

JIM GIRDLESTONE  
Examination  
Me Audet

number of the truck, not knowing if they had actually had it under surveillance or weren't sure. I was concerned about them being burnt, them being observed.

593 Q- Excuse me, who left in the truck, in the pickup truck? 5

A- Alain Olivier...

594 Q- Yes.

A- ... Derek Flanagan...

595 Q- Yes. 10

A- ... the female that got on the bus with me...

596 Q- Yes.

A- ... and there was a male driver.

597 Q- Okay.

A- Only Barry Bennett and I stayed at that phone booth. 15  
The truck disappeared, or it went out of my sight. At that point, just as the truck left, I noticed one of Amaresrit's men or vehicles right beside the truck, and I was concerned that the bad guys were concerned that they saw heat, they saw police. So 20  
there was a lot of things going on at one time.

I did make some kind of motion to the BMNU members that we're waiting, we haven't seen it yet, the waiting game is on. So while we're waiting and the clock is ticking and the adrenaline is flowing, 25

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Barry and I walk away from position number 4, towards position number 5, looking for the truck, looking for Derek Flanagan, looking for Mr. Olivier, just... we weren't sure what was going on.

I then see the truck circling, and the truck ends up in position number 7. That's a laneway behind some houses and some bushes. And I could see that from position number 5, position number 8, I walked a few feet.

598 Q- So you're able to see the pickup truck from position 5 and position 8? 10

A- I could see the lights of the pickup truck and parts of the pickup truck through bamboo bushes.

599 Q- Okay. So that wasn't a building there, it was...

A- It's grass, it's... 15

600 Q- Grass.

A- ... bamboo shoots.

601 Q- Okay.

A- I have pictures of them.

602 Q- What would be the distance between where you saw the truck and the roadway at number 6, say, between the truck and number 6? 20

A- From number 6 to number 7 is no more than ten meters (10 m).

603 Q- Ten meters (10 m)? And what's the distance between 25

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number 6 and number 10?

A- About seventy (70) to eighty meters (80 m).

604 Q- Seventy (70) to eighty meters (80 m). Okay.

A- Or would you like me to tell you in feet, My Lord?

605 Q- I presume it's two hundred and ten feet (210 ft),  
roughly... 5

A- I... I equate... I equate a meter to a yard or a  
large step. From playing golf, that's how I measure  
my distances off. But the distance from number 6 to  
number 10 was roughly seventy meters (70 m), two  
hundred feet (200 ft), roughly. 10

606 Q- Okay. Now, could you continue?

A- The truck was facing in a direction towards the  
Royal Orchid Hotel, and it was at that point that I  
heard Derek Flanagan's voice. I was kind of moving  
back and forth between position number 6, position  
number 8, position number 5. 15

607 Q- What's the distance between 6 and 5?

A- Ten meters (10 m).

608 Q- Ten meters (10 m)? Okay. So it's about equidistant  
from 6 to 7 as 6 to 5? 20

A- Yes.

609 Q- And that little structure is... what is that? It's  
a... 25

A- Number 5...

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610 Q- ... kiosk or something?

A- Number 5 is... I don't know if they have places where someone is killed, but it's similar to our country, where if someone is killed, they put a little cross on the side of the road. Right in the middle of this open parking lot there's a little...

5

611 Q- Shrine?

A- ... four-foot (4 ft) square shrine with some candles and some religious things on it. And it has a little, wee, like, temple. It's very small, it's only about four feet (4 ft) high. And that's what number 5 is.

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612 Q- Okay. So continue.

A- At that point the female from the ride in the tuk-tuk bus arrives at position number 5 and tells Barry Bennett to bring the money. I give Barry the bag and he motions me to stay where I am. And he walks with Alain now and the Thai female to the laneway and turn the corner.

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613 Q- When did Mr. Olivier join you?

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A- It was right about the same time as the female.

614 Q- So the female was walking from where?

A- I'm assuming she came from the truck, as did Alain, but I didn't see where they came from. We were looking around, things were happening and my

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position was at that little temple, and so...

615 Q- Alain and the woman just appeared at the shrine, you don't know where they came from?

A- I'm assuming they came from the area of the truck.

616 Q- Okay, but you didn't see them come from the truck, you're assuming that?

A- Yes.

