.

So, I really miss his family, because I knew all -- his grandfather and the whole family; I know them all. I was raised with them.

That's all the comment I got to say, except
that the RCMP were very shitty and lazy. They stopped -- I stopped them on the road, and they told me they had everything under control; that they had her on the phone, that they were talking at ease. Oh, everything's good, he says.

I says, “Well, why don't you go there and get them out of there?” And then they were standing outside, the big SWAT team, and not doing nothing until 7:30, 8:00 in the morning. If it hadn't been for her grandfather, they'd still be waiting there. That's all I have to say.

**MS. CHRISTA BIG CANOE:** Did anybody else want to share anything? No? Okay. And so, this is where I ask you too, is there anything else? Have we missed anything? Have we overlooked anything that you want to share with the Commission?

**MS. FALLON FARINACCI:** No, I think that's everything. I know because of this, with my parents and then coming here, it's just something about this pulled me here. And, I think it's because I'm still -- I want to learn more and know more.

And, it's unfortunate this is what had to be done for me to feel more of a connection. I just -- I hope that by me coming and speaking, that a change can be done, and that's all that I can hope for.
And then, at the end of it, them passing will have a meaning. And, that's what I want, the bigger picture. Coming today, and being able to talk, and them passing away, it won't be for -- for terrible, evil reasons, and that it will actually be for some good and continue to help other people. Because, it can't get them back, so I have to do my best to hope that this will do some changes.

**MS. CHRISTA BIG CANOE:** Commissioner Buller, do you have any questions you would like to ask, or comments?

**CHIEF COMMISSIONER MARION BULLER:** Well, first of all, thank you all very much. I'm honoured that you were able to share the story of your parents and your good friends. Congratulations on your baby.

**MS. FALLON FARINACCI:** Thank you.

**CHIEF COMMISSIONER MARION BULLER:** New life, and that's important to remember.

**MS. FALLON FARINACCI:** Yes.

**CHIEF COMMISSIONER MARION BULLER:** I congratulate you. You have taken tragedy and turned it into happiness and to a whole new generation of love. And, in that way, your parents live on.

**MS. FALLON FARINACCI:** Yes.

**CHIEF COMMISSIONER MARION BULLER:** So, thank
you.

**MS. FALLON FARINACCI:** Thank you.

**CHIEF COMMISSIONER MARION BULLER:** Thank you very much. Thank you all.

We consider that when you tell your story -- share your story, that you're giving us a sacred gift. And, that's how we treat it. That's how we consider what you've told us and shared with us today. So, we have some gifts to give to you.

And, I'm going to ask the Elders to help me here. First of all, the matriarchs in Haida Gwaii heard about families coming and testifying. And, they wanted to send strength and support to you. And, to do that, they directed that eagle feathers be collected and brought to families who had the strength to come forward to give you more strength, and to encourage you, and to help you in your healing.

So, in honour of the clan grandmothers from Haida Gwaii, I have some feathers for you, beautiful eagle feather that were harvested specially for families.

Also, from the staff and the Commissioners and our Elders, we have seeds to give you as a gift, seeds that we hope you plant. We hope something grows, and you'll send us pictures of what grows, because seeds are new life and new beginnings.
And, Fallon, you've just done an amazing job of a new beginning, and so, my hands up to you. If I could put this down, I would. So, thank you, Fallon. Thank you very much.

And, I want to add my special thanks to the people in support behind. I don't want to leave them out. Thank you both. Thank you all very much.

--- Exhibits (code: P1P03P0301)


**Exhibit 2:** One-page copy of *In Memoriam* for Sherry and Maurice Paul (Bingley) published in Saint Catherine's *The Standard*, undated, with words "Re: Farinacci" handwritten on top of page.

**COMMISSIONER MICHELE AUDETTE:**

Commissioner, may I ask for an adjournment? I believe that lunch will be served at 12:30 here, and it’s available for all public, as well as lunch in the family room. For any of the families there’s lunch. And, I just have one housekeeping announcement. For any parties with standing in the room, we do now have packages available that we can
distribute that will be at registration desk. Thank you.

