

"As requested, enclosed are photocopies of photos..."

(Discussion)

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145 Q- Quote:

"As requested, enclosed are photocopies of photos of the accused persons, including Alain Olivier, together with copies of my notes and a videotape of the re-enactment of the scene involving Corporal Flanagan."

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You have initialled this, so you received this, correct?

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A- I did, yes.

146 Q- And you received the contents of what its talking about, correct?

A- If it was attached to it, yes. To the best of my memory. But it was turned over to the undercover shop for their information and inclusion on the file.

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147 Q- Well, let's start by just producing this as Exhibit P-82.

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(Discussion)

148 Q- This one is dated May one (1), eighty-nine ('89).  
And this is from OIC Drug Intelligence in Field,  
whoever that is, to OIC Drug Enforcement. Not the  
same. So we'll insist on its production because  
it's...

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(Discussion)

149 Q- So we are producing as Exhibit P-82.

Exhibit No. P-82

150 Q- My question to you, Mr. Pouliot, is this. There's  
a clear confirmation of transmission of a video  
cassette of the events leading to the death of  
Corporal Flanagan. Could you tell the Court what  
you did with that cassette when you got it?

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A- Everything I received, to the best of my  
recollection, I don't remember, but it would have  
been turned over to the undercover operation, as I  
said, for their information and inclusion on the  
file.

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151 Q- We've asked for this video cassette from the  
beginning of this case by subpoena, and keep on  
getting the same response, it can't be found. Could

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you tell the Court what steps would be normally taken to destroy such evidence?

A- Repeat that again please.

152 Q- We have asked for delivery of a copy of that cassette, the video cassette, and we've gotten the response that it cannot be found.

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So my question to you is, from Headquarters, what is your knowledge of the system of destroying a video cassette that would have been sent to you in this file?

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A- The cassette would have been destroyed, if it was destroyed, when the files were destroyed. But it's obvious that the files weren't destroyed because they're all here. And the cassette should have been with the files. I can't give you...

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153 Q- Who is the best person to be able to explain to this Court why the cassette cannot be found?

A- You would have to go back...

154 Q- Certainly you won't ask for the Commissioner?

A- You would have to go back to Drug Enforcement and ask them to conduct a search of the files.

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(Discussion)

155 Q- My point is, this was sent to you. So when material

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NEIL POULIOT  
PLAINTIFF  
EXAMINATION

is sent to you, you just dispose of it by giving it off to whoever is involved on the subject?

A- As indicated on my A5, it was returned to the undercover shop to... for inclusion on the file and information. I would not keep anything like that. 5

156 Q- I suggest to you that if it has been destroyed that that would be contrary to the Act?

A- Yes. I don't know why it was destroyed. Why would anyone want... why would anyone want to destroy it?

157 Q- I don't know either. 10

A- Well... it's a re-enactment.

(Discussion)

RECESS 15

Me REEVIN PEARL:

158 Q- The Plaintiff in this case has alleged at... it's paragraph 324, sub-paragraph (g), the following statement: 20

"As the Officer in Charge of National and International Operations from RCMP Headquarters in Ottawa..." 25