617 Q- Okay. So they show up at the number 5, you didn't see where they came from, and then what happened?

A- Barry Bennett motions for me to stay back, which I did. But as he rounded the corner from position 6 to position 7, I moved up to position 8.

618 Q- Mr. Olivier was accompanying Mr. Bennett?

A- With the female.

619 Q- With the female. So there's three (3) of them walking towards that laneway?

A- Yes.

620 Q- And you saw the three (3) of them go around the corner?

A- Yes.

621 Q- And at that time you moved up to number 6?

A- Number 6, number 8... between number 8 and number 6.

622 Q- Okay. Then what happens?

A- There was people, there was motorcycles coming and going all the time down that street that is

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perpendicular to the Royal Orchid street. Where number 10 is, we'll call that a street.

623 Q- Okay.

A- There's numerous people coming and going, motorcycles, cars. So then I could observe the truck from position... between position 8 and number 6. I could see Derek Flanagan at the back of the truck, I could see Barry Bennett, I could see Alain Olivier, and I could see some other figures.

624 Q- Where was Barry Bennett?

A- At the back of the truck.

625 Q- He was at the back of the truck?

A- At the back of the truck.

626 Q- Behind the bumper...

A- Yes.

627 Q- ... the back of the truck?

A- Yes.

628 Q- And what was he doing there?

A- I don't know.

629 Q- Where was Alain Olivier?

A- Alain Olivier was beside Barry Bennett.

630 Q- In the back of the truck?

A- Not in the truck...

631 Q- No, at the back of the truck...

A- ... outside the truck.

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632 Q- ... behind the bumper.

A- Yes.

633 Q- And where was Derek Flanagan?

A- Derek Flanagan was on the driver's side, at the rear, at the back as well.

634 Q- Outside the truck?

A- Yes.

635 Q- Okay. So basically, all three (3) of them... well, there was Mr. Bennett, there was Mr. Olivier in the back of the bumper, and Mr. Derek Flanagan was at the back, but more towards the... a bit towards the front, the rear wheel well?

A- He was at the back of the truck, on the driver's side.

636 Q- On the driver's side.

A- The rear.

637 Q- The rear. Okay.

A- My Lord, the driver's side is opposite to Canada, they drive on the right-hand side of the road over there.

638 Q- Okay. And then what happened?

A- There was discussion, and about a few moments later, Derek Flanagan yelled something, gave a signal like "get over here", I don't know what it was, and I heard Barry yelling. And I run down the lane

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immediately and I see Barry struggling with the female, the one that brought us in the...

639 Q- Where was he struggling with the female?

A- Right at the back of the truck.

640 Q- He wasn't in the truck, he was at the outside of the truck? 5

A- He was at the outside of the truck.

641 Q- Where was Alain Olivier?

A- Alain Olivier was right at the passenger's rear of the truck. 10

642 Q- And where was Derek Flanagan.

THE COURT:

I'm sorry, where was Mr. Olivier?

A- At the back of the truck, on the passenger's side.

643 Q- Outside of the truck? 15

A- Outside the truck.

Me FRANCOIS AUDET:

644 Q- And where was Mr. Flanagan?

A- As I ran down the lane, the truck became mobile and came towards me, not very fast. The distance from the... my position on number 6 to where the truck was was the width of this courtroom. As I turned the corner, the truck came towards me, and it was at that point that I saw Derek Flanagan wrestling with an unknown male in the back of the truck, in the 20 25



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canopy part, in the cargo portion of the truck.

645 Q- That truck wasn't covered or anything, it was an open pickup?

A- It was an open pickup truck.

646 Q- So Mr. Flanagan was actually in the truck, wrestling with, or struggling with a Thai male? 5

A- Yes, he was.

647 Q- Okay. And where was Mr. Bennett and where was Mr. Olivier at that time?

A- The truck had just started moving and Mr. Bennett and the Thai female were in the position of the paralegal, and Mr. Olivier was near where Marie Marmet is. They hadn't moved very far. 10

648 Q- Okay.

A- All this happened very quickly. 15

649 Q- Now, you say that the truck moved from going up the lane, the laneway, which you said was approximately ten meters (10 m), and it wasn't moving very fast. How fast was that, would you approximate?

