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1 **September 24, 2021**

2

3 THE CLERK:

4 All rise. This Commission of Inquiry is now
5 open. Commissioner James Igloliorte presiding as
6 Commissioner. Please be seated.

7 COMMISSIONER IGLOLIORTE:

8 Mr. Budden, you have an item to discuss?

9 MR. BUDDEN:

10 Yes, Mr. Commissioner. We've just received some
11 new material that I understand the Federal Crown
12 themselves have only just received last night.

13

14 I would suggest we take a half hour or so.
15 Everybody can review that and sort out any issues
16 that arise. If that please everybody, we'll just
17 open again at half past nine?

18 COMMISSIONER IGLOLIORTE:

19 You need a half hour?

20 MR. BUDDEN:

21 I think we might.

22 MS. BEDFORD:

23 Yeah. I'm not sure how long you'd like to take.

24 That's fine. I did want to confirm that I just

Page 2

1 checked the electronic copy of page 41 and it's
2 exactly as it shows on the copy, so it wasn't cut
3 off.

4 MR. BUDDEN:

5 Okay. So what we have here isn't every second
6 page?

7 MS. BEDFORD:

8 No.

9 MR. BUDDEN:

10 It's the entirety of the document?

11 MS. BEDFORD:

12 It's a complete copy of the document. He just
13 wrote on every other page.

14 MR. BUDDEN:

15 Okay. Thank you.

16 MS. BEDFORD:

17 Okay.

18 MR. BUDDEN:

19 We may be quicker than that. I would like to
20 look at it. I'm sure Mr. Ralph would. So if we
21 could take -- we'll let you know perhaps when
22 we're done. I'm sure it won't be a full half
23 hour, but now that we know it's a bit less
24 material.

Page 3

1 COMMISSIONER IGLOLIORTE:

2 That's the best way. (Inaudible).

3 THE CLERK:

4 All rise.

5

6 **(Recess)**

7

8 THE CLERK:

9 This Commission of Inquiry is now in session.

10 Please be seated.

11 COMMISSIONER IGLOLIORTE:

12 Mr. Budden, please?

13 MR. BUDDEN:

14 Yes, Mr. Commissioner. We've resolved the issue,
15 just to bring you up to speed on that. And as
16 Ms. Bedford will, no doubt, elaborate, we will be
17 entering as our next exhibit what appear to be
18 notes from a Matthew Ingraham, Corporal Ingraham,
19 who was part of the -- or at least at that time.
20 I'm not sure if this -- I presume this is his
21 current rank. Not his rank in 2013.

22

23 These are notes that were made in the period
24 beginning on the 30th of July and continuing for

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1 a couple of days where other lines of
2 investigation were pursued. And we have redacted
3 a portion. They refer to a person of interest,
4 and they spend a couple of pages detailing the
5 investigation of that person, who clearly was not
6 involved in anyway, and so removing those pages
7 because they do contain a fair bit of personal
8 detail about that person of interest that is not
9 relevant to this matter at all.

10

11 And so what will be entered will be a redacted
12 version by removing about three pages, while
13 leaving in all the relevant material.

14

15 I think all counsel are in agreement that what is
16 in is relevant. What is out is irrelevant. So
17 with that done, I think we're all ready to
18 continue today, and with the Federal Government
19 witnesses whose evidence will be done in direct
20 by Ms. Bedford.

21

22 That's all I have to say. Ms. Bedford may have
23 something to add. And we should enter this as an
24 exhibit, perhaps, Madam Clerk.

Page 5

1 THE CLERK:
 2 Exhibit P-183.
 3
 4 **EXHIBIT P-183, ENTERED AND MARKED AT INQUIRY**
 5
 6 MR. BUDDEN:
 7 Thank you. You now have the microphone,
 8 Ms. Bedford.
 9 COMMISSIONER IGLOLORTE:
 10 Yeah. I'll just respond by asking whether any of
 11 the other counsel have any comments?
 12 RALPH, Q.C.:
 13 I think that Mr. Budden has accurately reflected
 14 what's happened with this exhibit.
 15 WILLIAMS, Q.C.:
 16 And I confirm the same. Thank you.
 17 COMMISSIONER IGLOLORTE:
 18 Thank you.
 19 MS. BEDFORD:
 20 Thank you, everyone, for understanding that
 21 sometimes documents do show up at the last
 22 minute.
 23
 24 We originally had not canvassed GIS. That's who

Page 6

1 Corporate Ingraham works with right now. And
 2 typically, for this, we looked for anyone who was
 3 involved in the search. And he now works for
 4 GIS, so we didn't canvass him for his notes until
 5 last night. And so we received them this
 6 morning.
 7
 8 And so my apologies for the lateness of the
 9 notes. But whereas the file has been purged, I
 10 felt it was important to put forward everything
 11 that we could possibly find.
 12 COMMISSIONER IGLOLORTE:
 13 No, I appreciate the respect for openness here,
 14 as demonstrated by the Crown and openness, of
 15 course, is a hallmark of a thorough inquiry.
 16
 17 So I agree with the decision to redact part of
 18 the exhibit as it is supported by the evidence we
 19 heard. That if we were to allow all of this in,
 20 we would be going down a trail that is really not
 21 relevant, not necessary, for any findings by the
 22 Inquiry.
 23
 24 Thank you very much, counsel. Please proceed.

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1 MS. BEDFORD:
 2 Q. Thank you, Commissioner. I'd like to start first
 3 by having the witnesses introduce themselves,
 4 please. We could start with Corporal Paul.
 5 CORPORAL PAUL:
 6 A. Corporal Dwayne Paul.
 7 THE CLERK:
 8 Excuse me, could you take your mask off when
 9 you're speaking.
 10 CORPORAL PAUL:
 11 A. I'm sorry.
 12 THE CLERK:
 13 Thank you.
 14 CORPORAL PAUL:
 15 A. Corporal Dwayne Paul. I was posted at the Grand
 16 Falls-Windsor detachment when the search
 17 occurred. I was the team leader there. I'm
 18 currently posted in Lewisporte with the RCMP.
 19 Been in the force for 24 years.
 20 MS. BEDFORD:
 21 Q. Thank you.
 22 SGT. BRUSHETT:
 23 A. Good morning, everyone. Good morning, Mr. and
 24 Mrs. Sweetapple. My name is Les Brushett. I'm a

Page 8

1 retired staff sergeant with the RCMP.
 2
 3 I joined the RCMP in January of 1980. I left
 4 Marystown, Newfoundland, went to Saskatchewan,
 5 completed the training academy, and went to
 6 British Columbia for 15 years.
 7
 8 During those 15 years, I completed five years of
 9 city, general duty policing. Then five years on
 10 a Federal Drug Enforcement Section. And five
 11 years on a Serious Crime Unit.
 12
 13 From there, I transferred back to Newfoundland.
 14 Completed five years of general duty policing in
 15 Marystown. So I went home. It was mostly rural
 16 policing. However, the experience that I gained
 17 in British Columbia, I was asked to teach
 18 interviewing and interrogation techniques with
 19 polygraph operators, from 1999 until 2015, when I
 20 retired.
 21
 22 When I left Marystown, I did four years with
 23 Customs and Excise in Burin. It was mostly
 24 alcohol, tobacco and drug introduction.

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1 Then I was seconded to St. John's drug section
 2 for a year. From there, I went to Major Crime
 3 Unit in Corner Brook. And from that unit, I went
 4 up to the Major Crime Unit in Iqaluit, Nunavut.
 5 I was promoted just after I got there. That was
 6 a very busy Major Crime Unit. And while I was
 7 there, we averaged a homicide a month with a
 8 population of 30,000 people.

9

10 I was transferred and promoted to Igloolik as
 11 detachment commander, and then I served in Arctic
 12 Bay in Cape Dorset at the rank of sergeant.

13

14 During my time in the Arctic, I dealt with
 15 numerous searches. Ground search and rescue up
 16 there. They're called Rangers and they're
 17 closely affiliated with the Canadian military. I
 18 was trained by the military but they're all
 19 local, community volunteers. And I would call
 20 them out on a ground search and rescue.

21

22 Up there, mistakes in the Arctic can be very
 23 dangerous. And so calling people out on a ground
 24 search and rescue, it took some thought.

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1

2 When I left the North, I went back to St. John's
 3 headquarters where I was in charge of Violent
 4 Crimes Linkage Analysis and the National Sex
 5 Offender Registry. Following my time there, I
 6 was promoted to staff sergeant. In 2012, June
 7 2012, came to Grand Falls-Windsor as the
 8 detachment commander.

9

10 I was on site when this particular file
 11 commenced. And I'll get into details later, but
 12 that's basically my background. Thank you.

13 MS. BEDFORD:

14 Q. Thank you.

15 LT.-COL. MARSHALL:

16 A. Good morning. Lieutenant Colonel James Marshall
 17 from the Canadian Armed Forces. I currently work
 18 at the Canadian Joint Operations Command in
 19 Ottawa as the search and rescue advisor to the
 20 commander.

21 SGT. WILLIAMS:

22 A. Good morning. Sergeant Danny Williams with the
 23 RCMP. I'm in charge of the Emergency Management
 24 Section, which also includes overseeing the

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1 Search and Rescue Program for the Province of
 2 Newfoundland and Labrador in RCMP jurisdictions.
 3 Thank you.

4 MS. BEDFORD:

5 Q. Thank you, gentlemen. I guess, probably, the
 6 easiest way to start is with, perhaps -- I'm not
 7 sure.

8

9 Staff Sergeant Brushett, do you want to do a
 10 summary and then we can go to Corporal Paul for
 11 his involvement?

12 THE CLERK:

13 Turn on your mic, please.

14 SGT. BRUSHETT:

15 A. What I did is I went through the material and the
 16 exhibits to try and come up with a timeline that
 17 made sense to everyone. One of the obstacles,
 18 and it's been a significant one, is the PROS
 19 file. PROS stands for Police Reporting and
 20 Occurrence System, is a system that the RCMP uses
 21 and it's an electronic file and it can have a
 22 paper file.

23

24 The national policy requires purging of files to

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1 make room for new files in the system and in the
 2 building. This file had no reason not to be
 3 purged. So after five years, it was destroyed.
 4 And all notes, all reports went with it. So you
 5 can imagine the challenge of trying to remember
 6 everything that happened.

7

8 We typically remember the bad outcomes and maybe
 9 we review the files, and if this had been a
 10 different outcome, this file would still be
 11 around. But unfortunately, Mr. Sweetapple
 12 wouldn't. So I'd much sooner have Mr. Sweetapple
 13 here and not have the file.

14

15 So I'll give you a little bit of background on
 16 Grand Falls-Windsor detachment. I was on site
 17 one year approximately when this incident
 18 happened. It's a busy detachment. During my
 19 time, we typically had over 9,000 files a year.

20

21 I was a staff sergeant in charge of
 22 administration and overall operations of the
 23 detachment; however, I had an operational
 24 sergeant. The sergeant's position was in charge

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1 of operations. That person was Sergeant Russ
 2 Tebow and he retired in March of 2013. He was
 3 also heavily involved with ground search and
 4 rescue and had his Level 3 as a SAR Tech, I
 5 guess. So I performed both roles because I
 6 didn't have a sergeant.
 7
 8 Sergeant Russ Tebow, he'd done a number of
 9 searches before he retired. He had a very high
 10 opinion of Roger Goobie. He shared that opinion
 11 with me. And as a result, I had a high opinion
 12 of Roger Goobie. And after listening to Roger
 13 yesterday, that opinion remains very high.
 14
 15 I had the section 32-34 spending authority for
 16 the budget, the detachment budget, which was just
 17 over 300,000. We served 14 communities with a
 18 population of 25,000 thousand people.
 19
 20 I reported to the district commander in Corner
 21 Brook, Superintendent Paul Dowden. He was in
 22 charge of West district. West district was
 23 comprised of Grand Falls-Windsor and all
 24 detachments West to Port aux Basques and all

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1 detachments North to St. Anthony.
 2
 3 So I'll reference the exhibit for the -- and I'm
 4 just trying to develop a timeline here. So on
 5 the 23rd of July -- pardon me, the 27th of July
 6 2013, at 2059 hours, that was Saturday, Constable
 7 Ian Dollimount, called me and obtained permission
 8 to call out ground search and rescue. That
 9 permission had to come from me because I had the
 10 section 32-34 authority for the detachment.
 11
 12 He gave me a quick overview and that was enough
 13 to convince me that ground search and rescue were
 14 required.
 15
 16 At 2052 hours, on the 27th of July 2013, and this
 17 comes from Exhibit 177, page 1, both these
 18 entries. Constable Dollimount contacted PDS
 19 (Police Dog Service) Corporal Glenn Brown. And
 20 there was a discussion about members not yet on
 21 scene. The vehicle had been found.
 22
 23 Corporal Brown had just returned from a call and
 24 was not physically able to complete the drive,