--- Upon recessing at 12:15

--- Upon resuming at 13:41

MS. DEBBIE REID: Welcome back, everyone. I hope you had enough to eat. If not, there's still some food, I believe, upstairs on the T floor, which apparently is not for 13, but for Terrace.

Yesterday, there was a panel discussion that was held. And, the Commissioners felt that there were so many families that wanted to come and speak to the Commissioners, and we had three Commissioners today, that the time that the Commissioners had available here be actually spent in hearings with the families.

So, I know there was an expectation that there would be a Community Engagement Panel here. But, the Commissioners decided yesterday afternoon that they felt it was important that they actually be with families, and so they're all in hearings right now.

So, what can I do to entertain you until 3:30? I was told I could dance, but I can't.

We have a video that a group of youth did in Smithers. So, this video, first, can be graphic. So, just as a warning. There are health supports around the room, but it was a very moving video that was done by youth in Smithers. And, Commissioner Audette had made a commitment
that wherever we go, that they felt that participants and
people that were in the crowds would see this video.

So, we're going to show that video now.

After that, we're going to reconvene at 3:30. So, I
apologize for the confusion. This was done at the very
last minute last night. And so, we're going to reorganize
ourselves, and come back to a public hearing here at 3:30
this afternoon.

So, the great guys who are helping with the
AV are going to get that video up. And, please, again, if
you're having any trouble, purple shirts can be there to
give you a hand. Thanks.

--- Upon recessing at 13:43
--- Upon resuming at 14:02

**MS. DEBBIE REID:** So, I was asked to make a
couple of announcements. There is a shuttle bus that is
running every 20 minutes to go to the Oodena Circle and the
sacred fire that is there. So, if you wish to go and spend
some time outside -- it's gorgeous out there. There's no
sun in here -- you can go. The shuttle will take you, and
then the shuttle will come back. So, it's doing just a
circle now to the Forks.

There is, of course, dinner tonight at 6:00.

And then, back in this room tonight, there's going to be a
jingle dance for healing that is being done for the
families, for survivors, for others. So, everyone is welcome. It's a public place, and it will be set up. And, we'll have jingle dancers here.

So, again, we are going to start at 3:30, an hour and a half from now. So, you can -- if you want to go to the shuttle -- you can stay here; it's fine. But, just to let you know that we've still got a bit of time before we restart. Okay. Thank you.

--- Upon recessing at 14:05 p.m.
--- Upon resuming at 3:45 p.m.

Hearing # 3

Witness: Bernadette Sumner

In relation to Amanda Cook

Heard by Chief Commissioner Marion Buller

Commission Counsel: Breen Ouellette

Registrar: Bryan Zandberg

MR. BREEN OUELLETTE: Thank you, Chief Commissioner. For the record, my name is Breen Ouellette, and I am a lawyer with the National Inquiry. It is my honour to introduce Bernadette Sumner who has travelled here from Waywayseecappo First Nation.

Bernadette, I want to offer this tobacco tied to you in support of your testimony today.

MS. BERNADETTE SUMNER: Thank you.

MR. BREEN OUELLETTE: And, Bernadette has

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brought family members in support. Would you like to
introduce your family members for everyone?

MS. BERNADETTE SUMNER: This is my husband, Ernie. We've been married 31 years. This is my sister, Charlene.

MR. BREEN OUELLETTE: And so, Bernadette, would you start by telling us the name of the person you have come to speak about today?

MS. BERNADETTE SUMNER: My sister, Amanda Jane Cook.

MR. BREEN OUELLETTE: And, are you here because Amanda is missing, or because she was murdered?

MS. BERNADETTE SUMNER: She was murdered.

MR. BREEN OUELLETTE: Was she missing for a time before she was murdered?

MS. BERNADETTE SUMNER: She was missing for four days.

MR. BREEN OUELLETTE: When did she go missing?

MS. BERNADETTE SUMNER: July 13th, 1996.

MR. BREEN OUELLETTE: And, were you living with Amanda at the time she went married?

MS. BERNADETTE SUMNER: No. I was married and had five kids of my own, and I was living with my husband.
MR. BREEN OUELLETTE: In a different city?

MS. BERNADETTE SUMNER: Yeah, in Winnipeg.