A- Two (2) to three kilometres an hour (3 km/hr), not very fast. 20

650 Q- So it was coming up very slowly?

A- It was moving from that position to where the flags are, about to go around the corner, when I was coming at the corner. 25

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651 Q- Okay. So it was moving at two (2) to three kilometres an hour (3 km/hr). And I understand you tried to jump on.

A- Yes, I did.

652 Q- And why weren't you successful in jumping on? 5

A- Because I made a mistake, thinking that I was jumping on the driver's side, when in fact I was jumping on the passenger's side, and the mirror hit me and knocked me slightly out of the way. And at the same time I saw Derek and the male struggling, and looked over and saw Alain Olivier, and in a split second, as the truck went around the corner, I grabbed Alain Olivier. 10

653 Q- Okay. 15

(Discussion)

Me FRANCOIS AUDET:

654 Q- Mr. Girdlestone, I show you four (4) pictures of a truck. Are you able to recognize that truck? Was that the Nissan truck that we're referring to? 20

A- Well, without the license plate, it's similar, and I'm presuming it is the truck.

655 Q- Okay. I'm going to show you another two (2) pictures with the license plate number. 25

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A- Yes, that's the truck.

656 Q- That's the truck with the license plate number?

A- Yes.

(Discussion)

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Me FRANCOIS AUDET:

657 Q- So, Mr. Girdlestone, you say that that truck that you identified in P-93, being the six (6) photographs of a Nissan pickup truck, this truck was moving slowly, at approximately two (2), three kilometres an hour (3 km/hr) up the laneway?

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A- From position number 7...

658 Q- From the position number 7.

A- ... to position number 6.

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659 Q- And that you attempted to jump in the back of the pickup truck?

A- I tried to jump onto the driver's door, where the mirror comes out.

660 Q- Okay. The driver's door would be on the right-hand side?

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A- I'm sorry, the passenger's door. I thought at the time it was the driver's door.

661 Q- Okay. What happened? You tried to jump on and you got hit by the mirror?

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A- It brushed me off to the side, and as the truck turned the corner towards position number 10, I saw Derek Flanagan wrestling in a prone position in the back of the cargo area of the pickup truck with a Thai male.

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662 Q- Now, you say he was in a prone position; what do you mean by that?

A- He was lying down...

663 Q- At the bottom of the truck?

A- In the cargo area of the truck, kind of like on his knees, in a wrestling position with this Thai male.

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664 Q- Okay. And Mr. Flanagan, I understand, was quite a large individual, six foot four (6'4) or something, two forty (240).

A- Yes.

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665 Q- And how big was this Thai male?

A- He was muscular, but I don't know how tall he was. I saw him later, I'd make him about five foot eight (5'8) maybe, five foot nine (5'9).

666 Q- Thin guy?

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A- He was a fairly muscular build, but not... not fat, not big, but...

667 Q- Okay. So...

A- ... he was...

668 Q- ... Mr. Flanagan was wrestling with this guy at the

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bottom... he was on his knees. Was the Thai individual on his knees also?

A- Yes.

669 Q- So when you say they were wrestling, they had each other under arms or they were fighting over something or...

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A- It appeared to me they were struggling together.

670 Q- They were struggling together.

A- Yes.

671 Q- Who else was in the truck at that time?

10

A- There was two (2) females.

672 Q- There was two (2) females in the passenger and the driver?

A- Yes.

673 Q- So there was a female driver and a female passenger?

15

A- No, sorry...

674 Q- No?

A- ... there was one (1) female driving. There was one (1) male, Thai male, in the back of the truck wrestling with Derek Flanagan.

20

675 Q- Okay.

A- At the area of number 7, where the truck left, Barry Bennett was with a female, a Thai female.

676 Q- What was he doing with her?

A- He was holding onto her.

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677 Q- Okay. And Mr. Olivier was doing what?

A- He was standing there, simultaneously as the truck went around the corner, I saw what I did, I ran and grabbed Alain Olivier right at the corner of the roadway in the ditch.

5

678 Q- Okay.

A- And at that point, he was yelling, "Barry, what's going on?"

679 Q- Okay. And where did the truck go?

A- The truck turned the corner at position number 6, heading towards position number 10.

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680 Q- Going towards... at what speed?

