

21) **WAS THE STREET QUIET UPON THE TAKE DOWN**

**GIRDLESTONE**

21.1

**STATEMENT AT TRIAL**

- Q. Was it quiet?  
A. No, it wasn't quiet.

Girdlestone at trial, October 15, 2007, Vol. 41 p. 13045 – line 4-5

**BENNETT**

21.2

**STATEMENT AT TRIAL**

- Q. Okay. Did you hear a gun fire, a gunshot that night?  
A. **It was quiet in that lane** and there was no gunshot that night.  
Q. Now, Mr. Bennett, you told the Court that **it was very quiet**, and you certainly could hear a gunshot if a gunshot had gone off. Now, why did you bother taking out the six (6) bullets out of his gun? What was that for? You knew it hadn't been fired, why are you making sure it hadn't been fired?  
A. I just wanted to check...  
Q. Check what?  
A. Check the gun. There was no gunshots, Your Honour. There was no rounds fired...  
Q. Why check the gun then?  
A. I probably did it out of instinct. We're now in...

Bennett at trial September 25, 2007 Vol. 36, p. 11042 – 11043

**LO KEN KELLY**

21.3

**STATEMENT AT TRIAL**

- Q. Was it a quiet evening?  
A. **It was.**

Kelly at trial October 12, 2007, Vol. 41 p. 12821 – line 6 to 7

**NB:** Bennett confirms, as did Kelly, what Olivier has said about this. The alley was quiet, which raises the question: why Girdlestone lied about this?

Moreover, from the pictures taken of the alley at the time (1989) by Girdlestone and the Thai police, we can easily see that it wasn't a busy artery at all and even less so at night.

22) **HOW MANY GUNS WERE ISSUED TO THE RCMP?**

**BENNETT**

22.1

**STATEMENT AT TRIAL – Re: Statement to PALMER**

Q. About two thirds of the way down, you say:(...)

*J got to him first, called for ambulance, truck came right away, in hospital two (2) minutes, **weapons, plural**, issued, discussed at length in room earlier, fully discussed, Amaresrit said for protection, only not to pull it out until ready. Ended up dealing with people, **weapons**, not a problem.”*

Do you recall saying that to Mr. Palmer?

A. I would have given him a statement, I don't recall giving it to him, but I would have given him the statement.

Q. Do you recall saying these things?

A. This would be, I mean, it's very disjointed, it would have been the gist of what I said to him, it's certainly not a verbatim conversation.

(...)

Q. Why would you talk about weapons, **plural**?

A. I didn't write this, and also, Your Honour, when I removed...

Q. So, just to understand, so **you're saying you're talking weapons**, it would have been Mr. Palmer that made a mistake, is that it?

A. Ask Mr. Palmer.

Q. No, I'm just saying, you say you never said weapons? You said "weapon"?

A. I don't know...

Q. But it's written "**weapons**", so somebody made a mistake somewhere. Is it you or Mr. Palmer?

A. I don't know. There was one (1) firearm issued, Your Honour, that was to Corporal Flanagan...

Q. Okay, so my question again, Mr. Bennett, is who's making a mistake? Is it you said "weapon" and Mr. **Palmer made a mistake** and understood "weapons", or **you said** "weapons" by mistake, and Mr. Palmer wrote "weapons"?

A. **I don't have an answer** for you, I'm sorry.

Bennett's Statement to Palmer – March 9, 1989 Vol 36 p.13053 – line 2 to 23

**NB:** Considering all the information found in the present document, is there any reason to question the honesty of Bennett with regards to how many weapons were given to them.

Moreover, Palmer would have had no reason to write weapons (plural) had he been told about only one handgun given to them.

23) **WHAT'S HAPENNED TO FLANAGAN BODY UPON IMPACT WITH THE GROUND?**

**BENNETT**

23.1

**STATEMENT TO PALMER**

Flanagan **moved only 2-3 meters after impact** with street.

Bennett's statement to Palmer March 9, 1989 Vol. 45 p. 000758

NB: Now, if Bennett wasn't at the back of the truck, how could he know such detail. The only way he could have known this would be id he had been present in the cargo area of the truck at the time Flanagan went down.

According to his testimony, only Flanagan, the Thai male and Pimpam were on board. If so, it surely aren't the Thais involved who told him that, nor the police who wasn't on the scene until after Flanagan's fall.

He had no way of knowing this, just like he had no way of knowing about the speed the truck was going at the time of Flanagan's fall. That is unless him also being in the back of the truck, as Olivier said all along he was when the truck took off and sped away down the lane.

24) **DID GIRDLESTONE REALLY GET A PULSE FROM FLANAGAN**

**KELLY**

24.1

**DISCOVERY PERIOD**

Q. Okay. What's going on within these minutes? ... Girdlestone and Bennett try to reanimate?

A. Yes, that's right.

Q. Okay.

A. Ans he was having **absolutely no response** to this, he was **technically dead.**

Q. Uh-huh

A. And we placed him on a baht bus and he was immediately taken to the hospital.

Kelly at Discovery, October 17, 2002, Vol. 21, p. 6374

**GIRDLESTONE**

24.2

**TESTIMOMNY AT TRIAL**

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?