Page 15

1 and indicated he would call first thing in the
 2 morning, which he did. He called at 5:30 and got
 3 an update, and he was on the road by 7:30.
 4
 5 At 2107, on the 27th of July, Constable Ian
 6 Dollimount called out ground search and rescue.
 7 And that's Exhibit 177, page 1 of his notes.
 8
 9 At 2117 hours, on the 27th of July 2013,
 10 Constable Dollimount spoke with Mrs. Florence
 11 Sweetapple. And his notes indicated that Pius
 12 Perrier had located Mr. Sweetapple's truck. He
 13 had provided a description of the truck. Where
 14 and when it was found.
 15
 16 Now, if you look in RCMP policy which I believe
 17 is Exhibit 170, you'll see that one of our next
 18 steps is to go to that person and get a
 19 statement. The last person who would have seen
 20 or dealt with Mr. Sweetapple. And that sounded
 21 like it was Pius Perrier, based on the
 22 conversation Constable Dollimount had with
 23 Mrs. Sweetapple.
 24

Page 16

1 So Sunday morning, on the 28th of July 2013, at
 2 1:16 a.m., Constable Dollimount obtained a
 3 statement from Pius Perrier. That's Exhibit 177,
 4 page 3 of Constable Dollimount's notes.
 5
 6 The entry indicates, at 1545, on the 23rd of
 7 September -- pardon me, of July 2020 -- oh,
 8 sorry. Yesterday, at 1545, I spoke with
 9 Constable Dollimount by phone and he recalled
 10 Mr. Perrier had seen Mr. Sweetapple on the 26th
 11 of July 2013, around noon, at a store in
 12 Millertown. However, Mr. Perrier did not
 13 indicate when Mr. Sweetapple actually went berry
 14 picking.
 15
 16 Now, the reason I called and spoke directly with
 17 Constable Dollimount, of course, is because we
 18 don't have that statement. We don't have the
 19 statement anymore. It was destroyed in the file,
 20 from Mr. Pius Perrier. So this is coming from
 21 Constable Dollimount's - or pardon me. Well,
 22 he's corporal now - memory of what was said.
 23
 24 At 2:30 in the morning, on Sunday, the 28th of

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1 July 2013, Constable Dollimount called me and
 2 advised the search was suspended until morning.
 3 And that's page 3 of his notes. Same Exhibit,
 4 177.
 5
 6 Also, at 2:00 in the morning, under Exhibit 174.
 7 Two thirty in the morning, the same date (Exhibit
 8 174, page 1). Now, these are notes from Keith
 9 Frampton that Roger Goobie was on location
 10 requesting air support. Constable Ian Dollimount
 11 was also on scene. Weather was bad and NL Air
 12 Services were on standby.
 13
 14 At 3:00 in the morning, Sunday, July 28th 2013,
 15 (Exhibit 72, page 8), Roger Goobie provides a
 16 detailed report of the search by SAR and Air
 17 Support. And it says 0300, advised in the report
 18 that the Cormorant helicopter was tasked and
 19 should be arriving at 0630.
 20
 21 And at 0618 hours, Roger advised in report that
 22 Rescue 912 was starting the grid search.
 23
 24 So I'm not going to go through what Roger covered

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1 yesterday. That's already part of the record.
 2 So I'm going to continue on and go to 7:30 a.m.,
 3 Sunday, July 28th, 2013. This is Exhibit 174,
 4 page 6. It's the report from Corporal Glenn
 5 Brown. And he's with our Police Dog Service
 6 Unit. He was en route to the area and he arrived
 7 at 1215 hours, which would be 12:15 p.m., just
 8 after after noon, where he spoke with Dwayne Paul
 9 and the SAR team.
 10
 11 Now, the Police Dog Service within the RCMP,
 12 these are our go-to people, these are
 13 highly-trained people in search. The dog and the
 14 dog master are a team and they're both highly
 15 trained in searching. So to have him on site was
 16 very important.
 17
 18 I gave an overview of what's in his report, but
 19 he says that, "The police dog searched the boggy
 20 area for evidence of Mr. Sweetapple having been
 21 in the area." And he puts "no evidence was
 22 found." He was looking for footprints, discarded
 23 clothing such as a hat, maybe a discarded berry
 24 picking bucket or a container. Nothing was

Page 19

1 found. There was no trace evidence found in the
 2 area.
 3
 4 He then searched an area with trees east and
 5 further east. No evidence was found of the
 6 missing male being in the area.
 7
 8 The wooded area next to the truck was then
 9 searched, and a four-kilometre stretch of road
 10 and side roads were then searched. All with
 11 negative results.
 12
 13 He made a comment that "The police dog was
 14 searching very well." And the dog located an
 15 item such as a female pair of flip flops, a blue
 16 and white piece of chewing gum that had been
 17 discarded by a searcher. And that was confirmed
 18 later. A rubber bungee cord inside an alder
 19 bush.
 20
 21 So the dog was working well. And this is the
 22 only point I wanted to make with these items.
 23 And then the search was suspended at 1800 that
 24 day. That's the 28th of July 2013.

Page 20

1 The 29th of July 2013, is a Monday, at 0800
 2 (Exhibit 174, page 8). The search resumed again,
 3 and again was met with negative results.
 4
 5 Later that day, Corporal Brown, on his way out of
 6 leaving the area, he went to the cabin to search
 7 for a wallet that was believed to contain a large
 8 sum of money. The wallet was not found by the
 9 dog handler. And there's a note indicating that
 10 he entered the cabin through a window because it
 11 was locked.
 12
 13 Then we go to 11:20 a.m., Monday, the 29th of
 14 July 2013, (Exhibit 176, page 1). These are from
 15 notes of then-Constable Lee Lush. He's with our
 16 General Investigation Section in Holyrood.
 17
 18 Now, in the RCMP, the General Investigation
 19 Section is a plain clothes unit. In other
 20 divisions, this unit is often referred to as
 21 Serious Crime Unit. These members are typically
 22 high performers. That's how they get on these
 23 units. They demonstrate their investigative
 24 abilities and they're rewarded by going typically

Page 21

1 to a unit such as GIS or Serious Crime Unit.
 2
 3 While on these units, they will receive further
 4 training in interrogation and interviewing
 5 techniques, crime scene management. There's a
 6 whole gambit of things that they're trained in.
 7
 8 So Lee Lush met with Mrs. Sweetapple and, of
 9 course, family contact is extremely important in
 10 these investigations, for us and for ground
 11 search and rescue.
 12
 13 In our Operational Manual, it recommends that
 14 both a ground search and rescue member and a
 15 member of the RCMP be present when a family
 16 member is debriefed.
 17
 18 We couldn't do that because Mrs. Sweetapple was
 19 in St. John's and this search was occurring in
 20 Millertown.
 21
 22 To compound the problem was the communication.
 23 The lack of communication in the area. No cell
 24 phone service. Having to travel ten kilometres

Page 22

1 just to be able to make a phone call. Limited
 2 communication within the ground search and rescue
 3 area.
 4
 5 And it's my belief from reviewing the material --
 6 and I lost some sleep over this last night and I
 7 think I finally figured out something, and I'll
 8 share with you later. But because of this lack
 9 of communication, we missed something. We missed
 10 something. And something either wasn't shared
 11 with ground search and rescue. I think that's
 12 what happened. And I'll explain why later.
 13
 14 So Mrs. Sweetapple indicated -- some of the
 15 highlights from the statement. They had just
 16 purchased a home in Florida. Mr. Sweetapple had
 17 \$1600 with him to pay for work at a cabin. This
 18 was \$1600 in cash. He doesn't use electronic
 19 banking. And he had diabetes. And I believe
 20 high blood pressure was mentioned.
 21
 22 At 12:30, on Monday, the 29th of July 2013
 23 (Exhibit 176, page 2), from Lee Lush's notes, it
 24 indicates that he attended the bank and confirmed

Page 23

1 there was no recent activity on the Sweetapple
 2 account.
 3
 4 Now, of course, that's important for us to know
 5 in case something else is going on that we don't
 6 know about. We're trying to cover off all the
 7 bases here as to how come we're not finding any
 8 evidence, any trace evidence, that Mr. Sweetapple
 9 is in the search area?
 10
 11 At 1537 hours, on Monday, the 29th of July 2013
 12 (Exhibit 176, page 2), I contacted Lee Lush and
 13 asked him to speak with Florence again.
 14
 15 Now, unfortunately, I have no notes. And all my
 16 notes on this matter went in the PROS. I'm an
 17 administrator at the detachment. My day, I'm
 18 sitting in front of a computer and I'm constantly
 19 either typing or reading. That was my life at
 20 that time. I'm also trying to run the detachment
 21 as the (inaudible).
 22
 23 So I can't tell you exactly why I asked him to go
 24 back, but I asked him to go back. And it could

Page 24

1 have been something as simple as maintaining
 2 contact with the family, because it was so
 3 important to us.
 4
 5 So at 1555, on Monday, the 29th of July 2013
 6 (Exhibit 176, page 3), Lee Lush's notes, and it's
 7 just, again, an overview. She had the key to the
 8 truck and Mr. Sweetapple had the spare key and
 9 his wallet. It was okay for the police to keep
 10 the truck. She listed items of jewelry
 11 Mr. Sweetapple was wearing. It was indicated the
 12 money was for the septic field, but the work had
 13 not yet been (inaudible).
 14
 15 That the ground search and rescue team were
 16 deployed. In two and half days they were
 17 deployed 38 hours. Roger mentioned that they
 18 were deployed at the end of the day. So you can
 19 add another 12 hours onto their day, which was 50
 20 hours. Those hours were significant and played
 21 heavily on my mind for health and safety of the
 22 people that I had deployed on the ground.
 23
 24 They were out there. They were tired. They had

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1 logistical problems of food and water. Getting
2 it in and out. There was no communication, which
3 again, could be a health and safety issue for the
4 people on the ground, including members of the
5 RCMP.

6
7 Corporal Dwayne Paul was on the ground. When
8 Sergeant Tebow retired, I wanted to have at least
9 two people in my detachment area that would be
10 contacts for ground search and rescue and would
11 go out on deployments.

12
13 At the time, Russ Tebow was a natural. He was a
14 Level 3 SAR. Mike Fewer was also on detachment,
15 and he was a member of the ground search and
16 rescue team. But Mike Fewer was a part of our
17 General Investigation Section. And not many
18 travelled. So I wanted at least two people.

19
20 Russ had retired. I had asked Corporal Dwayne
21 Paul to become a contact for the ground search
22 and rescue for Grand Falls-Windsor detachment,
23 along with Mike Fewer.

24

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1 departed the wooded area and came back to the
2 detachment area.

3 SGT. BRUSHETT:

4 A. So, of course, I had to report to Superintendent
5 Paul Dowden. There would have been a discussion
6 about this as well. And I remember his words
7 were, okay, so we got to scale back. We got to
8 pull them out. These people need rest.

9
10 So now I want to refer to Constable Matt
11 Ingraham's notes. I had sent an email to both
12 GIS investigators, constables at the time, Matt
13 Ingraham and Constable Matt Jack. They were on
14 my General Investigation Section. I had known
15 both of these members for a year. They were
16 highly productive, highly-motivated members, and
17 they worked very well as a team.

18
19 So my intention was to put the best people I had
20 on this matter because we had nothing to indicate
21 Mr. Sweetapple was in the area where we were
22 searching.

23
24 So on the 30th of July -- I'm now going to refer

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1 So Corporal Paul was on the ground and he would
2 brief me every couple hours. Sometimes it might
3 be at the end of the day. And I recall getting a
4 call from him during the evening of July 29th.

5 I'm just going to let him speak to that.

6 CORPORAL PAUL:

7 A. When I placed that call to Staff Sergeant
8 Brushett from Harbour Round area of Red Indian
9 Lake, I just finished having a conversation with
10 the head searcher, Roger Goobie. And he had
11 provided me with all the information that they
12 had up to that point, with the lack of evidence
13 being found. The poor communication in the area.
14 The helicopters had been in with no success. The
15 searchers were tired. They needed more supplies.

16
17 So I contacted Staff Sergeant Brushett and we had
18 a brief conversation about suspending the search
19 until we could locate further evidence or conduct
20 further investigation to give us another area or
21 other avenues of investigation to get back in and
22 see where we could proceed from there.

23
24 So that was the time that we left and everybody

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1 to Constable Matt Ingraham's notes. I'm going to
2 read a lot from these notes because they explain
3 what was happening from the investigative side of
4 the house regarding this matter.

5
6 I also went through the notes last night with
7 Constable Matt Ingraham on the telephone. He's
8 currently posted in Nova Scotia. He emailed me
9 the notes last night and then he phoned me and we
10 went through the notes. I had a couple questions
11 for him and he answered those questions.

12
13 Corporal Matt Jack is now with Corner Brook Major
14 Crime Unit. He had an urgent family emergency
15 where his child is at the Janeway and he wasn't
16 available to speak with me or provide notes.

17
18 On the 30th of July 2013, at 9:00 in the morning,
19 there's a meeting at Grand Falls-Windsor
20 detachment with Corporal Paul, Staff Sergeant
21 Brushett (that's me), Corporal Fewer, Constable
22 Jack and myself. The file was discussed. There
23 was an update on search from Corporal Paul.

24 Efforts have ceased at this point.

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1 Things to do: Visit the truck and search and
 2 obtain photos; visit the cabin, search and obtain
 3 photos; speak with the gas station attendant; the
 4 clerk in Millertown; speak with searchers who'd
 5 searched the truck and the cabin; there was a
 6 mention of money taken out for work at the cabin.
 7 Try and locate the wallet and the money.
 8
 9 10:30. Departed Grand Falls-Windsor detachment
 10 en route to Millertown. Corporal Paul ahead of
 11 writer. Also attending is Rod Dyke to open the
 12 vehicle. So Rod Dyke is with a tow company. We
 13 paid him to go out with our members and use a
 14 slim jim to open the vehicle. We didn't want to
 15 smash the windows to get into the vehicle because
 16 that could destroy trace evidence, any possible
 17 trace evidence inside the vehicle. We needed the
 18 vehicle opened.
 19
 20 12:41. He arrived at the truck owned by
 21 Mr. Sweetapple. While at the truck, Dyke opened
 22 the truck for the police. The truck was
 23 searched. There was no wallet or money found in
 24 the vehicle, other than change and a \$5 bill.