A- It was still travelling at a slow rate of speed.

681 Q- Two (2), three kilometres an hour (3 km/hr), or did it accelerate at all?

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A- Once it went around the corner and I grabbed Alain Olivier, I didn't see the truck for a few moments. But it didn't accelerate leaving the laneway, it was going fairly slowly.

682 Q- Okay. You grabbed Alain Olivier in the laneway or outside the laneway?

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A- Right at position number 7.

683 Q- Oh, you... at position number 7.

A- Yes.

684 Q- So just to understand your testimony, you're saying

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that as the truck moved forward and as it was at approximately number 6, that's when you tried to jump on?

A- Yes.

685 Q- And you didn't...

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A- Just as it was in the process of going around the corner, it was about a third, halfway through its turn, and that's when I tried to grab onto it, I got brushed back, I saw Derek and the male struggling, and then I saw Alain Olivier about ten meters (10 m) away.

10

686 Q- Okay.

A- I ran and I grabbed Alain Olivier, at which time he said, "What's going on, Barry?"

687 Q- So Alain Olivier hadn't moved, he was still at the same spot?

15

A- He was at the same spot at the back of the truck.

688 Q- Same spot at the back of the truck. So basically the truck started to move, Mr. Bennett stayed at the same spot with the Thai female. As it got to number 6, you tried to jump aboard, you weren't able to, and then you ran back and you tackled Mr. Alain Olivier. Is that correct?

20

A- Yes, I did.

689 Q- Okay. So Alain Olivier hadn't moved?

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A- I tackled him in a ditch, we both fell down.

690 Q- Okay, both fell down. And then what happened?

A- I picked him up by the back of the collar and dragged him out towards position number 6.

691 Q- Okay. So you tackled him, you both landed up in a ditch, you're both lying prone in the ditch? 5

A- No, I believe we were on our knees.

692 Q- On your knees?

A- Yes.

693 Q- Okay. Is that when Mr. Olivier's wallet went flying? 10

A- No.

694 Q- No?

A- No.

695 Q- Okay. So you tackle him there, you're both on your knees, then what do you do with him? 15

A- I restrained his arms and I brought him back out towards position number 6.

696 Q- Okay. And then what happened?

A- And then I looked, I was at position number 6, a lot of yelling and screaming was going on, and I looked down the lane and I saw the truck stopped. 20

697 Q- At number 10?

A- At number 10.

698 Q- Okay. Did you see it stop or it was already stopped? 25



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by the time you got there?

A- I saw brake lights.

699 Q- You saw brake lights?

A- Yes.

700 Q- And what happened when you saw the brake lights? 5

A- It was at that stage that I had a hold of Alain Olivier and I looked down the lane and I saw a big hulk go over the side of the truck...

701 Q- Was that...

A- ... on the left... 10

702 Q- ... concurrent...

A- ... left-hand side.

703 Q- Was that concurrently with the brake lights going on?

A- I can't tell you, it happened so fast. I saw lights, could have been brake lights, tail lights, but I saw a hulk go over the side of the truck. 15

704 Q- Okay. Was that hulk Derek Flanagan, or was it Derek Flanagan and the Thai male?

A- I don't know. 20

705 Q- You don't know?

A- It's obvious it was Derek Flanagan today, but at the time it was a dark figure, a dark hulk.

706 Q- Okay. And then what happened?

A- Then I yelled "Flanagan", I yelled "Flan", I told 25

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Barry Bennett, "I think Flan might have fallen out of the truck." I was concerned about Derek Flanagan and I was struggling with Alain Olivier and I was moving him back to position number 8, towards position number 5, and yelling the whole time for Amaresrit's men, didn't know where they were. This all happened in a moment of seconds.

707 Q- Okay. So you're walking back to number 8, and then what happens?

A- Then Alain Olivier broke free from me and began running towards number 9.

708 Q- Okay.

A- By this time, the technician, the guy that helped me wire the room, was on surveillance, appeared at about position number 5.

709 Q- So as Alain Olivier is running towards number 9, you instruct the Thai police officer to shoot him?

A- I yell "shoot".

710 Q- You yell "shoot".

A- Yes.

711 Q- Now, what authority did you have to order a Porn police officer to shoot a Canadian citizen on Thai soil?

A- I had no authority.