MR. BREEN OUELLETTE: And, where was Amanda living at the time?

MS. BERNADETTE SUMNER: Amanda was living with my parents, Mary and John on Waywayseecappo First Nation.

MR. BREEN OUELLETTE: And, how old was Amanda at the time?

MS. BERNADETTE SUMNER: Fourteen.

MR. BREEN OUELLETTE: And, how did she go missing?

MS. BERNADETTE SUMNER: She went to a fair with my dad and my two brothers on July 13th, 1996. It was a Rossburn Fair that was going on at the time, so some happy occasion. My dad -- it was evening, around six o'clock. And, it was time to go home for supper. And, my dad and brothers were at the vehicle. Amanda wasn't around, and my dad thought, well, I'll come back for her. So, they went home, and he couldn't come back for her.

MR. BREEN OUELLETTE: So, your father did look for her at the fairground?

MS. BERNADETTE SUMNER: Yeah. My mom and my dad and brothers, they went back that evening before nightfall, I guess. It must have been around 10 maybe.
They went back to look for her. She wasn't at the fairgrounds by then. That was the last time anybody saw her alive.

**MR. BREEN OUELLETTE:** When they didn't find her, did they try to report her missing to the RCMP?

**MS. BERNADETTE SUMNER:** The RCMP told my mom and dad they'd have to wait 24 hours before they would search for a 14-year-old girl.

**MR. BREEN OUELLETTE:** When did you learn that Amanda had gone missing?

**MS. BERNADETTE SUMNER:** My mom and dad phoned me that evening on July 13th. My mom explained what had happened at the fair. Around six, my dad went home without her, tried to look for her later that evening. And, she had called me around 10 o'clock that evening and said Amanda hadn't come home, and they were going to start looking for her. And, I told her well, I'll come in the morning.

**MR. BREEN OUELLETTE:** When did you get to your parents' house?

**MS. BERNADETTE SUMNER:** On July 14th in the morning. It was eight o'clock. We drove the four hours with our children. We had five at the time. And arrived that morning at eight o'clock at Waywayseecappo at my parents' house.
MR. BREEN OUELLETTE: So, you left at 4:00 a.m. to make it there?

MS. BERNADETTE SUMNER: That's correct.

MR. BREEN OUELLETTE: And, was that because you were concerned that you left so early?

MS. BERNADETTE SUMNER: Yeah. My mom -- my mom was so worried. She said it's not like her. It's not like her not to come home. She's only 14. She is our baby. So, I knew. I knew I had to go home and be with my parents.

MR. BREEN OUELLETTE: Were your parents home when you arrived at their house?

MS. BERNADETTE SUMNER: No, they weren't home. They were out looking for her trying to find out where she -- where she had been, where she could have gone, who had seen her last. I remember going -- going to my parents' house that day. And, when I walked in that house, I looked out the big picture window, and I felt that her spirit was gone. The house was cold; it seemed void of her happiness and her joy already.

MR. BREEN OUELLETTE: And so, when did you see your parents?

MS. BERNADETTE SUMNER: They came home later, about an hour or two later. Yeah, about an hour or two later they came home. And, they had just come from
talking to the RCMP, and that's when they told them, "We can't help you search, we can't help you look for her. It's got to be 24 hours." I don't know who sets that in motion. The 24 hours is too long for a 14-year-old girl.

MR. BREEN OUELLETTE: What else did your parents tell you about what they had been doing?

MS. BERNADETTE SUMNER: They had been up all night driving from house to house, asking people on the reserve if they had seen her. Going to places where she thought she might be. Going to her friend's house to see if they could find her.

MR. BREEN OUELLETTE: When did your parents finally get to report Amanda missing?

MS. BERNADETTE SUMNER: The evening of July 14th. It had to be exactly 24 hours before the RCMP did anything for her -- for them.

MR. BREEN OUELLETTE: Do you remember the name of the constable that required them to make the 24 hours?

MS. BERNADETTE SUMNER: The Waywayseecappo constable was Sonny Richards at the time.

MR. BREEN OUELLETTE: So, once the report was accepted, how did the police respond?