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1 To note: There was clothing in the vehicle.
 2 There was a pair of glasses in the vehicle and
 3 two water bottles.
 4
 5 1310. Two water bottles seized from the centre
 6 console of the truck. The area around the
 7 vehicle was searched. It was noted that the bog
 8 was only approximately 50 to 70 feet through a
 9 wooded area from the truck. There was a trail
 10 from the side of the truck to the bog, and that
 11 was quite evident. The area around the truck and
 12 wooded area beyond the truck had water bottles
 13 scattered throughout. It was unknown at the time
 14 whether these articles around the area were from
 15 the searchers or the lost person.
 16
 17 So this is just Constable Matt's notes -- or
 18 Constable Ingraham's notes.
 19
 20 1315. Left the area of the truck and proceeded
 21 to main road. While travelling to main road, a
 22 male was spoken to. Had been helping on the
 23 search days previous. He was headed up to
 24 continue searching alone. His name was -- well,

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1 we don't need the name. Travelled 31 kilometres
 2 from the truck on the main road, as that is where
 3 the road started to Sweetapple's cabin.
 4
 5 1428. Attended the cabin of Mr. Sweetapple. It
 6 was 4.9 kilometres from the main road. Corporal
 7 Paul had a key and opened the cabin up. Writer
 8 searched the cabin while Constable Jack obtained
 9 photos. The cabin was very neat and clean.
 10 There was nothing disturbed or a -- I'm not sure
 11 what that word is.
 12 UNIDENTIFIED FEMALE SPEAKER:
 13 Askew?
 14 SGT. BRUSHETT:
 15 A. Or askew. Ah, that's right. The fridge had food
 16 inside and there were groceries on the
 17 countertop. A search of the bedrooms was
 18 completed. There was a pair of shorts and jeans
 19 found on the bed. Thank you.
 20
 21 The jeans showed evidence that a wallet was worn
 22 in the back pocket. Photo obtained. There was a
 23 receipt found in the shorts packed that was from
 24 Scotiabank for a thousand dollars withdrawal on

Page 32

1 July 26th, 2013. A time was not given on the
 2 receipt.
 3
 4 Medication was found on the kitchen table, along
 5 with a printout of Rx's from the pharmacy. Same
 6 was obtained and seized from the table at 1530.
 7 Search of the shed on the, and then it says
 8 showed no signs of being disturbed. Items such
 9 as generator, snowmobile, chain saw, etcetera,
 10 were located inside. Nothing around the property
 11 seemed to be out of place or disturbed.
 12
 13 1530. Left the cabin and proceeded to the main
 14 road after seizing the Rx meds listed.
 15
 16 1600. Arrived at Millertown Gas Station
 17 Convenience Store and spoke with the clerk who
 18 advised that Cis Blundon had spoke to Sweetapple
 19 on Friday past. 1625 -- Friday past would have
 20 been the 26th.
 21
 22 1625. Attended the residence of Cis Blundon in
 23 Millertown. Constable Jack obtained the
 24 statement from Blundon. We don't have that

Page 33

1 statement. It was destroyed with the file.
 2
 3 1645. Departed Millertown. 1830, attended Grand
 4 Falls-Windsor detachment (inaudible). On the
 5 31st of July 2013, 0900, meeting at Grand
 6 Falls-Windsor detachment. Staff Sergeant
 7 Brushett, Corporal Fewer, Constable Jack and
 8 myself at the meeting. Discussed investigation
 9 from the day before.
 10
 11 Things to do: Speak to the bank about the money
 12 withdrawal and possible video. Number two, speak
 13 to Mrs. Sweetapple about how much money and when
 14 it was taken out. Three, contact SAR leaders for
 15 meeting following day to discuss search efforts.
 16
 17 1050. Attended Scotiabank and spoke with
 18 personnel. The receipt was shown to staff who
 19 advised the money would have been taken out on
 20 Friday the 26th by a teller. An inquiry to the
 21 account showed that it was at 11:26 a.m., on
 22 Friday the 26th of July. The staff advised they
 23 would get the video for the writer and contact
 24 when ready.

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1 That entry, I think, is relatively important and
 2 I think it's important in the sense that
 3 yesterday when Roger Goobie said that he was
 4 informed by the police during the debriefing, on
 5 Thursday, that we had told him that
 6 Mr. Sweetapple had left the cabin on the 26th and
 7 not the 27th. That was news to me.
 8
 9 If he had been looking at me at the time, my jaw
 10 would have dropped because I couldn't remember
 11 anything about this. I couldn't remember
 12 anything where Roger Goobie had been told that
 13 Mr. Sweetapple had left on the 26th, by any of
 14 us, as opposed to the 27th.
 15 RALPH, Q.C.:
 16 Q. I thought his evidence was that -- I'm sorry, I
 17 thought that what he said was he believed that
 18 Mr. Sweetapple would have been missing as of the
 19 27th and not the 26th. I thought that was import
 20 of his evidence.
 21 SGT. BRUSHETT:
 22 A. No, I think he said the 26th because it extended
 23 it by 24 hours.
 24

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1 RALPH, Q.C.:
 2 Q. Because he said actually what he thought was that
 3 Mr. Sweetapple was only missing for a few hours
 4 before they started the search.
 5 SGT. BRUSHETT:
 6 A. Right.
 7 RALPH, Q.C.:
 8 Q. As opposed to 27 or 28 or 30 hours.
 9 SGT. BRUSHETT:
 10 A. Exactly.
 11 RALPH, Q.C.:
 12 Q. So he assumed that basically he was missing as of
 13 the 27th and not the 26th.
 14 CORPORAL PAUL:
 15 A. That's how it was initially reported to us by
 16 Pius. When the call came in, they said that they
 17 had noticed his vehicle there earlier in the day,
 18 and went back just prior to dark and the vehicle
 19 was still there, and that's when they were
 20 concerned.
 21
 22 At that time, we knew from very quickly into that
 23 then that he passed through Grand Falls on
 24 Friday. We had no indication whatsoever that he

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1 had left Friday to go berry picking. The report
 2 was made to us that they had noticed his vehicle
 3 earlier in the day, on Saturday the 27th. And
 4 they had concerns later that evening, that he was
 5 still missing and that's when it was reported.
 6 RALPH, Q.C.:
 7 Q. And I think my point was that Mr. Brushett just
 8 indicated that Mr. Goobie was told that he was
 9 missing from the 26th, but I don't think that was
 10 Mr. Goobie's --
 11 CORPORAL PAUL:
 12 A. No. And I think what Mr. Goobie was concerned
 13 about then was that that was the possibility that
 14 he was missing since the 26th, and that would
 15 make a range in the length of time that he was
 16 missing.
 17 RALPH, Q.C.:
 18 Q. Right. But I think what I understand Mr. Goobie
 19 said was that he was assuming or believed that
 20 Mr. Sweetapple went missing on the 27th, and
 21 didn't learn until -
 22 SGT. BRUSHETT:
 23 A. The debriefing.
 24

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1 RALPH, Q.C.:

2 Q. - the debriefing on Thursday, the 1st, that it

3 was actually perhaps the 26th.

4 SGT. BRUSHETT:

5 A. Right.

6 CORPORAL PAUL:

7 A. Right. There was a possibility that it was the

8 26th, yeah.

9 SGT. BRUSHETT:

10 A. So the reason that I'm pointing this out now is

11 this fact would have come out in the debriefing.

12 When everybody spoke, Matt Ingraham would have

13 said this. And that would have extended the

14 timeline for Roger, but it didn't mean anything

15 to us. It didn't mean anything to the RCMP. And

16 when Roger spoke yesterday, I had the impression

17 that we told him that, no, now we're looking at

18 the 26th.

19

20 That wasn't the case. I think he gleaned that

21 information from this piece of information here,

22 when Constable Matt Ingraham debriefed us on

23 Thursday. That's just a theory because I can't

24 really explain where this came from, other than

Page 38

1 that. I'll keep going. Maybe it will make sense

2 by the time I get to the debriefing.

3

4 1600. Contact made with Scotiabank. Left

5 details to return the call about the video

6 surveillance.

7

8 1200. Constable Jack advised Lee Lush had

9 contacted him and new information had come in

10 about a person of interest.

11

12 So we're not going to go into this, but it took

13 up investigational time. So two days had now

14 gone by. I'd wanted to have a debriefing with

15 Roger. And hindsight being 20/20, it would have

16 been much better -- and I can't explain why that

17 debriefing didn't happen on August 1st, but it

18 instead occurred on August 2nd. It may be in the

19 file. It's an extra day. It would have been

20 better for everybody if it had to happen on the

21 1st, but it happened on the 2nd.

22

23 So I've gone through Constable Ingraham's notes,

24 and I'm going to go back to the timeline again.

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1 The 31st of July, Wednesday, 10:45 a.m. (Exhibit

2 176, page 3), Lee Lush's notes. And he makes

3 note of Canadian Tire and the fact that

4 Mr. Sweetapple -- and this is all coming from

5 Mrs. Sweetapple. So again, we're maintaining

6 contact with her. We're trying to get as much

7 information as we can from her because she's our

8 only family contact. She's our only source of

9 information.

10

11 He typically shops at Sobeys in Grand

12 Falls-Windsor. Florence was concerned a shirt

13 was in the truck and he would not have gone out

14 onto the bog without the shirt.

15

16 At 1120, Lee Lush called myself and Corporal Paul

17 and briefed me on the follow-up.

18 RALPH, Q.C.:

19 Q. I'm sorry, Mr. Brushett, can I just interrupt for

20 a second? Because I think when looking at -- did

21 you just say that you thought that the debriefing

22 was on the 2nd of August? Because I thought that

23 -- I look at Exhibit 72, page 10, and the report

24 that Mr. Goobie gave was that the debrief was

Page 40

1 August 1st at 1330.

2 SGT. BRUSHETT:

3 A. Yes. Thank you for pointing that out. It was

4 August 1st. And, so what I meant to say is I

5 would have preferred that occurred on July 31st,

6 but it occurred instead on August 1st, which was

7 Thursday. Thank you for pointing that out.

8

9 So on August 1st, Thursday, at 1400 hours, again,

10 based on Matt Ingraham's notes, Roger Goobie,

11 Jody Chippett, Dwayne Paul, Matt Ingraham and

12 possibly Mike Fewer, met at Grand Falls-Windsor

13 detachment to debrief and share everything we

14 knew at that point.

15

16 So, Matt Ingraham would have gone through his

17 notes as to what him and Matthew Jack had been up

18 to. And possibly he may have notes or file

19 updates from Lee Lush would have been included in

20 that debriefing. Then, Roger would have spoken,

21 and he mentioned this in his evidence yesterday

22 of going through things that they had done at the

23 scene.

24

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1 Now, as Roger was going through things - and its
 2 funny how memory works - but this is what stood
 3 out for me - for me - when Roger was going
 4 through his debriefing. And I can state I recall
 5 this as clear as if it had happened yesterday.
 6 That the generator was running when the search
 7 team entered the shed on the Sweetapple property.
 8 And I said, "Roger, the generator was running?"
 9 So who leaves a generator running with no
 10 intention to come back. I said, "Roger, I
 11 believe he's still out there."
 12
 13 So there was a discussion. Matt Ingraham said
 14 there was a discussion back and forth between you
 15 and Roger. Roger said, "Well, if we're going to
 16 go back, we need Air Support." I said, "Okay.
 17 You wait right here."
 18
 19 I went from the debriefing to my office. I
 20 called Superintendent Paul Dowden. I briefed him
 21 on what we knew to date and why I wanted to go
 22 back. I mentioned the generator. Superintendent
 23 Paul Dowden approved the Air Support. I went
 24 back. I said, "We have the Air Support." Roger

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1 says, "Okay. We'll be out there by 7:30 tomorrow
 2 morning."
 3
 4 Now, on August 1st, at 1549 hours, which is
 5 Thursday (Exhibit 174, page 4), we have an email
 6 from Keith Frampton that says, "Air Support
 7 approved for two hours. Pilot to call Mike Fewer
 8 at 486-8941 and attend south of Red Indian Lake
 9 at 0830."
 10
 11 On Friday, at 10:55 on August 2nd, 2013,
 12 Mr. Sweetapple was found alive. Mike Fewer
 13 called me on his cell phone and told me that he
 14 had Mr. Sweetapple. He was in the chopper. He
 15 was en route for medical assistance. His voice
 16 was broken. He was very emotional. Naturally.
 17 He had found Mr. Sweetapple after all this time
 18 and he was alive. I can tell you that more than
 19 one tear came to my eye that he was alive.
 20
 21 And I can tell you that I've thought of
 22 Mr. Sweetapple since then, many times, wondering
 23 how he was doing.
 24

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1 I think that's as much as I can tell you. That's
 2 as much of a timeline as I can give you, based on
 3 the material we have. I'm open for questions.
 4 MS. BEDFORD:
 5 Q. Thank you very much. I would like to just speak
 6 with -- have Corporal Paul add anything, as you
 7 were on scene at the search, were you not?
 8 CORPORAL PAUL:
 9 A. Yes.
 10 MS. BEDFORD:
 11 Q. And maybe you could tell us what your role was.
 12 I think you did say at the beginning, what your
 13 role was on the scene and who you dealt with and
 14 what your impressions of the scene were.
 15 CORPORAL PAUL:
 16 A. Yeah. Like I said, I was the scene commander, I
 17 guess you'd call it. The liaison between the
 18 ground search and rescue team and Staff Sergeant
 19 Brushett back at the detachment.
 20
 21 Every time anything was asked for, anytime
 22 anything changed, if there was more information
 23 learned or if we needed something else, I would
 24 call and just update Staff Sergeant Brushett, or

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1 request anything else that we needed.
 2
 3 I know it was a long two or three days. A long
 4 two or three days for the searchers and ourselves
 5 up in the area. Anytime we had to use a phone,
 6 we'd to travel, I think it was, approximately ten
 7 kilometres to use the cell phone that was
 8 hardwired into the police vehicle. And that was
 9 the only one that we could use.
 10
 11 Our personal cell phones didn't work. Our radio
 12 contact on our police radios didn't work between
 13 the area and the detachment area. So that posed
 14 quite a bit of issue for having to get back and
 15 forth approximately two kilometres from where we
 16 were parked to the Commander Centre. So anytime
 17 we had to relay anything to them, we were back
 18 and forth the road. So yeah, it was pretty
 19 challenging.
 20 MS. BEDFORD:
 21 Q. Thank you very much. I would like to move on,
 22 just briefly, to Lieutenant Colonel Marshall to
 23 explain the Canadian Armed Forces' role in the
 24 search.