712 Q- You had no authority. Now, you yell "shoot" and

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Mr. Olivier stops?

A- That was my intention, that... I knew he understood English and if I yelled something, things were happening very quickly, I...

713 Q- And if he got shot, that would have just been too bad, is that it? 5

A- The Thai policeman could not understand English.

714 Q- How did you know that, Mr. Girdlestone?

A- Because I had meetings with him for two (2) days before that. 10

715 Q- And if he got shot, it would have just been too bad for Alain Olivier?

A- I didn't happen that way.

716 Q- I know. Did the Thai policeman have his gun drawn when you yelled... you ordered him to shoot? 15

A- I remember seeing his gun and I remember saying "shoot", it was all a matter of seconds that Alain Olivier put up his hands, as if to surrender, and we both ran to him and got control of him, which was at that point that I got his wallet. 20

717 Q- So you got his wallet at that point?

A- Yes.

718 Q- And I understand that his wallet... you kept his wallet, you didn't turn it over to the Thai police at that time. 25

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A- I was concerned with Derek Flanagan, who I thought had fallen, I wasn't sure if it was him, but that was my instinct. We were wrestling with Alain Olivier, holding his hands, I'd emptied his pockets to make sure he had no weapons. The Thai policeman was helping me. I had control of his wallet or he took it out and threw it down on the ground, I picked it up, I put it in front of my pants and left it there, and my concern was to get to Derek Flanagan. I was yelling at Barry, "I think Flan's down." And I ran to position number 10, to...

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719 Q- Where was Mr. Bennett at that time?

A- Barry Bennett was right at about position number 8, with the female.

720 Q- So he was walking towards you with the female and he wasn't walking towards the truck?

15

A- No.

721 Q- Okay. And then what did you do?

A- I ran down the laneway and I located... the truck took off, the truck had left, and I got to the spot where I thought I saw something fall, and I found Derek Flanagan.

20

722 Q- Okay. It was a pretty quiet night, I understand, that evening in that area.

A- It was dark, it was natural light from the moon, it

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was dark, there was dimly-lit street lights, it was an asphalt, curbsless road. There was traffic, there was pedestrians.

723 Q- Was it quiet?

A- No, it wasn't quiet.

724 Q- Oh, it wasn't quiet?

A- It was as I described it. It wasn't like the busy street in front of the Royal Orchid Hotel, by all means, it was quieter than that, but it wasn't a desert road where there's nothing. There was people coming and going, there was trucks coming and going, there was motorcycles.

725 Q- Did you hear a gunshot?

A- No.

726 Q- No gunshot?

A- None.

727 Q- Okay. When you got to Mr. Flanagan, what happened?

A- There was lots of blood. I put my hand behind his head and removed my hand and it was full of blood.

728 Q- Okay.

A- I checked... I didn't know how he was injured, how bad. His eyes were wide open, staring straight ahead, no movement. I quickly looked in the small of his back, he was lying on his back, I check in the small of his back, which is where Derek always

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carried a weapon at home as well. He had been given... loaned a gun by the Thai police, it was intact.

729 Q- Excuse me, what did you do exactly? You checked the back of his head? 5

A- I checked the back of his head, removed my hand, it was full of blood. I then checked, quickly checked, I didn't know what the injury was, I quickly checked the small of his back and felt his gun.

730 Q- Why did you check his gun? 10

A- Because I didn't know what had happened.

731 Q- What... did you think he got shot?

A- Well, I was checking everything. My hand was full of blood, I didn't know the extent of his injuries. I knew he was armed, so I checked for his gun. 15

732 Q- Okay. Is it possible that it was a gunshot, you just didn't hear it because of the noise?

A- Well, in hindsight, it wasn't a gunshot, I know that now, but I did not hear a gunshot that night.

733 Q- Okay. So you had his nose... I should say, there was just blood coming from the back of his head. Was there any blood pouring out of his nose, eyes? 20

A- He had some blood on the side of his mouth and I felt for a pulse, I felt his chest, I didn't feel any signs of life. I commenced CPR. 25

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734 Q- Did you remove the gun from... that he had in back?

A- Barry Bennett did.

735 Q- Barry Bennett removed the gun?

A- Yes.