MS. BERNADETTE SUMNER: I think they organized a search. They started searching the fairgrounds
to my parents' house, which has got to be six kilometers wide. I know they started that, that next evening, and they had to stop because it was dark. But, they started again the next morning on the 15th from where they had left off. I know they did two searches, actually.

MR. BREEN OUELLETTE: By two searches, do you mean that they searched the area, and then they went back and they searched it again?

MS. BERNADETTE SUMNER: That's right.

MR. BREEN OUELLETTE: Do you remember which RCMP detachment were involved in the search?

MS. BERNADETTE SUMNER: Waywayseecappo had a detachment. Rossburn had a detachment. Russell was called in, and Dauphin RCMP.

MR. BREEN OUELLETTE: And, was anybody else involved in the search?

MS. BERNADETTE SUMNER: After some time I don't remember, but Major Crimes was brought in from Winnipeg RCMP D Division.

MR. BREEN OUELLETTE: Do you recall if there were any volunteers that assisted in the search?

MS. BERNADETTE SUMNER: Yeah, there was. There were community members from Rossburn, from Wayway, probably from out of town. They were untrained volunteers, but it was people who cared, who joined in the search for
my sister.

MR. BREEN OUELLETTE: Did your family also search with the RCMP?

MS. BERNADETTE SUMNER: No. No, we weren't allowed. We were told to stay away. We were told to stay home in case something had happened, or in case she came home.

MR. BREEN OUELLETTE: And, how long did this search go for?

MS. BERNADETTE SUMNER: For four days, before they found her body.

MR. BREEN OUELLETTE: And so, that would mean she was found on July 17th, 1996?

MS. BERNADETTE SUMNER: That's right. The morning of July 17th, her body was found four days later, face down, dirt up her nose. Her red hoodie that she wore was tied tightly around her face, where you could only see the centre part of her face. That's all she was wearing. RCMP called it partially clad.

MR. BREEN OUELLETTE: Where was she found?

MS. BERNADETTE SUMNER: In the bush near the Rossburn Fairgrounds. The area where she was found was a big area. The grass was beaten down. Dirt was piled unearthed, like disturbed I guess it would call it. Yeah.

MR. BREEN OUELLETTE: And, you had said
there had been two searches. They had gone back and searched again.

**MS. BERNADETTE SUMNER:** Yeah.

**MR. BREEN OUELLETTE:** Was that the second time that area had been searched?

**MS. BERNADETTE SUMNER:** Yeah, that was -- they didn't find her body until the second search. Her -- her body had either been moved or dumped. But, the searcher, the man who found her happened to look to the left, I think is what he said. And, there was grass that had been pushed down or patted down. And, if he didn't look close, he wouldn't have found her at the second time.

**MR. BREEN OUELLETTE:** Can you tell me what you remember was said to be notable about the area she was found?

**MS. BERNADETTE SUMNER:** Besides such a large area of struggle. There was an 80-pound rock that was placed on her head with blood on it. She died of blunt-force trauma, several times of being hit on her head, on the back of her head with that 80-pound rock.

**MR. BREEN OUELLETTE:** Do you remember what else was found in that area?

**MS. BERNADETTE SUMNER:** There were tire tracks. Where they had come from, had they been there, what the tire tracks meant, I don't know because we were
MR. BREEN OUELLETTE: Do you recall if any objects were found near Amanda's body?

MS. BERNADETTE SUMNER: There was a gold chain. A gold -- just a generic gold chain that was found near her body. It wasn't on her body, it was just near her body.

MR. BREEN OUELLETTE: What did the RCMP do with Amanda's body after it was discovered?

MS. BERNADETTE SUMNER: They moved it to the RCMP station in Rossburn where it could be identified by family.

MR. BREEN OUELLETTE: Do you remember who identified her?

MS. BERNADETTE SUMNER: My mother and my dad, and my husband.

MR. BREEN OUELLETTE: And, what happened to Amanda's body after it was identified?

MS. BERNADETTE SUMNER: It was taken away to Winnipeg to the coroner's office.

MR. BREEN OUELLETTE: Do you remember how long it was kept by the coroner?