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1 LT.-COL MARSHALL:

2 A. Good morning. Lieutenant Colonel Marshall.
3 Canadian Armed Forces provided one aircraft on
4 the morning of the 28th of July. It was a
5 Cormorant out of 103 Quadrant in Gander.
6

7 The reason for providing it was the weather was
8 too poor for any provincial air resources to fly,
9 so we accepted the mission.
10

11 We were able to get underneath the weather by
12 flying an approach at Deer Lake, because they
13 have a good approach at Deer Lake that could get
14 us low enough so that we could get below the
15 clouds.
16

17 The Cormorant proceeded to Red Indian Lake and
18 did an expanding square search looking for
19 Mr. Sweetapple. We did that in consultation with
20 Mr. Goobie, who provided some information about
21 last known position and likely position of
22 Mr. Sweetapple.
23

24 After refueling, they were able to conduct

Page 46

1 another search again over the area. And once the
2 weather improved later on in the day, the
3 Cormorant returned to Gander because it was
4 relieved by, I believe, Universal helicopter.
5 And we were not required for the rest of the
6 search, so we weren't involved after the 28th of
7 July.
8

8 MS. BEDFORD:

9 Q. Thank you very much. I believe that is
10 everything that we can explain at this time.
11 Obviously, any questions, the Panel is available
12 for anything.
13

13 MR. BUDDEN:

14 Q. Thank you, Mr. Commissioner. I certainly will
15 have a few questions. I know our practice has
16 been for Mr. Ralph or Mr. Williams to go first.
17 So I'm quite happy to have either of those
18 gentlemen go. Perhaps, you wish to go,
19 Mr. Williams?
20

20 WILLIAMS, Q.C.:

21 Q. Yes. Sergeant Brushett, just a couple of quick
22 points. And I appreciate, as you outlined very
23 early in your evidence, that the records and the
24 notes have structurally been purged.

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1

2 But one of the issues for the Sweetapples was
3 that, obviously, they have a son, David, who was
4 living in Vermont at that time and obviously was
5 very concerned that his father had been missing
6 for a period of time.
7

8 And my understanding from speaking with him was
9 that he flew home from Vermont, and was quite
10 upset over the fact that the search had only
11 continued for two days and had been on hold for a
12 period of two days. And that he contacted the
13 RCMP and to use their words, not mine, put the
14 place up over the fact that nobody was searching
15 for his father. And that was on the Thursday,
16 the day before the search commenced.
17

18 Do you have any recollection of discussions with
19 David Sweetapple and concerns that he expressed
20 over the commencing the search again?
21

21 SGT. BRUSHETT:

22 A. No, sir, I don't. I didn't speak with him
23 personally. I think if he was upset and I had
24 spoken to him, I'd remember it.

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1 I didn't speak with him personally. I may have
2 been advised that he had called. If it was on
3 the Thursday, the decision had already been made
4 to go back anyway.
5

5 WILLIAMS, Q.C.:

6 Q. Okay. I don't know if -- yeah, Constable Paul --
7 or Corporal Paul?
8

8 CORPORAL PAUL:

9 A. I could speak to that. I spoke with David when
10 he called. He did express his concerns. He was
11 irate in no means. He was civil enough and spoke
12 to me, but he did express why he felt we should
13 be in there.
14

15 I did my best to explain to him the reasons why
16 we weren't in there at that time. Because we
17 were trying to gather information to give us
18 somewhere new to search or some other avenue,
19 because the avenues that we were exploring we had
20 no evidence.
21

22 It wasn't like we were halfway up the lake and we
23 found a hat. So okay, we know he came this way,
24 so we're going to expand the search.

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1 You heard Mr. Goobie yesterday speak about the
2 fact that they found nothing for footprints,
3 chewing gum, package of cigarettes. Anything.
4 So at that time it was explained to him that as
5 soon as we found some more information we would
6 definitely be going back in to search again,
7 based on what information we found or where we
8 found it.
9
10 And I believe I did have two conversations with
11 him over the phone. And like we said, my
12 personal notes, even more than the file that was
13 purged, I was working at the Bay D'Espoir
14 detachment when we had the detachment fire and I
15 lost all my personal notes. So I'm only going by
16 memory.
17 WILLIAMS, Q.C.:

18 Q. I guess from a practice and procedural
19 perspective, is there any reason why the search
20 team would be asked -- and again, I appreciate
21 that there was absolutely no evidence found. And
22 I think that's been clearly outlined. But is
23 there any reason why the search would not
24 continue? I mean, you had evidence that the

Page 50

1 gentleman had gone berry picking. His truck was
2 by the side of the barrens, etcetera, etcetera.
3 The cabin had been checked.
4
5 So for all intent and purposes, it appeared that
6 he had been in on the barrens, while there was no
7 evidence found. Why would the search be halted
8 after two days, as opposed to continue with the
9 search while you did your other additional
10 investigative efforts?
11 SGT. BRUSHETT:

12 Q. The level of exhaustion for the search team.
13 Quite plain and simple. Fifty hours of being on
14 the go. They had to stand down. And as a
15 detachment commander, I was responsible for their
16 health and safety as well. Well, they were
17 deployed for 36 hours, based on Roger's notes.
18 But Roger also mentioned the fact that they were
19 called out late in the evening and they were up
20 all that day, so we can add another 12 hours to
21 that and you have 50 hours. We had to give them
22 a break.
23
24 And Roger mentioned the local knowledge, how

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1 valuable it was to Grand Falls-Windsor Ground
2 Search and Rescue that the Red Indian Lake team
3 were there as well. And they had everybody they
4 could get out. And everybody had been deployed
5 for that period of time. It was reasonable to
6 stand down and let them recover and for us to see
7 what other information we could come up with.
8
9 Because there was the possibility, and we had to
10 consider it, that Mr. Sweetapple may have met
11 with foul play. And we had to consider that. It
12 was part of our investigation. We took two days.
13 Those were the results of the investigation. The
14 debriefing took us right back into search mode
15 again.
16 WILLIAMS, Q.C.:

17 Q. Okay. That's all the questions I have now. I
18 will speak to my clients. If there's anything
19 else, I'll let Mr. Ralph go first. And if
20 there's anything else.
21 RALPH, Q.C.:

22 Q. You just described it. I think you said that the
23 searchers were given a break. But it seems to me
24 that it was more accurately that it was called

Page 52

1 off. It didn't seem to me that this was a break.
2
3 It was the search is being called off; is that
4 correct?
5 SGT. BRUSHETT:

6 Q. They were asked to stand down. We could redeploy
7 at any time, if we had a reason to.
8 RALPH, Q.C.:

9 Q. Right. But it's not really accurate to say that
10 you were giving them a break. Basically at this
11 point there wasn't much point, you believed or
12 concluded, to continue with the search?
13 SGT. BRUSHETT:

14 A. That's correct, sir.
15 RALPH, Q.C.:

16 Q. I guess, one of the issues that arises in this
17 search is that -- again, and Mr. Goobie has
18 stated yesterday that he thought that
19 Mr. Sweetapple had only been missing since the
20 27th, and it appears as though - I guess we'll
21 hear from Mr. Sweetapple but - that he was likely
22 missing since the 26th.
23 SGT. BRUSHETT:

24 A. Right.

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1 RALPH, Q.C.:

2 Q. And that turned out to be important.

3 SGT. BRUSHETT:

4 A. Yes.

5 RALPH, Q.C.:

6 Q. Because they searched a smaller area and

7 basically concluded that he couldn't be in the

8 area as a result of that.

9 SGT. BRUSHETT:

10 A. I don't know if the search would have been

11 larger. I can't comment on that at the time.

12 When Mr. Sweetapple was found, it appeared, based

13 on the map, he was just outside of the search

14 area.

15

16 But during the search, which was on day one,

17 really, of active searching with Air Support,

18 that he may have been within the search area of

19 the airplane. It would be significant

20 speculation to suggest that he was outside on the

21 first day.

22 RALPH, Q.C.:

23 Right. No, I appreciate that. But I think my

24 point is that it appears as though the last time

Page 54

1 someone saw him was not nailed down.

2 SGT. BRUSHETT:

3 A. Right.

4 RALPH, Q.C.:

5 Q. That Mr. Sweetapple was seen was not nailed down.

6 SGT. BRUSHETT:

7 A. Exactly. And that's --

8 RALPH, Q.C.:

9 Q. And I think that's a significant takeaway from

10 here, I would think, in terms of --

11 SGT. BRUSHETT:

12 A. I agree with you, sir.

13 RALPH, Q.C.:

14 Q. And obviously, last known position is important

15 but obviously last time seen is important too.

16 SGT. WILLIAMS:

17 A. Mr. Ralph, Sergeant Williams here. I believe

18 Corporal Paul spoke to that earlier in relation

19 to Constable Dollimount at the times information.

20 Corporal Paul, if you can speak to that again,

21 please?

22 CORPORAL PAUL:

23 A. Yeah. Like I said, when it was initially

24 reported, it was reported that the vehicle was

Page 55

1 observed there earlier in the day on Saturday,

2 the 27th. And they had concerns when it was

3 still there just before dark, on the 27th, based

4 on the fact that they knew he wasn't a big fan of

5 the dark, and they said if he was picking berries

6 he would have been back to his truck before dark.

7

8 I don't recall even knowing that he was in the

9 woods on the 26th, until it was all said and

10 done. Like after he was found, to be honest with

11 you.

12

13 Where that came out -- I think Mr. Goobie may

14 have -- when he heard that he passed through the

15 area on the 26th, just all of a sudden said,

16 uh-oh, we could have had 24 hours extra that he's

17 been in the woods.

18

19 Not that, uh-oh, now we know he was in the woods

20 on the 26th, now we got 24 hours. I think it was

21 a realization that he had that all of a sudden we

22 could have 24 hours further that he could have

23 been in the woods.

24

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1 But at that time and up till we went back in, we

2 had no indication that he was picking berries on

3 the 26th.

4 RALPH, Q.C.:

5 Q. I guess the date that he's (inaudible) is

6 important for a couple reasons. Number one is

7 the area that you'd search. The area that he

8 could have travelled over 28 hours as opposed to

9 four hours. But also, I guess because he

10 actually had some serious mental -- or I'm sorry,

11 physical illnesses, that would be a big concern?

12 CORPORAL PAUL:

13 A. Yes, and the fact that he usually calls, I think,

14 when he gets to the cabin and he never called

15 that evening.

16

17 So, like, say, for instance, if he had got to the

18 cabin and called home and said I'm here, all's

19 good, I'm going berry picking, on the 26th, then

20 we could have said, uh-oh, now he's gone off 24

21 hours, 28 hours. We've got to make it a wider

22 search right from -- but that never happened.