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. I didn't find anything.

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

A. Mouth-to-mouth resuscitation.

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?

A. Yes.

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

A. Yes.

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.**

Q. You got a pulse by doing that?

A. **Yes.**

Girdlestone at trial October 15, 2007, Vol. 41, p.13050 – line 5 to 17

Q. ... So, you're saying when you arrived, he had no pulse?

A. He had no life signs.

Q. Did he have a pulse?

A. No.

Girdlestone at trial October 15, 2007, Vol, 41, p.13053 – line 7 to 14

NB: According to Kelly, there was absolutely no response to CPR and to mouth-to-mouth. Kelly surely had no reason to make that up. If so, it raises the question, why did Girdlestone lie about this?

25) **FLANAGAN & THAIS ON THEIR KNEES IN THE BACK OF THE TRUCK**

**GIRDLESTONE**

25.1

**TESTIMONY AT TRIAL**

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

- A. **He was lying down...**
- 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.  
(...)
- Q. ... **Mr. Flanagan** was wrestling with this guy at the bottom... **he was on his knees**. Was the Thai individual on his knees also?
- A. **Yes.**
- Q. So, when you say they were wrestling, they had each other under arms or they were fighting over something or...
- A. It appeared to me they were struggling together.

Girdlestone at trial October 15, 2007 Vol. 41, p. 13036 – line 6 to 11 – p. 13037 – line 1 to 7

NB: If Flanagan and the Thai were indeed on their knees in the back of the truck, it makes it even more doubtful and questionable that Flanagan went overboard as reported.

When looking at the pictures taken by the Thai police during the re-enactment, for the scenario put into place, only the Thai his lying down, while Flanagan is kind of half standing and pulling on the bag of heroin at the time of his fall.

It also raises another question. As human beings, our instinct dictates our reaction when involved into a fight, even more so when standing at the back of a moving vehicle. It would make sense in the present situation that to avoid going over board, Flanagan and the Thai were kneeling down, as described by Girdlestone. Now, if so, what are the chances of Flanagan going over board, while lying or kneeling down and pulling on the bag of heroin?

## 26) **WHEN DID NEPHA GET IN THE CARGO AREA OF THE TRUCK?**

### **BENNETT**

26.1

#### **STATEMENT TO THAI POLICE**

Mr. Derek and myself were still standing at the side of the truck. Then **Miss Nepha go on to the rear of the truck**

Bennett statement to the Thai police February 22, 1989, Vol. 5, P.1075

26.2

#### **TESTIMONY AT TRIAL IN BANGKOK**

The second accused, **sitting at the rear of the van**, got up and was immediately grabbed by Mr. Flanagan. They had a fight. The third accused (Nepha), sitting at the rear of the van, got up and grabbed Mr. Flanagan at his back.

Bennett's testimony Bangkok, Nov. 14, 1989, Vol. 5, p.1188

26.3

### **POLICE NOTES**

Flan grabbed the male + they start to struggle. The female number #1 (Nepha) **was sitting in the back** + grabs Flan. I was by the front of the truck...

Bennett's notes February 18, 1989, Vol. 5 p. 4558

26.4

### **TESTIMONY AT TRIAL**

A. Let's do it, take it down and then there's a struggle over the package in the back, and **that's when the female gets in the back.**

Bennett at trial September 24, 2007. Vol. 36 p.11034

NB: At trial, Bennett contradicted everything he said about when Nepha got in the back of the truck.

According to Olivier, Nepha was sitting at the front of the truck while he was showing her the money. It is only after she's asked her brother to get out from his hiding place by the fence, that he climbed in the back of the truck and that she saw that all the money was all wrapped up with tape that she got out from the front of the truck and that Flanagan jumped on her brother Papas. It is only at that point that she's jumped at the rear and sprung on Flanagan's back.

## **27) GIRDLESTONE NOT KNOWING WHERE NEPHA WAS**

### **GIRDLESTONE**

27.1

#### **DISCOVERY PERIOD**

Q. So, you write the next words:  
"I yell to Barry that I think Flan is down, yelling for Amaresrith and men."

Close quote. How much time elapse when you yelled those words and Barry responded to you?

A. Barry was only few meters from me at the time...  
(...)

- Q. Did he abandon the girl and run?  
A. No. I believe it was at the same time that the BMNU surveillance team arrived. **I don't know what happened to the girl.**

Girdlestone Discovery September 29, 2003, Vol. 26, p. 7813

**BENNETT**

27.2

**POLICE NOTES**

Alain broke away + started to run + Jim + Pak give chase + catch him at gun point – about 30 yards. **Jim** + Pak bring **Alain to self where I have the girl** on the road. I take Pak's cuffs + cuff her...

**NB:** When looking at Bennett's notes, it is clear that either Girdlestone is lying, or is it Bennett?.