MS. BERNADETTE SUMNER: A long time. Ten days, two weeks; something like that they kept her. They kept her body.
MR. BREEN OUELLETTE: Do you remember what the coroner's findings were?

MS. BERNADETTE SUMNER: That she had died of blunt force trauma, not once but lots of times. Amanda weighed maybe 80 pounds. The rock was 80 pounds that killed her.

MR. BREEN OUELLETTE: Did the coroner make any mention of the fact that she was found nearly naked?

MS. BERNADETTE SUMNER: Yeah. They called it partially clad. I'll never forget that term. It will always be tied to my sister.

MR. BREEN OUELLETTE: Did the coroner find that there was a sexual assault involved?

MS. BERNADETTE SUMNER: No. Even though they said she only had the shirt on, there was no evidence, there was no nothing to indicate that she was sexual assaulted. Why would someone leave that like that?

MR. BREEN OUELLETTE: So, after the coroner finished you -- your family received her body back, and you held a funeral?

MS. BERNADETTE SUMNER: Yeah, we heard the funeral in Waywayseecappo First Nation. Just the service was held there. We took her body back to Bowsman, Manitoba, where she was born and raised. That's where my parents wanted to lay her to rest.
MR. BREEN OUELLETTE: How long did it take to bring charges against someone in her murder?

MS. BERNADETTE SUMNER: A long time. I think it was like two years before they brought somebody forward.

MR. BREEN OUELLETTE: Before any charges were laid, what did you see out of the RCMP investigation?

MS. BERNADETTE SUMNER: They -- they were questioning our parents. I remember my mom and dad being under so much stress. They questioned my brothers who were at home. They took statements from them. They wanted to know where they had been.

MR. BREEN OUELLETTE: How did the questioning affect your family?

MS. BERNADETTE SUMNER: My parents took it very hard. My siblings drifted apart. There was a lot of alcoholism. There's a lot of blame. There's a lot of guilt.

MR. BREEN OUELLETTE: Can you tell me how your father felt?

MS. BERNADETTE SUMNER: My father felt so guilty for leaving her there. My dad died thinking that he was to blame. He died of lung cancer about six years ago now. I'm so sorry that he died thinking he was to blame. He didn't do anything. My mom didn't do anything. We
didn't do anything but love her. But, we carry this guilt. We carry so much burden around what happened to her.

We're not the justice system. How could we help her? How can we lay her to rest for her to have peace? How can we have peace as family members left behind?

**MR. BREEN OUELLETTE:** Do you know what led to charges being brought two years after Amanda's murder?

**MS. BERNADETTE SUMNER:** The gold chain that was left by her body. The RCMP brought that forward for the first trial. It was deemed inadmissible, or circumstantial, that was the word. They deemed it circumstantial evidence.

There was a second trial. That, too, fell through because of a confession letter that was sent to my parents. This confession letter never went through handwriting analysis.

There was even a third trial. At the third trial the RCMP employed something called Mr. Big. It's a tactic that RCMP use to try and get confession, get some kind of evidence out of who they think did this to my sister. It ended up in -- it ended up a botched case. It was in the newspaper, it was in the media as the RCMP botching the case -- bungled it. There were so many words used.
But, in the end, there was no justice for my sister after three trials. Imagine the pain and suffering that caused my mom and my dad to go there during all those years of trials, to have nothing -- nothing resolved.

MR. BREEN OUELLETTE: What was the name of the accused?

MS. BERNADETTE SUMNER: Clayton Mentuck.

MR. BREEN OUELLETTE: And, with the letter, this confession letter, what did you find strange about that letter?

MS. BERNADETTE SUMNER: Even I thought that the letter was not from Clayton Mentuck. Clayton Mentuck went to maybe grade six. The confession letter had words that I -- I wouldn't even have thought of.

There was -- I don't know. There was just question about if he had written that letter. Like I said, it never went through handwriting analysis. How they could take that to the court?

MR. BREEN OUELLETTE: And, on this Mr. Big operation, was Mentuck recorded making a confession?