23

24 And no fault to Mr. Sweetapple's. Because if he

Page 57

1 went berry picking and never had the chance to
 2 make that phone call, that's why she never got
 3 the phone call.
 4 RALPH, Q.C.:
 5 Q. Right. Fair enough. And I guess perhaps
 6 Ms. Sweetapple didn't actually know when,
 7 perhaps, he was in jeopardy -- perhaps she didn't
 8 know that he was berry picking on the 26th and
 9 didn't come back to the cabin the night of the
 10 26th. So perhaps she didn't have an impression
 11 either.
 12 CORPORAL PAUL:
 13 A. Yeah, exactly. If he wasn't able to make that
 14 phone call, you know, that's where it would have
 15 --
 16 RALPH, Q.C.:
 17 Q. But I guess it reinforces the importance of
 18 trying to get that information from somewhere,
 19 doesn't it?
 20 CORPORAL PAUL:
 21 A. Yeah. Exactly. And I think at the time, too,
 22 there was another medication that he was taking
 23 that you told us that if he came off it cold
 24 turkey would cause issues as well. Prednisone or

Page 58

1 something I think? Yes. So that was a concern
 2 of ours as well.
 3
 4 And I heard Mr. Williams speak to you about the
 5 generator. The generator was actually started
 6 every evening by Pius and Ralph. In the event
 7 that you may have come out of the woods, heard a
 8 generator or seen lighting, that you would know
 9 you go back to your cabin and you could find your
 10 way out. So that's where the generator running
 11 when the search team showed up came into it.
 12 RALPH, Q.C.:
 13 Q. Okay. So the generator wasn't running because
 14 Mr. Sweetapple had started it?
 15 CORPORAL PAUL:
 16 A. I don't know if he started it when he got there
 17 that evening, but I know every evening that we
 18 were searching, they would go to the cabin, start
 19 the generator up before dark and leave it
 20 running, in case he made his way back, close
 21 enough to hear the generator or see lights and he
 22 could find his way.
 23 RALPH, Q.C.:
 24 Q. Okay, that information --

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1 SGT. BRUSHETT:
 2 A. Can I just add to that? But when I heard it in
 3 the debriefing, I understood that he had started
 4 it. And we were still talking about the 27th.
 5 That's what came to me.
 6 RALPH, Q.C.:
 7 Q. So a misunderstanding about the generator may
 8 have led to the recommencement of the search.
 9 SGT. BRUSHETT:
 10 A. The misunderstanding about the generator led to
 11 -- well, it was a factor in going back. Now,
 12 Roger having learned about the 26th in the
 13 debriefing, that might have been good enough as
 14 well to go back. But for me, it was the
 15 generator, whether it was a misunderstanding or
 16 not.
 17 RALPH, Q.C.:
 18 Q. My last couple of questions are regarding the
 19 debrief, which you had on Thursday the 1st, I
 20 think it was.
 21
 22 And I'm just curious in terms of, I guess, you
 23 mentioned that perhaps you would have been better
 24 to have the debrief earlier.

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1
 2 And, I guess, it seemed to me that perhaps the
 3 appropriate time to have had the debrief would
 4 have been if they're tired that second day, which
 5 was Monday, perhaps the Tuesday would have been
 6 the appropriate time to...
 7
 8 Do you want to comment on that? I don't know
 9 what your title is now. Are you retired staff
 10 sergeant? Retired Staff Sergeant Brushett?
 11 SGT. BRUSHETT:
 12 A. Yes, I'm retired. Thank you. I agree with that.
 13 Hindsight being 20/20 and I can't explain why we
 14 took that extra day. Why that extra day elapsed,
 15 because I don't have the file. It may be in the
 16 file.
 17 RALPH, Q.C.:
 18 Q. Right. Those are my questions. Thank you.
 19 MR. BUDDEN:
 20 Q. Good morning, gentlemen. As I believe you know,
 21 my name is Geoff Budden. I'm Commission Counsel.
 22 I have probably about the same number of
 23 questions as my colleagues did.
 24

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1 I'd like first to focus, as Mr. Ralph did, on the
2 time lapse. We've heard from Mr. Goobie, who
3 you've indicated, who, I think we all regard as
4 highly competent and experienced in the search
5 and rescue matters. And you were here, of
6 course, when he testified that it would have been
7 an important factor in their search strategy, or
8 at least a factor in their search strategy, had
9 they known that he had been missing for, say, 27
10 hours as opposed to three hours or so.

11
12 So, and you're nodding, so you acknowledge that.
13 Thank you. I've looked through the files and
14 we're all handicapped and probably you,
15 especially, by the absence of the actual files,
16 so we appreciate the work that has been done to
17 pull together what has been pulled together.

18
19 From various points in it, it would appear that
20 when -- and let's accept for a moment that what
21 Mr. Goobie appeared to believe that the search
22 team was told that Mr. Sweetapple only had a
23 three or so hours head start on them.
24

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1 From reviewing the file, we see evidence that he
2 left St. John's on the 26th. And midday on the
3 27th, or noon on the 27th, his truck was observed
4 outside the berry picking area.

5
6 Is it fair to say that's really the only evidence
7 from which it could be surmised when he actually
8 went in the woods?

9 SGT. BRUSHETT:

10 A. Yes.

11 MR. BUDDEN:

12 Q. The only evidence we presently have?

13 SGT. BRUSHETT:

14 A. Yes. And again, I'm going to come back to
15 communication. How that was missed, I don't
16 know. I don't know how it was missed in
17 communication between us and ground search and
18 rescue. That being Roger. Because we were aware
19 of it before the debriefing that he was in the
20 area, right? And, but somehow it was missed.

21
22 So I've been on many murder investigations as a
23 lead investigator and file coordinator. In those
24 first 24 hours, you have a tremendous amount of

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1 information coming at you. And you're trying to
2 sift through it and prioritize what's important.
3 And that may have been what happened to either
4 Roger or Ian Dollimount or Dwayne Paul. They had
5 so much information coming at them, that this
6 point was raised but missed. I don't know.

7 MR. BUDDEN:

8 Q. I understand that. And again, it has been
9 acknowledged, yet again, that we are all in the
10 dark to some degree because of the unfortunate,
11 but understandable, purging of much of the file.

12
13 But what we do have presently would suggest that
14 the window in which he could have got in the
15 woods really started from five or so hours after,
16 or maybe six hours after he left St. John's, up
17 until noon on the 27th?

18 SGT. BRUSHETT:

19 A. Yes. Correct, sir.

20 MR. BUDDEN:

21 Q. Perfect. And we don't presently know whether
22 investigations that would be contained in that
23 missing file might have led to the narrowing of
24 the window, or if memories over eight years have

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1 led to uncertainty as to what exactly was said to
2 the search and rescue team back in July of 2013.
3 Those are simply unknowable things; you would
4 agree?

5 SGT. BRUSHETT:

6 A. Yes, sir, I do.

7 MR. BUDDEN:

8 Q. Okay. So I'll just leave it at that, other than
9 to say that you would agree that it would have
10 been very important to nail down as closely as
11 possible when Mr. Sweetapple would have gone in
12 the woods?

13 SGT. BRUSHETT:

14 A. Absolutely.

15 MR. BUDDEN:

16 Q. And equally important to convey to the search and
17 rescue team, look, it's any time from 27 hours
18 ago to three hours ago?

19 SGT. BRUSHETT:

20 A. Yes. And like I said, it appears that we knew
21 that information. I just don't know how it
22 wasn't picked up.

23 MR. BUDDEN:

24 Q. Okay, thank you. That's very candid of you and

Page 65

1 helpful.

2 CORPORAL PAUL:

3 Q. Excuse me, if I could just --

4 MR. BUDDEN:

5 Q. Of course.

6 CORPORAL PAUL:

7 A. Based on what my knowledge of what went on and
8 what I investigated while I was there, there
9 would have been no way we could have found out
10 that he went into the woods berry picking on a
11 Friday, because he wife had no idea that he had
12 even reached the cabin, because he hadn't called
13 when he got there.

14
15 They had noticed the vehicle there earlier on
16 Saturday, the 27th, and reported it that evening
17 that it was still there. So there was no avenue
18 of investigation that we could have taken to
19 prove that he left Friday as opposed to Saturday
20 to go into the woods. We couldn't speak to
21 anybody that could say for certain.

22
23 We knew he came through Millertown. He went
24 through Grand Falls and he was headed for the

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1 cabin. We didn't even know at that point that he
2 even went to the cabin, other than the fact he
3 was up on the road past Harbour Round and thought
4 to have been gone picking berries.

5 MR. BUDDEN:

6 Q. Sure.

7 CORPORAL PAUL:

8 A. There was nobody we could have called or
9 investigation that could have led us to the point
10 that he was there on the 26th picking berries.

11 MR. BUDDEN:

12 Q. I guess there's two comments on that. You knew
13 at least his vehicle had made it to that place?

14 CORPORAL PAUL:

15 A. On the 27th.

16 MR. BUDDEN:

17 Q. Yes. And the second comment is that, while I
18 agree that you could not have known or expected
19 really to know with certainty that he went in the
20 woods on the 26th, nor could you say with
21 certainty that he haven't gone in the woods on
22 the 26th?

23 CORPORAL PAUL:

24 A. Exactly.

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1 MR. BUDDEN:

2 Q. Okay. Thank you.

3 RALPH, Q.C.:

4 Q. Because I would think the issue is the date last
5 seen, isn't it? Not actually when he went berry
6 picking, but when was he last seen would be the
7 issue, isn't it?

8 CORPORAL PAUL:

9 A. Well, yeah, it would have been the 26th in Grand
10 Falls. So yeah, so what we're saying is that we
11 had no way of knowing that he didn't stay at his
12 cabin on the 26th and left on Friday. There's
13 nobody we could confirm that with at the time
14 until he was found, really, to be able to say
15 that, yes, he went in on the 26th.

16 MR. BUDDEN:

17 Q. And I think I personally see nothing further to
18 pursue on that. Ms. Bedford may return to it if
19 she wishes to. But I want to move on to another
20 question I had.

21

22 I accept what you're saying about the fatigue of
23 the search and rescue team, and at a certain
24 point you have to make the decision that it would

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1 endanger them to place them -- or at least what
2 would they be, with reduced effectiveness, to put
3 them back in day after day.

4

5 And I also accept - I think this was sort of
6 implicit in what you're saying - that the two
7 closest teams had the local knowledge, so it
8 didn't make a lot of sense, perhaps, to call in
9 the team from further afield? And you're
10 nodding. So that was your reasoning? I'm
11 correct on that?

12 SGT. BRUSHETT:

13 A. Yes, sir.

14 MR. BUDDEN:

15 Q. Thank you. Was it considered engaging air
16 support for perhaps the 31st, which is the day --
17 Yeah, the 30th, I think, was the first day with
18 no searching, and then the 31st there's no
19 searching.

20

21 Was it considered that perhaps air support should
22 be called in to do another pass over the area, or
23 perhaps broaden the search? Was that even
24 considered, as best you can recall?

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1 SGT. BRUSHETT:

2 A. No, sir, I don't believe it was considered. But
3 there's one thing that I should add, and it was
4 brought to my attention by Corporal Paul. That
5 another police dog service went up to the area
6 and continued searching the two days we were --
7 where the --

8 UNIDENTIFIED MALE SPEAKER:

9 A. One day.

10 SGT. BRUSHETT:

11 A. Or one day, sorry. He was up there one day and
12 came up with nothing. Corporal Bill Frisby, from
13 Grand Falls-Windsor detachment and his police
14 service dog, were up there and they continued the
15 search. I don't have his report.

16 MR. BUDDEN:

17 Q. Okay. Well, I think that's the first we've heard
18 of it, unless I missed it. So that's important.

19 SGT. BRUSHETT:

20 A. Yes, and I apologize for that. It just came to
21 me.

22 MR. BUDDEN:

23 Q. Okay. So that wasn't two -- so what you're
24 saying, just for clarity, is that the 30th and

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1 31st? And, yeah, the 30th and 31st were not days
2 that nobody were in the woods? There was an
3 officer and his dog in there?

4 CORPORAL PAUL:

5 A. Sorry, just on the 30th, yes. I omitted to
6 mention it earlier as well. The day that myself
7 and Constable Ingraham and Constable Jack went
8 and seized the evidence from the cabin and had a
9 look around, he went on up past us. We didn't go
10 up to the site. He had GPS coordinates. He went
11 up and he done a track with his dog.

12 He didn't go well out past the bog or anything.

13 He did the bog and the road area, and he went in
14 the road further passed the branch road where we
15 were set up with the ground search and rescue.
16 And he walked in the road so far, and didn't come
17 up with anything and came back.

18 MR. BUDDEN:

19 Q. Okay. No. That was really good to know. And
20 it's important for the Commissioner to hear that,
21 I believe. So thank you.

22

23 I must admit, to this point in my life I have

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1 misunderstood how dog searches work. So I'd
2 always understood that you give, I don't know, a
3 shirt that the person had worn and the dog goes
4 looking for that scent. But I'm wrong, I take
5 it?

6 CORPORAL PAUL:

7 A. It would be better for one of the PDS members
8 probably to speak to that. But there is
9 different dogs that are trained in different
10 aspects. Some search for drugs. Some search for
11 bodies. Some search for clues and evidence.

12 I'm not sure exactly how his dog would have been
13 trained, but there's different ways that they're
14 trained. Yes.

15 MR. BUDDEN:

16 Okay. Mr. Smith just indicated to me he has some
17 knowledge about that. Rather than interrupt the
18 flow, we'll -- and somebody remind me if I
19 forget. Perhaps Mr. Smith can briefly inform us
20 on that when you folks are done.

21

22 I think, officers, that may be it for you. I do
23 have a couple of questions for Lieutenant Colonel

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1 Marshall. If we could turn to Exhibit 173 and
2 beginning on page 10. Madam Clerk, if you'd be
3 so kind. Perhaps scroll another page or two.
4 I'm looking for a picture that shows the weather
5 that day. And I may have written down the wrong
6 reference in my material. Just bear with me for
7 a second, I'll go back to my material.