736 Q- Why did Barry Bennett remove the gun?

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A- I don't know. I arrived first, Barry arrived seconds after me, maybe twenty (20) seconds, maximum, after me, and I was already administering CPR, mouth-to-mouth.

737 Q- Did Mr. Bennett take out the gun and count the bullets?

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A- I don't remember him doing that there, but I believe he did.

738 Q- You don't recall him taking out the gun, taking out each bullet and counting, make sure there was six (6) bullets?

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A- I was applying CPR to Derek Flanagan.

739 Q- What kind of gun was that?

A- It was a revolver that he had.

740 Q- What kind of revolver?

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A- I don't know.

741 Q- A 38?

A- I don't know.

742 Q- You have no idea?

A- No.

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743 Q- You couldn't tell by looking at it?

A- I never saw it, it was holstered and it was in his... back of his belt and I felt it there, and I left it there.

744 Q- You didn't see it when Mr. Bennett took it out of the holster? 5

A- I was administering CPR.

745 Q- While you're administering CPR, why was Mr. Bennett taking out the gun and counting the bullets? Isn't that rather odd? 10

A- Well, I was administering CPR, I got a pulse and maybe he was thinking to remove any... any danger from the scene, I don't know why he did it.

746 Q- Okay. 15

*(Discussion)*

SUSPENSION

CONTINUATION OF EXAMINATION BY Me FRANCOIS AUDET: 20

747 Q- Now, Mr. Girdlestone, did you receive training in CPR?

A- Yes.

748 Q- As part of your police training?

A- Yes. 25



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749 Q- So when you arrived where you found Mr. Flanagan,  
what position was he in?

A- Prone. Prone position, on his back.

750 Q- Prone position, on his back, facing upwards?

A- On his back.

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751 Q- Okay. But he was just lying, facing upwards on his  
back?

A- Yes.

752 Q- Okay. And when you first came upon him, you said  
you saw blood underneath his head, as well as blood  
in his mouth. Blood coming from his eyes?

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A- No.

753 Q- No blood in his eyes?

A- No.

754 Q- His nose?

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A- I recall blood at the back of his head and out of  
the corner of his mouth.

755 Q- Okay. When you first got there, you said that  
Constable... or Mr. Bennett arrived some twenty (20)  
seconds later, you immediately started to perform  
CPR on Mr. Flanagan?

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A- He appeared lifeless to me, his eyes weren't moving,  
he was looking straight up in the air, his eyes were  
fixed in a dead spot. I checked for vital signs, I  
put my ear onto his heart and I checked his pulse.

25

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I didn't find anything.

756 Q- You didn't find anything. So you started to give  
mouth-to-mouth?

A- Mouth-to-mouth resuscitation.

757 Q- So he would have been lying on his back, you have  
his head tilted backwards and you're giving him  
mouth-to-mouth resuscitation? 5

A- Yes.

758 Q- And this is what you were doing when Mr. Bennett  
arrived? 10

A- Yes.

759 Q- And is it possible to give CPR, mouth-to-mouth  
resuscitation, when the person has blood in his  
mouth?

A- I did it. I got a pulse. 15

760 Q- You got a pulse by doing that?

A- Yes.

761 Q- Okay. Now, I don't understand, though, you're  
giving him CPR; when did you check for his gun to  
see if it was okay? 20

A- All at the same time. My hand went under the back  
of his head, because I lifted up his head and I was  
yelling his name, trying to get a response. All I  
met was with eyes straight up, fixed, they were  
glassy looking. It was a scary moment. My hand was 25

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full of blood. I tilted his head, I didn't know what the wound was, I didn't know he was hurt, my instinct was I put my hand at the... in the small of his back, where I knew he carried his weapon, he did that at home as well, he was on the Emergency Response Team. I felt his gun, I was satisfied that he hadn't been shot with his gun. And I immediately started CPR. 5

762 Q- Okay. So you wanted to make sure that he hadn't been shot with his own gun. And you're telling the Court that you didn't hear a gunshot? 10

A- I did not hear a gunshot.

763 Q- Did he have glass on him from the broken window of the Nissan pickup truck?

A- No. 15

764 Q- You didn't see any glass on the floor, on the ground?

A- No.

