

CONSECUTIVE DIALOGUE - EXERCISE 2

Q. Ms. Donovan, I want to take you back to last year in the summer, from the evening of August 28th to the early morning hours of August 29th, 2009. Can you tell the court where you were living at that time?

A. I was living at 647 First Avenue.

Q. Is that a house or an apartment?

A. It's an apartment.

Q. And which number did you live in?

A. One.

Q. Okay. And who else was living in the residence at that time with you?

A. My mother and my brother.

Q. Okay. Now do you remember what you were doing on the night of August 28th, 2009?

A. I had been at a friend's house close by. Stan Dole's house.

Q. And do you remember what time of night you went over there?

A. I'm not sure what time I went there - like probably nine or 10 or something.

Q. Okay. And how long were you at Stan Dole's?

A. Until I came home at shortly after three-thirty.

Q. Okay. Can you tell the court what you saw when you came home?

A. I walked up the ramp towards my door and noticed that it was left wide open and so I was a little bit nervous about that. Do you want me to keep explaining what happened?

Q. Please do. I'll go back and I'll ask you to clarify certain things, but if you can tell me what you saw.

A. I was fairly nervous, so I phoned my boyfriend at the time and he didn't answer, so I just left it on voicemail so that I could talk. And then I went in the apartment and I walked in cautiously and I saw a pair of shoes on the floor and two hoodies. Then I heard my mom yell, and then I went towards the door because I was scared. And then I was standing with the door open and I saw someone come around the corner. And then I saw my mom was distressed, so I

yelled at him to get out and stuff because he obviously wasn't supposed to be there. Then he left and I slammed the door.

Q. Okay. As you came up to the residence could you see any lights on?

A. Yeah, the kitchen light was on. My mom left it on probably for me when I came home.

Q. Are there any outside lights on the residence?

A. Yeah. But I'm not sure whether that light was on or not.

Q. Okay. You had mentioned that you saw someone come around the corner. Where would they be coming from in the apartment if they came around the corner?

A. All the bedrooms are on one side of the house and then around the corner is where the door would be; it's in like a U-shape.

Q. Okay. And how far away from you would he have been at that point?

A. A few strides.

Q. Okay. And where did he go from there?

A. Towards me and the front door.

Q. And where were you standing?

A. By the time he got close to me I was standing right by the door holding it.

Q. And what happened at that point?

A. He came up to me, really close to my face, and said something, I don't know what it was though, and then I was yelling at him to get out...and he left.

Q. So when he came close to your face how was he facing?

A. He was facing my face.

Q. Okay. How far apart would you have been?

A. A foot or less.

Q. You said he said something but you didn't understand. Do you know why you didn't understand?

A. I don't know if he was speaking Ojibway or another language but I don't understand Ojibway or any Native languages.

Q. Okay. From the time you see this person come around the corner to the time he walks out the door, any idea how long an opportunity you would have had to

see this person?

A. He hurried out, I guess. But he was right in my face for a couple of seconds; so I had a good chance to see his face.

Q. Okay. Did he ever stop?

A. Well he stopped to say whatever he said to me.

Q. Okay. And when he said those things was he face to face with you at that point?

A. Right, yes.

Q. Okay. Now as you're standing at the door and this person is walking past you, and you were face to face with him, what lighting is there?

A. The kitchen light would have reached it.

Q. Okay. Were there any other lights on that you can recall?

A. I can't remember.

Q. Okay. Did you recognize this person?

A. No.

Q. Okay. Were you able to give the police a description? Do you recall how you described him?

A. Yeah. I said he was about as tall as me, not slim, curly hair, Native, wide nose. At least I think that's what I said.

Q. Okay. Now Ms. Donovan, I understand that you had occasion to view some photographs after that incident. Is that correct?

A. Yes.

Q. Okay. And when you were looking at those photographs do you remember who was present in the room with you?

A. Just myself and the investigating officer, Shawn.

Q. Okay. And when they were showing you these photographs do you remember how they were arranged? Did you see them all together? Did you see some together? Did you see them sequentially one at a time?

A. One at a time.

Q. Okay. Now do you recall if any instructions were given to you before you looked at those photographs?

A. Yeah. They told me that the investigating officer couldn't know which picture I was looking at and that he had no idea who was in these pictures, how old they were; that I was to sign the back of every picture and number them and put the date and whether or not I recognized the person or not.

Q. Okay. And were you able to recognize anyone from those photographs?

A. Yes.

Q. Okay. And where did you recognize that person from?

A. From when I saw him in my apartment where he shouldn't have been.

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