8 Yeah. It's 173, page 10. You just had it, Madam
9 Clerk, I think. But it's page 10 in my notes.
10 No, that's not it. I'm just going to come over
11 to you and show it to you and maybe you can help
12 me on this.

13 Yeah, that's the one. What's the cite you have
14 for that?

15 THE CLERK:

16 173, page 10.

17 MR. BUDDEN:

18 Oh great. Yes.

19 THE CLERK:

20 Page 6, sorry.

21 MR. BUDDEN:

22 Q. Okay. Yeah, it's in my book, it's page 10. So

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1 I've obviously got that wrong. My question for
2 you, and you may need to go back to the previous
3 page, Lieutenant Colonel, to clarify this, but
4 this appears to be a picture taken very early in
5 the morning on July 28th, because the email -- or
6 at least that's when the email was sent. And it
7 appears to show certain weather conditions.

8
9 Can you tell us a little bit more about what you
10 see there? And if you can, clarify when that
11 picture might have been taken?

12 LT.-COL MARSHALL:

13 A. So I don't know exactly when that picture might
14 have been taken, but it's safe to assume it would
15 have been during the flight of the morning of the
16 28th.

17 MR. BUDDEN:

18 Q. I can perhaps help you there. It must have been
19 before 6:32 a.m. At or before 6:32 a.m., because
20 of the date of the email. And that's on the
21 previously page. Sorry.

22 LT.-COL MARSHALL:

23 A. Yeah. So what we're seeing there is basically
24 they're just flying through rain, which isn't

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1 Perhaps you could just take a moment to review
2 those. But I guess, I'm going to ask you to
3 comment on what impact the weather conditions
4 there that morning might have had on the utility
5 and even the ability to do an air search.

6 LT.-COL MARSHALL:

7 Roger that. Like I said, because they had a
8 clear view of the ground, I would say that the
9 weather did not hamper any type of searching.

10 MR. BUDDEN:

11 Q. Okay. So when you guys talk about doing a search
12 in bad weather, and this isn't bad weather, then
13 bad weather must be really bad weather?

14 Lt.-COL MARSHALL:

15 That's not perfect weather, but yes, it was safe.
16 The weather there was safe. But there is added
17 risk when you have weather, even like what you've
18 seen in that photo, particularly, other type of
19 aircraft in the area.

20
21 But I would suggest that in weather that poor,
22 it's unlikely that you'd find other aircraft in
23 the area.

24

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1 necessarily unsafe. As long as there's no
2 lightening, we're completely permitted to fly
3 through the rain.

4
5 As you can see, the visibility isn't perfect, but
6 there's definitely some distance there and they
7 have a clear view of the ground, which is what's
8 important for a search. There's enough
9 horizontal visibility there to maintain a safe
10 distance from any type of obstacles, whether it's
11 towers or mountains.

12
13 So what you're seeing there is probably typical
14 for a search and rescue, because people tend to
15 get lost in bad weather.

16 MR. BUDDEN:

17 Q. Fair enough. And if we go on and follow the
18 document through. We'll skip the mapping page.
19 We've already discussed that. And then there's
20 several references in the subsequent pages to
21 GSAR reports. The weather is bad there now.
22 Weather 10 degrees, wind gusting high. Ceiling
23 less than 150 feet.

24

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1 MR. BUDDEN:

2 Q. Right.

3 LT.-COL MARSHALL:

4 A. But mainly you're looking for obstacles. Whether
5 its communication towers, which have lights on
6 them, so that would make it definitely easier to
7 avoid them; power lines; or terrain, if it's a
8 mountainous area, which that is mountainous
9 there.

10 MR. BUDDEN:

11 Q. Sure. And so just to finish that line of
12 questioning. You've explained why it was safe to
13 fly that day, but I would suggest common sense
14 suggests from that very picture, the rain beating
15 against the window, that the act of trying to see
16 somebody on the ground would have been more
17 difficult than it would have been on a sunny day
18 with perfect visibility.

19 LT.-COL MARSHALL:

20 A. That's correct. But the sun can also present
21 some problems when you're trying to spot,
22 especially if you're flying with the sun in a
23 certain window. You might lose one complete pass
24 on one side of the aircraft, because if the sun's

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1 too bright for the searchers to see.
2
3 But that's something we would note during the
4 mission. If we didn't get good visibility on one
5 particular pass, then we would incorporate that
6 into the next pass and try to keep the sun on the
7 opposite side.

8
9 Just one of those things that the crew would
10 communicate and work with, to try to make sure
11 that we cover all the ground a hundred percent.

12 MR. BUDDEN:

13 Q. So there's a lot of technique, a lot of art in
14 search and rescue from a helicopter?

15 LT.-COL MARSHALL:

16 A. Absolutely. It's an art and a science.

17 MR. BUDDEN:

18 Q. Okay. Thank you. I did miss one thing, retired
19 Staff Sergeant Brushett. If we can go to Exhibit
20 175, and the very first entry, which is July
21 28th. If we go down three lines. And I realize
22 this is the JRCC log, not yours. If we go to
23 incident commander (IC) for the search is Roger
24 Goobie.

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1 Are you able to comment on that? I'm not trying
2 to trip you up or anything, but I will say the
3 reason that caught my eye is, my understanding is
4 that the IC, by policy, would be a regular member
5 and the search commander would be the civilian
6 SAR team leader perhaps.

7
8 And again, I realize these aren't RCMP notes or
9 anything. But with that sort of background, can
10 you comment a little bit on that entry and who,
11 in fact, was the IC that day and the relationship
12 between, as you recall it, the IC and Roger
13 Goobie?

14 SGT. WILLIAMS:

15 A. Sergeant Williams here. I could speak probably
16 to the first point there, just about the, I
17 guess, notation there on the SAR briefing report
18 there in the exhibit.

19
20 I guess in that scenario, the terms may be back
21 and forth between the two organizations.
22 "Search/incident commander" and "search managers"
23 are the terms we use. I guess here they're using
24 "on scene commander." And even, perhaps,

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1 Lieutenant Colonel Marshall could speak to it a
2 little more. But I'm assuming that's just a
3 notation of the contact on scene there with the
4 phone numbers.

5
6 And once we established that contact, certainly,
7 from the RCMP's perspective, the search/incident
8 commander and the SAR Manager, obviously as we've
9 learned a bunch here, the interaction is very
10 strong in the discussions.

11
12 But sometimes if they contact and you do get
13 someone who's experienced and familiar with the
14 area or used to search and rescue -- Roger Goobie
15 might be someone that would speak to JRCC for
16 more area specific questions.

17
18 So for the first portion of your question,
19 certainly that's just a notation it appears from
20 their briefing report with different terms for
21 different organizations, I would assume.

22 MR. BUDDEN:

23 Q. I'll challenge you in that, with respect,
24 Sergeant Williams, because it clearly says

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1 "Incident Commander" in capitals with "IC"
2 following it. So the terminology is the same
3 terminology as the RCMP policies dictate.

4
5 However, I do agree with you, that this is
6 another agency that may use terms a little
7 different.

8 SGT. WILLIAMS:

9 A. Which notation are you speaking of?

10 MR. BUDDEN:

11 Q. On Exhibit P-175, the Incident Log. Are you
12 looking at the same document?

13 SGT. WILLIAMS:

14 A. Oh, sorry, I was looking at the SAR Incident Log
15 for the SAR Briefing Report. Again, maybe
16 Lieutenant Colonel Marshall can speak more to
17 that. But certainly, you know, for the
18 categorization from the RCMP standpoint,
19 search/incident commander would be the RCMP
20 member -- search manager from the Newfoundland
21 and Labrador Search and Rescue Association.

22 RALPH, Q.C.:

23 Q. Excuse me, Mr. Budden, because it appears to me
24 that that information may have come from Cory

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1 Spracklin from FES-NL.
 2 MR. BUDDEN:
 3 Q. Yes, it may have. So, and again, I'm not hung up
 4 on the terminology, but it's sort of a starting
 5 point that perhaps retired Staff Sergeant
 6 Brushett can tell us who the IC was and the
 7 relationship between the IC and the search
 8 manager or managers. Because we've already heard
 9 there were several search managers over the
 10 course of the search, which is hardly surprising.
 11 SGT. BRUSHETT:
 12 A. 0541 Zulu, what time was that?
 13 LT. COL MARSHALL:
 14 A. That would be 3:10 a.m. on the 28th of July.
 15 SGT. BRUSHETT:
 16 A. So I'm thinking Constable Ian Dollimount would
 17 have been the incident commander and Roger Goobie
 18 would have been the search manager.
 19 MR. BUDDEN:
 20 Q. Okay. We heard yesterday that Constable
 21 Dollimount was very new to the area. And the
 22 manual again, there's a practical aspect to this.
 23 You've got relatively small detachments.
 24 Incidents happen at awkward times of day when

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1 other people are busy and all that.
 2
 3 Generally, would you agree that it would be
 4 preferable to have IC, who himself or herself,
 5 was familiar with the area and was experienced,
 6 and had the appropriate courses and so forth in
 7 SAR? That would be the ideal, I assume?
 8 CORPORAL PAUL:
 9 A. Constable Dollimount would have been the officer
 10 that would have responded initially to the call
 11 that night. And that's why I was tasked with
 12 heading in first daylight in the morning.
 13
 14 Now, I'd have been there probably 5:00 or 5:30
 15 myself, other than I had to pick up the searcher
 16 that got him out of the woods and we had to pick
 17 up supplies to head back in. So we were a little
 18 later getting there in the morning. So there was
 19 probably no officer there at all at that time,
 20 because he had left to come out and I would have
 21 been heading back in. And I would have been -- I
 22 was a trained searcher, working back and forth
 23 liaising with search teams since 2002 in Nova
 24 Scotia. So that would have been my role in the

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1 morning, going in as a search commander.
 2 MR. BUDDEN:
 3 Q. Got you. So if I may summarize that. In the
 4 moment, the priority was to get somebody there
 5 quickly to get this older gentlemen out of the
 6 woods in the middle of the night. And sorting
 7 out the protocol could follow a little later.
 8 CORPORAL PAUL:
 9 A. Yeah. A lot of these searches, probably the bulk
 10 of them, when they get reported, the missing
 11 person are located within hours of the initial
 12 report, and they're usually not that far from
 13 their last known position, and they pick up on
 14 them quick. So a lot of times whoever is working
 15 that evening or that morning, they'll go so the
 16 search team can get on scene and get working.
 17 And then you start making plans for getting
 18 anybody in that's got further training or
 19 whatever it be to continue with the search.
 20
 21 But most times, like you say, they're fairly
 22 quick and then you start planning for longer
 23 searches.
 24

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1 MR. BUDDEN:
 2 Q. Thank you. That satisfies my question there.
 3 SGT. BRUSHETT:
 4 A. Sir, can I just add as well? Constable
 5 Dollimount didn't have a month's service. Well,
 6 I'm not sure he was at the detachment at that
 7 time, but I'm thinking he had seven to nine
 8 years' service with the RCMP. He had been just
 9 posted to Grand Falls-Windsor from another
 10 detachment.
 11 MR. BUDDEN:
 12 Q. Yes, I understood that. If I said otherwise, I
 13 apologize. But he certainly was new to the area.
 14 SGT. BRUSHETT:
 15 A. Yes, he was new to the area and Corporal Paul
 16 just advised me he had 16 years' service.
 17 MR. BUDDEN:
 18 Q. Okay, thank you. I have no further questions for
 19 these witnesses. Thank you.
 20 RALPH, Q.C.:
 21 Q. Mr. Budden, just one question. I don't see it
 22 answered anywhere, but I'm just curious about the
 23 wallet. I mean, and maybe Mr. Sweetapple can
 24 answer this. I'm just curious. Was the wallet

Page 85

1 found anywhere; can you recall?

2 CORPORAL PAUL:

3 A. We didn't locate the wallet. It was located

4 after by family or friends.

5 WILLIAMS, Q.C.:

6 Q. Mr. Sweetapple can speak to that. Take your mask

7 off.

8 MR. SWEETAPPLE:

9 A. Okay. When I went to my cabin, there was two

10 single beds in the left room and the master room

11 was one big bed. So, it was informed that the

12 wallet -- every time I went up, I took my wallet

13 out of my pocket, which somebody noted the print,

14 I lift up the mattress that I sleep on, put it

15 under that and then put it down.

16

17 And apparently, it was searched and nobody found

18 the wallet, except later when when the crime

19 scene came out of my cabin, my good friend, who

20 is deceased now, Allan Hancock, he went in the

21 cabin and he knew, lifted up and there was the

22 \$1600 in the wallet, intact.

23 CORPORAL PAUL:

24 A. I can't speak to the search because I didn't

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1 search it, but I was there when the guys,

2 Constable Ingraham and Constable Jack searched

3 it. I wasn't part of the search, so I can't

4 speak to that.

5 MR. SWEETAPPLE:

6 Yeah. No. Well, the wallet was found --

7 apparently, they searched, I'm assuming it was

8 the Mounties, and they didn't find the wallet.

9 CORPORAL PAUL:

10 A. I think the information we had, that you slept in

11 the Queen bed and not in the small bed?

12 MR. SWEETAPPLE:

13 A. No, it wasn't. It was in the single bed.

14 Whenever I went to my cabin, I didn't disturb her

15 bed -- our bed. I used the single bed, so I

16 wouldn't disturb anything because she's very

17 fussy about that cabin. Same as home.