MS. BERNADETTE SUMNER: Yes. In the second trial the -- no, not in the second trial, in the third trial. And, the recording of his confessions had been stopped. There were pauses in the recordings. The RCMP did that. The investigators did that. And, the judge held
MR. BREEN OUELLETTE: And, after that third trial, has anything else come from the investigation of Amanda's murder?

MS. BERNADETTE SUMNER: No. They said it was a cold case. It's closed. I got a call from Ottawa, the head office of the RCMP, maybe 10 years ago. I was living in Calgary. I don't know the name of the officer in the RCMP office in Ottawa who told me. He said it's a cold case. I explained to him my mom was getting older, my dad had passed. "You can decide to tell your mom that this case is still open. But, I'm telling you, it's cold, it's closed; it's going to sit on a shelf." I wish I knew his name. I just can't remember.

MR. BREEN OUELLETTE: Throughout this terrible tragedy that your family has had to endure, what kind of supports have you had?

MS. BERNADETTE SUMNER: Oh. My parents got $5,340 from somebody one time. Something about a -- from Victim Services or something. Why they gave them that cheque, I don't know. It didn't help any. There was no counselling. There was no visits from Victim Services. They might have talked to the RCMP five years -- five times in those 21 years that she's been gone.

MR. BREEN OUELLETTE: What were Amanda's

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gifts and strengths?

MS. BERNADETTE SUMNER: Amanda was a loving girl. She had such a big heart. She had unconditional love for anybody she was with. She loved my twins. I had twins. When she passed, my twins were four. She has such a love for people. She was so kind and generous. She was so innocent.

MR. BREEN OUELLETTE: What do you hope will be the outcome of your testimony today?

MS. BERNADETTE SUMNER: Well, it's not just one thing that I came here to do today. I didn't just come to talk about my sister. I didn't just come to seek justice for her. I came to empower other families. I came to acknowledge everyone else's pain and suffering who have to go through this. I came to ask for accountability in the justice system of this homeland, Canada.

My sister was a human being. She had human rights. Her human right to live was taken from her. I don't want -- I don't want this to happen to other families. I want them to have -- I want them to have justice. I want them to be -- I don't want them to go through 21 years of suffering, of not knowing who they can turn to, who that can help them, who can support them.

MR. BREEN OUELLETTE: Are you hoping with any outcome with respect to the RCMP?
MS. BERNADETTE SUMNER: Yeah. I want the
RCMP to know. I want them to know the kind of pain they're
putting people through. I want the RCMP to be held
accountable. I want them to investigate things. I want
them to do their job.

MR. BREEN OUELLETTE: Do you want an apology
from the RCMP?

MS. BERNADETTE SUMNER: Yes. My mom is
still alive. I want them to visit her. I want them to
tell her that this case is not closed, that it's not cold.
It's not cold in her heart. They've -- they've done so
many wrongs with this case. They need to acknowledge what
they did. They need to take responsibility and fix it.
This is their opportunity.

MR. BREEN OUELLETTE: Do you hope that there
will be better opportunity for grief counselling in the
future?

MS. BERNADETTE SUMNER: Yeah. Not only for
my family, but for the families of every murdered and
missing indigenous woman and girl. Make it more
accessible. I had to come four hours away. I only met
these ladies in the purple shirt today -- yesterday and
today. There needs to be more support, you know. Whether
that's just a few minutes of talking, whether that's a hug;
whether that's burning sage or sweet grass with them.
MR. BREEN OUELLETTE: And, throughout the process, the legal process, how did you feel? How did your family feel? Did you feel like you were represented during that process?

MS. BERNADETTE SUMNER: Represented by who?

MR. BREEN OUELLETTE: Were you represented by anybody during that process?

MS. BERNADETTE SUMNER: No. No, we weren't.

MR. BREEN OUELLETTE: We spoke earlier today. Do you remember what you said about lawyers?

MS. BERNADETTE SUMNER: Yeah. I wanted to know if families could have access to lawyers to help them fight in these courts through the justice system; support workers to help us guide us through, because we don't know what's happening. We don't know the justice system like professionals do. There needs to be support. There needs to be lawyers who can fight with us to bring people to justice.

MR. BREEN OUELLETTE: Bernadette, what would you ask Canadians to do after listening to your experience today?