765 Q- Okay. Now, when Mr. Bennett arrived as you were performing CPR on Mr. Flanagan, Mr. Bennett immediately took the gun out from his back. Didn't he have to displace him, move him a little bit for that? 20

A- I was administering CPR, I was yelling at Barry that "Flan's been hurt", I was pumping three (3) or four 25

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(4) breaths into him and then taking a break, and Barry arrived and must have moved him to do what he did. I don't remember that part. And I continued CPR. And in between breaths, we were yelling for the police, were yelling for an ambulance, adrenaline was a mile high. 5

766 Q- Okay. There's something I don't understand, Mr. Girdlestone. You have... you testified that you did not hear a gunshot, you're administering CPR, your other possibilities is a spinal cord injury that he would have been hurt. As a trained individual to administer CPR, you're not aware that you should not move the person at all because you risk aggravating the injury, making the guy into a paraplegic? You didn't learn that in your courses? 10 15

A- My thought at the time was my partner was lying... he was seriously hurt, there was no life signs, none. My training was to administer CPR.

767 Q- Okay. I just find it a bit peculiar and... that never dawned on you, that you might be injuring him, turning him into a paraplegic by moving him to go for the gun? You get there, first thing you do, administer CPR, at the same time you check to see his gun is there. Mr. Bennett arrives, first thing he does is check the gun and count the bullets. And 20 25

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you're telling this Court that there was no gunshot?

A- I never heard a gunshot, and what I just explained to you, My Lord, is what I did.

768 Q- Did you suspect that maybe Mr. Flanagan was shot at that time?

5

A- No.

769 Q- And you didn't tell Mr. Bennett not to move Mr. Flanagan because he might risk injuring him?

A- I did not.

770 Q- You did not. So you're saying when you arrived, he had no pulse?

10

A- He had no life signs.

771 Q- Did he have a pulse?

A- No.

772 Q- Okay. And you're saying that you got a pulse back by giving CPR?

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A- After completing CPR for about fifteen (15) to thirty (30) seconds, I checked for his vitals again and I found a pulse.

773 Q- You saw a pulse. I'd just like to go back a little bit. When exactly did you see the hulk go over the side of the car, as you... the side of the truck, as you say?

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A- I was at position number 6.

774 Q- You were at position number 6?

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A- Yes.

775 Q- And this is as you were walking away with Alain Olivier?

A- As I had Alain Olivier restrained, with his arms and one (1) hand on his collar or something similar, bringing him back, I looked down the lane to where the truck was, when I last saw the truck. It was at that point that I saw something go over the side of the truck. 5

776 Q- Okay. But at that point in time you continued walking towards number 9? 10

A- Yes.

777 Q- Okay. So from the time you saw the truck, the hulk go over the truck, you were occupied with Mr. Alain Olivier, the whole scenario of him... you yelling "shoot" and all that, and you restraining him once again, picking up his wallet. How much time elapsed between that time and... from the moment you saw the hulk go over? 15

A- Ten (10), fifteen (15) seconds, maybe twenty (20) seconds, max. For the amount of time it took me to get control of Alain Olivier and give him to the Thai policeman, to yell at Barry and to run as fast as I could to where position number 10 is, fifteen (15), twenty (20) seconds. 20

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- 778 Q- So you're telling the Court from the time you saw the hulk go over, when you were at position 6, and you walked with Mr. Alain Olivier towards 9, he made a run for it, you yelled "shoot", you re-restrained Mr. Olivier, picked up his wallet, and then you ran back to number 10, you did that in fifteen (15) seconds? 5
- A- Fifteen (15), twenty (20) seconds.
- 779 Q- Okay. Are you an olympic medallist in 100-yard dash, Mr. Girdlestone? 10
- A- No.
- 780 Q- Okay. Explain to the Court how you could have walked, that whole scenario that you described, plus running over two hundred feet (200 ft), and do that all within fifteen (15) seconds, or fifteen (15) to twenty (20). 15
- A- That's what happened.
- 781 Q- That's what happened?
- A- That's what happened.
- 782 Q- So how many seconds do you estimate walking with Mr. Olivier from number 6 towards number 9 and when he started to make a run for it, you yelled "shoot", you re-restrained Mr. Olivier, you find his wallet, and then you come back to number 6, how much time elapsed in that? 20

25

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A- Five (5) seconds, six (6) seconds.