18 CORPORAL PAUL:

19 A. You didn't want to have to make the bed before

20 you left.

21 MR. SWEETAPPLE:

22 A. But anyway, I mean, everything was intact. I was

23 glad to report that.

24

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1 MR. BUDDEN:

2 Now, Mr. Commissioner, do you have any questions

3 for these witnesses?

4 COMMISSIONER IGLOLIORTE:

5 No. Thank you very much. And I appreciate the

6 testimony that's been given. Let's recognize

7 that the role of the Commission is to make

8 recommendations which ultimately result in

9 searches being as efficient and as well as can

10 possibly be done.

11

12 So you're hardened investigators, each one of

13 you. So you're not bothered too much by the

14 questions that have been asked.

15

16 I'll simply remind all of us that the purpose is,

17 as I just stated, and more about recommendations

18 being made so that we apply scientific

19 investigative principles. That's really what's

20 going to come out of it. Not any action you did

21 or didn't do, even though you were asked about

22 it.

23

24 So we appreciate you being here, and we want to

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1 make it clear that we appreciate the role of the

2 Commission and the scope that we have here.

3

4 It's not about (inaudible) to zero in on your

5 actions. Anything else, counsel?

6 MR. BUDDEN:

7 Ms. Bedford, do you wish to redirect your

8 witnesses?

9 MS. BEDFORD:

10 No, I don't have anything further with my

11 witnesses. I would like to thank the

12 Commissioner for his comments just now. Thank

13 you.

14 MR. BUDDEN:

15 Q. Before we move on to Mr. Ralph's, perhaps we

16 could briefly hear from Mr. Smith, since he has

17 the information about the dog searching

18 techniques and that sort of interesting

19 information?

20 MR. SMITH:

21 A. Richard Smith. Commissioner, before I start, I'd

22 just like to advise you that I've attended the

23 RCMP's National Police Dog Service Training

24 School in Innisfail, Alberta, and I completed

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1 their course training standard to become
2 qualified as a police dog handler. And that was
3 back in 1986.

4
5 So, Bill Syrotuck wrote a book called "Scent and
6 the Scenting Dog." And I'm just going to take a
7 day's course and make it down here, just a couple
8 minutes.

9
10 But suffice to say, dog's scent for skin rafts or
11 dead skin cells. So every time we move our
12 bodies, every time we walk around, dead skin
13 cells are coming off and falling on the ground
14 and all over the place.

15
16 So really, there's three types of dogs that
17 search. There are the tracking dogs, the
18 trailing dogs, and the air scent dogs. So it's
19 not quite like you see in the Hollywood movies
20 where you give Rin Tin Tin the pajamas and they
21 smell it and put their nose to ground and off
22 they go. That's not the case at all, no. We
23 don't use that technique here and it's mostly due
24 to --

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1 the dog will start running and following that
2 track and the skin cells.

3
4 Now, if you've got a wind and it's been a few
5 hours, then it comes to a trailing where the
6 actual scent itself kind of blows off the track
7 and over to the side, and that's where you see
8 the dog coursing a little more back and forth.
9 And as the handler goes forward, if they lose the
10 scent, then they do a 360 around the area to pick
11 it up again until the dog actually hits that
12 scent and then off they go. But trailing is --
13 the scent is just off the crushed vegetation.

14
15 With the air scent, which is primarily used in a
16 lot of civilian SAR dogs, and also by the RCMP
17 and municipal dogs, it's because you're getting
18 there well after the fact. You're not right hot
19 on the trail, so to speak.

20
21 So now you have the dog coursing back and forth
22 in a 500-metre area into the wind and hopefully
23 that the skin rafts or dead skin cells are
24 actually in the air. And we, as we sit down or

Page 90

1 MR. BUDDEN:

2 Q. I thought that my whole life. So I guess now I
3 know different. Thank you.

4 MR. SMITH:

5 A. Well, I'm sorry, counsel, to burst your bubble
6 there. It doesn't quite work that way. But it
7 is really quite a fascinating science applied to
8 dog and dog handler working together.

9
10 So if you've just walked across a grassy slope
11 and/or field, you leave a trail of scent. Skin
12 cells and rafts all over the ground. And
13 depending upon the wind, that scent will actually
14 be with the skin cells, exactly where you walked.
15 But originally when you are tracking, the dog's
16 orientation is to the crushed vegetation which
17 holds the skin cells within that crushed
18 vegetation itself.

19
20 So ideally, if you could get a search dog, a
21 police dog, as an example, or a civilian canine
22 out there in a reasonable amount of time, the dog
23 would put its nose to the ground, be in a
24 harness, and the handler's on a leash and, bingo,

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1 walk, give off the scent cone, and just think of
2 an ice cream cone going out there, and that's the
3 cone that the dog wants to hit. And as it moves
4 back and forth, whether it's 10 metres or 100
5 metres back and forth, it will hit those skin
6 cells scent within the cone and then narrow it
7 down eventually and go right into where you are
8 located. And that's called air scenting.

9
10 So when you've got to search the large areas,
11 which we've seen in the last few days of the
12 hearing, primarily the dogs are going out there
13 well behind the track capability and they're air
14 scenting in an area and hoping to pick up in wind
15 the lost, missing, overdue person with the dead
16 skin cells.

17
18 So I hope that helps to narrow that down on how
19 the canines work in search and rescue operations.

20 MR. BUDDEN:

21 Q. Thank you. I don't know if there's any questions
22 arising out of that interesting and illuminating
23 talk?

24

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1 The only other evidence for this phase of the
2 Inquiry, Mr. Commissioner, is Mr. Ralph will have
3 a witness to speak to it and the Sweetapples may
4 wish to make a statement or give evidence.

5
6 So perhaps we could go to Mr. Ralph, unless you
7 wish to take a break?

8 COMMISSIONER IGLOLIORTE:

9 Yeah, it's a good time for a break. Are you okay
10 with that?

11 RALPH, Q.C.:

12 Yes, absolutely. Of course, Mr. Commissioner.

13 COMMISSIONER IGLOLIORTE:

14 Fifteen minutes?

15 THE CLERK:

16 All rise.

17 COMMISSIONER IGLOLIORTE:

18 Thank you.

19

(Recess)

20

21 THE CLERK:

22 All rise. This Commission of Inquiry is now in
23 session. Please be seated.
24

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1 RALPH, Q.C.:

2 Q. Thank you, Commissioner. Mr. Rumbolt now is
3 going to describe the Provincial Government's
4 role in the search for Mr. Sweetapple. And this
5 is the third time now he's sort of described what
6 he does, so we'll try and summarize it as briefly
7 as we can. But this is new to the Sweetapples,
8 so I think it's important for them to hear.

9

10 Mr. Rumbolt, what's your position with the
11 Provincial Government?

12 MR. RUMBOLT:

13 A. Good morning, Commissioner. My name is Mitch
14 Rumbolt. I'm Director of Emergency Services
15 Division for the Province of Newfoundland and
16 Labrador. And we fall under the Department of
17 Justice and Public Safety.

18 RALPH, Q.C.:

19 Q. And in 2013, I think the Division had a different
20 name. I think it was called -- what was it
21 called again?

22 MR. RUMBOLT:

23 A. At that time, it would have been Fire and
24 Emergency Services, Newfoundland and Labrador.

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1 F-E-S-NL or FES-NL.

2 RALPH, Q.C.:

3 Q. And we see it there at Exhibit 175, Cory

4 Spracklin with FES-NL. So that would have been
5 what your division was called when the search was
6 ongoing for Mr. Sweetapple?

7 MR. RUMBOLT:

8 A. That's correct.

9 RALPH, Q.C.:

10 Q. And what role does Emergency Services Division
11 play now and is it the same role that they would
12 have had in 2013?

13 MR. RUMBOLT:

14 A. That's correct. The role has remained the same.
15 We provide assistance to municipalities or
16 emergency response organizations, if their
17 capacities or capabilities are exceeded during
18 emergencies or disasters.

19

20 One of the primary functions we play is that we
21 coordinate the provision of air support for the
22 two police agencies in the province who lead
23 ground search and rescue.
24

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1 RALPH, Q.C.:

2 Q. So you're not involved directly on the ground in
3 terms of searches. You're involved in making
4 sure that there's a helicopter available for
5 searches if required?

6 MR. RUMBOLT:

7 A. That is correct. We just acquire helicopters for
8 them to use to support their ground task of
9 search and rescue.

10 RALPH, Q.C.:

11 Q. And perhaps you can describe that process. How
12 does it happen? How does someone come to call on
13 your division to get a helicopter?

14 MR. RUMBOLT:

15 A. So either of the police agencies would contact a
16 number that we have. A 24/7 phone number. They
17 would call and receive or be in communication
18 with one of our field staff. Oftentimes through
19 an after-hours answering service that we contract
20 with.

21

22 So they would speak to, eventually, the
23 representative from a police agency would be
24 speaking with one of our field staff, which we

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1 call a regional emergency management and planning
 2 officer, a REMPO for short.
 3
 4 So once they speak with that REMPO, the police
 5 agency would advise that they're looking for air
 6 support and then the REMPO would start our
 7 internal processes of seeking helicopter support.
 8 RALPH, Q.C.:
 9 Q. And could you describe that, in terms of how it
 10 works, contracted helicopters? Can you describe
 11 to the Commission how that works?
 12 MR. RUMBOLT:
 13 A. Absolutely. So the REMPO's first call would be
 14 to Government Air Services Division, which is
 15 based here in Gander. They administer the
 16 helicopter contract basically. So they would
 17 reach out to the pilots that they know are around
 18 the province and where helicopters are
 19 strategically placed as per the contract. And
 20 they would check if that pilot is able to fly the
 21 mission that is being requested of them. And
 22 that would be dependent upon the weather where
 23 they presently are lifting off from and then the
 24 weather where they are going to.

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1 RALPH, Q.C.:
 2 Q. And that service, I understand, is a Canadian
 3 Helicopter Company?
 4 MR. RUMBOLT:
 5 A. That's correct.
 6 RALPH, Q.C.:
 7 Q. And at the time, in 2013, it would have been
 8 Universal Company?
 9 MR. RUMBOLT:
 10 A. That is also correct.
 11 RALPH, Q.C.:
 12 Q. And I understand as well those helicopters, in
 13 2013, and currently, can't fly at night; is that
 14 right?
 15 MR. RUMBOLT:
 16 A. That is correct.
 17 RALPH, Q.C.:
 18 Q. And I guess there's some weather conditions when
 19 they can't fly as well, but perhaps other
 20 helicopters can fly in?
 21 MR. RUMBOLT:
 22 A. Right. Including reduced visibility as a result
 23 of weather, or icing conditions, things of that
 24 nature.

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1 RALPH, Q.C.:
 2 Q. And if the REMPO calls and the Canadian
 3 Helicopters or Universal at the time say we can't
 4 put a helicopter up, what's the next step for the
 5 REMPO?
 6 MR. RUMBOLT:
 7 A. The next step would be to contact the Joint
 8 Rescue Coordination Centre in Halifax and request
 9 the assistance of search and rescue assets in the
 10 form of a humanitarian mission.
 11 RALPH, Q.C.:
 12 A. And once the helicopter has been engaged, whether
 13 it's Canadian or Universal, or whether it's a
 14 helicopter with the JRCC, what role does the
 15 REMPO play in the actual air search?
 16 MR. RUMBOLT:
 17 A. Normally within the actual manner in which the
 18 search is conducted, the REMPO's primary role
 19 would be to ensure that the pilot of the aircraft
 20 is in direct contact with the police
 21 representative at the scene. The on-site person,
 22 basically. So that way the pilot can have direct
 23 access to weather conditions at site.
 24

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1 And subsequently after that, the REMPOs would
 2 just reach out to the police at site and
 3 facilitate any additional search time as
 4 requested by the police.
 5 RALPH, Q.C.:
 6 Q. So in 2013, you were not in the role, the
 7 position you're in right now; is that right?
 8 MR. RUMBOLT:
 9 A. That's correct.
 10 RALPH, Q.C.:
 11 Q. But you've reviewed the documents that were
 12 created by officials in your division in 2013?
 13 MR. RUMBOLT:
 14 A. I have.
 15 RALPH, Q.C.:
 16 Q. And are you able to speak to the documents and
 17 describe exactly what role your division had
 18 during the search for Mr. Sweetapple?
 19 MR. RUMBOLT:
 20 A. Absolutely.
 21 RALPH, Q.C.:
 22 Q. And perhaps we could go to Exhibit 107. And I'd
 23 ask you to describe this and explain what's
 24 happening in this document.

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1 MR. RUMBOLT:

2 A. This is an email sent from a regional emergency
3 management, a planning officer at the time. His
4 name is Cory Spracklin. It's sent to a
5 distribution group consisting of the manager of
6 Plans and Operations at the time for our
7 division, the director of the Emergency Services
8 Division, who would have been my predecessor, the
9 assistant deputy minister and fire commissioner,
10 communications personnel within the division,
11 people of that nature. And just advising them of
12 an unfolding incident, I guess, that the REMPO
13 had just became aware of.

14
15 This particular email is dated Sunday, July 28th,
16 2013, at 0400 hours, which is 4 a.m.