MS. BERNADETTE SUMNER: To have compassion. My sister was a beautiful little girl. So innocent, as many other women and girls who have been gone missing, who have been murdered. To have compassion to try and
understand the guilt and the burden that us families have
to carry, whether it's two days or 21 years.

MR. BREEN OUELLETTE: I will now ask the
Chief Commissioner if she has any questions for Bernadette.

CHIEF COMMISSIONER MARION BULLER: No, I
don't have any questions, but I would like to say thank you
for coming and sharing your story. I'm overwhelmed by your
strength and your courage. And, I'm very grateful that you
came today. And, I thank your support people in the back
as well.

And, can I add, perhaps on a lighter note,
congratulations on 31 years of marriage. That's wonderful.

MS. BERNADETTE SUMNER: Thank you.

CHIEF COMMISSIONER MARION BULLER: That's
wonderful. So, thank you very, very much.

MR. BREEN OUELLETTE: Bernadette, is there
anything else you would like to say to the Chief
Commissioner today?

MS. BERNADETTE SUMNER: Yes. I have
something to read to you that I've been preparing, knowing
that I was coming here.

My name is Bernadette Sumner. I'm here
today to not only share my sister's experience, my family's
pain, but to empower others in their journey to justice.
To be courageous. To be strong. Acknowledge your pain and
suffering. This is also my healing journey. We, as families of missing and murdered women and girls.

My little sister's name was Amanda Jane Cook. She was a very loving and kind baby sister, daughter, niece, cousin, friend and aunt. My sister loved animals so much. She had a horse. Her name was Hope.

My baby sister loved music. She loved dancing. She loved wearing my heels and my makeup. She enjoyed love, life. She lived her life so joyously, every day. She was always smiling, looking for humour in her days.

Now that you know a little bit about who my sister was, let me now tell you of her death, of her murder, her dishonour, and of no justice of her human right to live.

I wrote this in 2000. The title is Killer Unknown.

It was a hot, July day. People bustling about at the hometown fair in Rossburn, Manitoba. It was to be a happy occasion. It was the last, wonderful fun-filled day for one person in particular. Seemingly, no one was aware of the tragic, violent and merciless way that was going to happen to my sister that day.

A 14-year-old native girl by the name of Amanda Jane Cook was murdered at the hands of an unknown,
merciless person. Her last seconds, minutes and hours were that of pain and confusion, hurt, and I imagine pleading for mercy at this person's hands. The police reports revealed she put up a horrendous and courageous fight for her right to live.

Her petite little body was found with little clothing four days later. Her autopsy report showed she died from repeated blows to her skull. Today, there's still no justice for this loving, gentle girl. The reason for this injustice, the newspaper and police say, is her body was not found for four rainy days. There was no evidence. There were no clues.

The rain washed and diluted any evidence that could have pointed the police in any direction. There were no clues, and no trail, no direction, except that of what's said in the wind.

Desperate to relieve the family, community and province of the unknown, the RCMP kept what's said in the wind, and built their case in the unknown. There was one person put on trial for this heinous crime. His name was in the wind at the time. It was just rumours.

The first trial charge of second degree murder ended up being stayed; the reason of significant blunder being left in the conscience and name of the RCMP investigators. The second trial had come about, but the
jurors were left undecided. There was a hung jury. Some believed in the words of oath that was said by countless witnesses. Yet, some had the seed of doubt planted by the lawyers of the accused. The last trial that was heard by judge alone had finally come after years of doubt and hearsay.

In the end, the judge found the accused not guilty. The authorities have told the family that they're sorry. They still remain convinced that this same person was indeed the one responsible. But, they couldn't prove it in the end.

Words that are said in vain. None of these reasons matter. None of the explanations ease the pain and sorrow of our family. A little more than four years, at the time, had passed. It's been 21 years. Yet, the merciless killer of my baby sister, a 14-year-old girl, goes on with his life; walking, talking, laughing, all the things a person does amongst us. Walking undetected, unsafe, unknown as the killer of another human being.

I call on this inquiry to help us find ways to resolve this. Thank you, Commissioner.