783 Q- Five (5), six (6) seconds?

A- Wasn't long.

784 Q- And so, from there, number 6 to number 10, you ran  
two hundred feet (200 ft) in ten (10) seconds? 5

A- Roughly.

785 Q- Roughly.

A- Yeah. All of that scenario took fifteen (15),  
twenty (20) seconds. It was fast. Seventy meters  
(70 m) is two hundred feet (200 ft), I can run that 10  
easily in eight (8) seconds. And my adrenaline was  
so high, I probably did it in less.

786 Q- Okay. Now, why didn't you turn the wallet over to  
the Thai authorities right away when you found it?  
Why did you keep it? 15

A- After administering CPR and realizing my partner was  
in serious condition, Barry Bennet and I flagged  
down a minibus, got some assistance from some  
locals, got Flanagan in the back of a minibus  
similar to that same bus that took us down the main 20  
street, and ordered the bus driver to take us to the  
hospital. We arrived at the hospital and we were  
there half an hour possibly, maybe longer, nobody  
would let us in the emergency room. I still had the  
wallet, there was commotion, there was panic, there 25



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was adrenaline, it was shortly after that that Ken Kelly and Jack Dop arrived, and were trying to calm us down, Barry and I. And somebody thought the best thing to do was get back to our hotel, the Thai police have control of everything, get back into our hotel room, get settled down, get calmed down, there's nothing we could do, Derek was in the hands of the operating... emergency room, and it wasn't until I got back to the hotel and began my notes, began this map, that I realized I had the wallet.

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10

787 Q- Okay. What did you find in that wallet?

A- There was some identification and there was one (1) empty deck and one (1) full deck of white powder.

788 Q- Okay. Now, when you say an empty deck, what's a deck?

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A- A deck, My Lord, is a small square piece of paper, roughly two inches (2 in) square, folded in a strategic way, like an envelope, and then you can secrete some powder, usually drugs, into that little envelope, and it's folded in such a way that it's flapped over and tucked in so that the powder doesn't spill out. And it's called a deck or a flap.

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789 Q- Okay. So you had an empty deck and you had a full deck?

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A- Yes.

790 Q- And the full deck contained approximately a gram of heroin?

A- Roughly.

791 Q- Now, the empty deck was... there used to be... I 5  
presume there used to be heroin in there.

A- Well, it was empty.

792 Q- It was empty. So when you saw this empty deck and 10  
this full deck, did you at this point realize that  
Alain Olivier was consuming heroin in Thailand, or  
it still didn't add up for you?

A- No, it didn't add up. It could have been... it  
could have been a sample. I don't know what it...  
it was white powder. It was my job to turn it over  
to the Thai policemen. 15

793 Q- Okay. Did you suspect at that time maybe he was  
doing heroin in Thailand, or it was still not even  
on your radar?

A- Well, hindsight is a funny thing, because for me to  
eliminate everything from that night till today and 20  
ask me if I hadn't thought of it, with all the  
newspaper articles I've had and books I've read,  
it's hard for me to eliminate that from my mind.  
But at that time I did not see any signs, visible  
signs, that Mr. Olivier was using heroin. 25

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794 Q- You didn't see any signs. Okay. And the fact...  
and how much money did you find in that wallet?

A- I don't have anything written down that there was  
money in there. I don't recall.

795 Q- Okay. You don't recall if there was any money in  
there? 5

A- No, I don't.

796 Q- If I suggest to you there was a hundred (100) baht,  
are you able to affirm or deny, or that doesn't ring  
a bell, no recollection? 10

A- I don't know.

797 Q- You don't know.

A- No, I don't.

798 Q- Okay. Now, after this incident, I understand that  
Corporal Flanagan was brought to the hospital, and  
he was pronounced dead, I understand, the next day. 15

A- There was a neurosurgeon on-site or called in, on  
call, to Chiang Mai, and on the advice of Ken Kelly,  
they flew in a neurosurgeon from Bangkok for a  
second opinion. And it was the next day or the day  
after, day and a half possibly, that the two (2)  
neurosurgeons concurred that Mr. Flanagan was brain  
dead. And it was at that that point that Mr. Dop  
was in telephone communication with his family in  
Canada and... who we all knew, and she gave him the 20  
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