17 RALPH, Q.C.:

18 Q. Perhaps you can read the email.

19 MR. RUMBOLT:

20 A. Sure. So it's again sent from Mr. Spracklin. It
21 says, good morning. 0243 hours. He had received
22 a call from Sergeant Keith Frampton of the RCMP,
23 Grand Falls-Windsor detachment, along with the
24 Ground Search and Rescue are presently searching

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1 for a 74-year old male missing person. The man
2 from St. John's has a cabin in the area. The
3 man's pickup truck was located, but no signs of
4 the individual. The individual has a medical
5 history of diabetes.

6
7 Government Air Services were contacted at 0258
8 hours to arrange air support for first light.

9 Due to weather and visibility, Government Air
10 Services is saying that they may not be able to
11 fly. That would be the contracted helicopter
12 that was being facilitated by Government Air
13 Services.

14
15 At 0305, the Joint Rescue Coordination Centre was
16 contacted and a request was made to them to make
17 a humanitarian flight in aid of the search that
18 was ongoing for the missing man.

19
20 JRCC are assessing the weather and have been in
21 contact with the incident commander, Roger
22 Goobie, with Exploits Search and Rescue.

23
24 Joint Rescue Coordination Centre will notify Fire

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1 and Emergency Services when they make a decision
2 if they will fly or not. And he indicated he
3 would keep the group updated.

4 RALPH, Q.C.:

5 Q. And perhaps you can go to Exhibit 108. And this
6 is another email by Mr. Spracklin to the same
7 people. And again, I guess, the time now is 4:47
8 a.m. on July 28th. And what is Mr. Spracklin
9 indicating in that email?

10 MR. RUMBOLT:

11 A. Mr. Spracklin is providing an update indicating
12 that at 0444 Joint Rescue Coordination Centre had
13 returned his call. He advised that 103 Squadron
14 out of Gander will be flying to aid in the
15 search.

16
17 They will continue on scene until such time the
18 man is located or until weather improves and the
19 Government Air Services helicopter is able to
20 fly.

21 RALPH, Q.C.:

22 Q. So it says there GAS, but I guess that's
23 Government Air Services. It's an abbreviation
24 for Government Air Services; is that right?

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1 MR. RUMBOLT:

2 A. That's correct.

3 RALPH, Q.C.:

4 Q. Exhibit 109. Again, another email from Cory
5 Spracklin to the same recipients, at 9:51 on the
6 28th. Can you describe what's going on in that
7 email?

8 MR. RUMBOLT:

9 A. Mr. Spracklin has indicated that he just had a
10 brief update from the RCMP at 0944 hours, and the
11 search is continuing. 103, in which we know to
12 be the 103 Search and Rescue Squadron out of
13 Gander, is still providing air support.
14 Government Air Services has Universal Helicopters
15 on standby.

16
17 Right now Universal is unable to fly in the area
18 due to low ceiling and poor weather. The next
19 briefing from the RCMP is at 11 a.m. that
20 morning.

21 RALPH, Q.C.:

22 Q. And again, similarly describe what's happening in
23 Exhibit 110, the email at July 28th at 11:34 a.m.

24

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1 MR. RUMBOLT:

2 A. Mr. Spracklin has indicated the update as of 1118
3 hours. Government Air Services is now saying
4 that the helicopter out of Pasadena is available
5 to fly due to improvements in the weather
6 conditions. He approved two hours of flying time
7 and informed the RCMP if more time was required
8 that they could contact him through FES.

9
10 He also called Joint Rescue Coordination Centre
11 to update them on the situation. And when
12 Universal Helicopters arrived on scene, the
13 helicopter provided by Joint Rescue Coordination
14 Centre will stand down. And he'll provide
15 further updates.

16 RALPH, Q.C.:

17 Q. The next exhibit is 112. Perhaps you could
18 describe what is happening here and the date and
19 time?

20 MR. RUMBOLT:

21 A. It's an email from Cory Spracklin to the same
22 distribution group, dated Sunday, July 28th,
23 2013, at 3:35.
24

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1 Mr. Spracklin indicates update as of 1530. That
2 would be 3:30 in the afternoon. The search is
3 continuing. All nearby cabins have been
4 searched. Helicopter has gone for fuel. He
5 approved another two hours of search time. And
6 he'll provide further updates.

7 RALPH, Q.C.:

8 Q. Next exhibit is 114.

9 MR. RUMBOLT:

10 A. Another email from Cory Spracklin to the same
11 distribution group. Sunday, July 28th, 2013, at
12 7:03 p.m. Update as of 1600 hours. RCMP saying
13 Government -- or sorry, Ground Search and Rescue
14 are leaving area.
15

16 Search of man's truck and cabin showed he changed
17 clothes to go berry picking. Still no sign of
18 the man.

19 RALPH, Q.C.:

20 Q. And so that's, I think, the last email on that
21 date with regard to this search. And you
22 reviewed the emails and it doesn't appear that
23 there was a request to FES-NL for air support on
24 the 29th. Is that your understanding?

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1 MR. RUMBOLT:

2 A. That's correct.

3 RALPH, Q.C.:

4 Q. And perhaps we could go, now, to Exhibit 115.
5 Again, could you describe -- this is a different
6 sender of this email, but perhaps you could
7 describe who that is. David McCormack.

8 MR. RUMBOLT:

9 A. Correct. The sender of this email is David
10 McCormack. He was the former Director of
11 Emergency Services Division or FES-NL at the
12 time, doing the same role that I'd be doing
13 today. It's dated Thursday, August 1st, 2013, at
14 3:59 p.m.
15

16 It reads: "Hi all, as per RCMP request, I have
17 approved two hours search to start on site at
18 0830 hours tomorrow," which would be Friday. He
19 addresses Mr. Spracklin and says that he had made
20 initial contact with Government Air Services at
21 1552, which is 3:32 p.m. that day, but dispatch
22 was busy. They're going to call through the
23 answering service when things settle down to
24 confirm details.

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1 "Below are the coordinates where ground search
2 and rescue will be mustering in the morning."
3 And the name and cell phone number of the RCMP
4 member Fewer, who we know to be Corporal Fewer.
5

6 "If you have not heard from Government Air
7 Services by early evening, would you please call
8 them? I have included Government Air Services
9 dispatch on this message. Thanks, Dave."

10 RALPH, Q.C.:

11 Q. And perhaps there's an email that's ten minutes
12 earlier below that. Can you describe what's
13 going on there?
14

14 MR. RUMBOLT:

15 A. That would be an email from Keith Frampton, a
16 member of the RCMP. I'm not sure of his rank at
17 that time. It would have been to David McCormack
18 and Les Brushett of the RCMP and cc'd to numerous
19 other individuals, including Harry Blackmore and
20 several other RCMP members.
21

22 The subject is "SAR Central Newfoundland."
23 Search and Rescue Central Newfoundland. "Air
24 support is approved for two hours. The pilot is

Page 109

1 to call Mike Fewer at" a phone number "and attend
 2 south of South Red Indian Lake at 0830 hours."
 3 And the GPS coordinates for the search area is
 4 provided.
 5 RALPH, Q.C.:
 6 Q. And perhaps you could go to Exhibit 116?
 7 MR. RUMBOLT:
 8 A. This is an email from Dave McCormack to the
 9 original distribution group and, with the
 10 addition of Keith Frampton of the RCMP, dated
 11 August 2nd, 2013, 11:17 a.m.
 12
 13 And Mr. McCormack indicates that he had spoke
 14 with Keith Frampton at 1113 hours. "The missing
 15 person was found alive but in need of medical
 16 assistance. Further details will be
 17 forthcoming."
 18 RALPH, Q.C.:
 19 Q. Now, we're not sure of the rank of Frampton,
 20 Sergeant Williams?
 21 SGT. WILLIAMS:
 22 A. Sorry. Yeah, Sergeant Williams here. He would
 23 have been a sergeant at the time. Thanks.
 24

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1 RALPH, Q.C.:
 2 Q. And I believe that he would have been in B
 3 Division. I'm assuming you had your position at
 4 the time?
 5 SGT. WILLIAMS:
 6 Yes. Sergeant Williams here. That's correct.
 7 Same position as I'm currently in.
 8 RALPH, Q.C.:
 9 Q. I'm just going to review one last exhibit.
 10 That's Exhibit 124. And this is an invoice. I
 11 guess it's just indicating that the cost of the
 12 air support of the search by the Universal
 13 Helicopter on July 28th would have been, I think,
 14 \$8760 or so; is that right?
 15 MR. RUMBOLT:
 16 A. Correct. It indicates "search for missing person
 17 at Red Indian Lake" and that approximate number.
 18 RALPH, Q.C.:
 19 Q. I don't think you could find an invoice for
 20 August the 2nd search; is that right?
 21 MR. RUMBOLT:
 22 A. That is also correct.
 23 RALPH, Q.C.:
 24 Q. Those are the questions I have for Mr. Rumbolt.

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1 MR. BUDDEN:
 2 Ms. Bedford, have you any questions?
 3 MS. BEDFORD:
 4 No, thank you.
 5 MR. BUDDEN:
 6 Okay. Mr. Williams?
 7 WILLIAMS, Q.C.:
 8 No, I have no questions. Thank you.
 9 MR. BUDDEN:
 10 Q. Okay. One quick question. And this is ground,
 11 Mr. Rumbolt, I've covered in the other two
 12 sessions, but I'll just do it here for
 13 completeness. And we'll obviously return to it
 14 in the policy.
 15
 16 When you indicated that in your evidence that the
 17 first call would be to the contracted
 18 helicopters, that would only be during daylight
 19 hours, I would assume?
 20 MR. RUMBOLT:
 21 Q. Correct. Our staff would know the limitations of
 22 the contracted helicopters. So if it was dark,
 23 or darkness was to occur in the immediate future,
 24 they would still call -- they may call GAS, but,

Page 112

1 quite likely, they would just call JRCC directly
 2 at that point.
 3 MR. BUDDEN:
 4 Q. Right. Because the Province does not either own
 5 or have contracted helicopters that are capable
 6 of doing search and rescue missions during the
 7 hours of darkness?
 8 MR. RUMBOLT:
 9 A. That is correct.
 10 MR. BUDDEN:
 11 Okay. That's it. Thank you. Mr. Commissioner,
 12 unless you have questions? We are done here
 13 unless the Sweetapples, directly or through
 14 counsel, wish to say anything. So I'll turn
 15 matters over to Mr. Williams to inform us on
 16 that.
 17 WILLIAMS, Q.C.:
 18 Thank you, Mr. Budden. And I've had an
 19 opportunity to speak with the Sweetapples at the
 20 break. And while they don't wish to have
 21 anything personal to say, they have asked that I
 22 express to the Commissioner, as well as to all
 23 parties present, Commission counsel as well as
 24 the Province and the participants from the

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1 Federal Government and Search and Rescue crews,
 2 their thanks for the evidence that has been given
 3 over the last two days. I think it's been
 4 beneficial for us to be able to have, as we did
 5 in Makkovik.
 6
 7 People who've been directly involved in these
 8 type of operations, and for this family, I think
 9 it's enlightening.
 10
 11 One of the things that has really come to the
 12 forefront is the importance of communication.
 13 Something that I think we can all learn from.
 14 Because a lot of blanks and questions that
 15 they've had over the intervening seven or eight
 16 years have been answered. And they really take a
 17 lot out of the process that they've been able to
 18 go through here in the last two days. And it
 19 puts to rest, and, I guess, to a certain extent,
 20 brings closure to a very troubling incident that
 21 Mr. Sweetapple had been involved in.
 22
 23 And as we've all acknowledged, we're thankful
 24 that he can be here today to participate in this

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1 THE CLERK:
 2 All rise. This Commissioner of Inquiry is
 3 concluded for the day. Thank you.
 4
 5 **(Inquiry is adjourned)**
 6
 7
 8
 9
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 12
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 16
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 18
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 20
 21
 22
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 24

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1 effort. So thank you to one and all.
 2 COMMISSIONER IGLOLIORTE:
 3 Thank you very much. The comments are
 4 appreciated by the searchers, by all the parties
 5 involved, and we are most happy that they were
 6 able to be here. So Mr. Budden, I think we'll
 7 adjourn to Tuesday?
 8 MR. BUDDEN:
 9 That is correct. I believe that the evidence
 10 next week can be dealt with in two days. So
 11 we're going to not sit on Monday. After coming
 12 off the road for a week, I think everybody could
 13 benefit from a day to get ready for Tuesday and
 14 to attend to other matters.
 15
 16 So I believe 9 a.m., Mr. Commissioner? And Madam
 17 Clerk, perhaps you could just tell us where,
 18 again, the sessions will be next week?
 19 THE CLERK:
 20 I believe they'll be at the Comfort Inn at the
 21 Airport. Up by the Airport.
 22 MR. BUDDEN:
 23 Okay. Thank you. That's it, Mr. Commissioner.
 24

1
 2
 3
 4 **CERTIFICATE**
 5
 6
 7
 8 I, Beverly Guest, of Elite Transcription, of
 9 St. John's, in the Province of Newfoundland
 10 and Labrador, hereby certify that the
 11 foregoing, numbered 1 to 115, dated
 12 September 24, 2021, is a true and correct
 13 transcript of the proceedings which has been
 14 transcribed by me to the best of my
 15 knowledge, skill and ability.
 16
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 18 Certified By:
 19
 20 **Beverly Guest** Digitally signed by Beverly
 Guest
 Date: 2021.10.14 16:57:33 -
 0230
 21
 22 Beverly Guest,
 23 Court Reporter
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