MR. BREEN OUELLETTE: Bernadette, I have a few more questions for you after reading that. You said earlier that there were tire tracks where your sister was found.
MS. BERNADETTE SUMNER: Yeah.

MR. BREEN OUELLETTE: Did the accused have access to a car?

MS. BERNADETTE SUMNER: How could he? He didn't even own a vehicle. Those tire tracks didn't come from him. He didn't own a vehicle.

MR. BREEN OUELLETTE: So, when the police say the case is closed, do you believe that in your heart?

MS. BERNADETTE SUMNER: No. It's not closed. Somebody out there killed my sister. I believe in my heart that we will find out who that was.

MR. BREEN OUELLETTE: Thank you. Chief Commissioner, those are all the questions I have.

CHIEF COMMISSIONER MARION BULLER: Thank you.

MS. BERNADETTE SUMNER: Thank you.

CHIEF COMMISSIONER MARION BULLER: We think of what you've told us about Amanda as a sacred gift that you've given us to look after. And, in recognition for that beautiful gift you gave us this afternoon about Amanda, we have some gifts for you. And, I'm going to ask the Elders to help me.

MS. BERNADETTE SUMNER: Okay.

CHIEF COMMISSIONER MARION BULLER: A couple of months ago, the matriarchs on Haida Gwaii heard that
families would be coming to testify, and wanted to be able
to help families to give them strength, to lift them up,
and to support them. So, they directed that eagle feathers
be harvested, and brought, and given to family members to
help you, to strengthen and support you. So, we have some
eagle feathers all the way from British Columbia for you.

MS. BERNADETTE SUMNER: Wow.

CHIEF COMMISSIONER MARION BULLER: And, we
ask that you plant the seeds. We hope something grows.

MS. BERNADETTE SUMNER: Mm-hmm.

CHIEF COMMISSIONER MARION BULLER: And,
would you please take pictures and send them to us?

MS. BERNADETTE SUMNER: Okay.

CHIEF COMMISSIONER MARION BULLER: And
there's an address inside there.

MS. BERNADETTE SUMNER: Okay.

CHIEF COMMISSIONER MARION BULLER: So, this
is in recognition of the sacred gift you gave us this
afternoon.

MS. BERNADETTE SUMNER: Okay.

CHIEF COMMISSIONER MARION BULLER: I thank
you very much.

MS. BERNADETTE SUMNER: Thank you.

CHIEF COMMISSIONER MARION BULLER: Anything

further?
MS. BERNADETTE SUMNER: I'm okay.

CHIEF COMMISSIONER MARION BULLER: Thank you all very much. And, thank you, people in the back. And, I think that's our hearing for today.

MS. DEBBIE REID: Since it is the end of the day, a couple of announcements, again, for those who may not have been here earlier. Dinner is served on the 16th floor, and it's served at 6:00. Not the 16th floor - 6:00 p.m. on the T floor, which is Terrace or 13, depends how you look at it.

And, back in this room at 6:30 -- I'm losing; it's a long day. Sorry. Back in this room, there will be a jingle dance for healing for the families and the survivors. So, please -- it's public; it's open to everyone. So, please, if you feel you want to come and join; come and join.

I'm going to ask the Elder, Velma, if she wants to come up and do the closing prayer.

ELDER VELMA ORVIS: (speaking in Native language). We say migwetch manidoo for this day. For all the sharing that was done by the families. And, we say migwetch for all the caring from the Commissioners, the health support, the grandmothers. Everybody that was here and involved, we give thanks for that. We give thanks for that knowledge of sharing and caring for each other;
respecting each other, to be kind to each other, love each other equally the way Creator would want us to; to be honest and truthful, and have the humility and courage to do that.

And, we ask for a safe night for everyone, especially for the families that have given so much from their hearts in the words they've spoken. Migwetch.

**MS. DEBBIE REID:** So, we are finished for today. We reconvene at 8:30 tomorrow morning, back in this room for another day of listening to truth telling. Thank you, everyone. Have a great night.

--- Upon adjourning at 16:37 p.m.
LEGAL DICTA-TYPIST’S CERTIFICATE

I, Shirley Chang, 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.

__________________________
Shirley Chang

Shirley Chang
January 18, 2018