

# FILLMORE RILEY

FILLMORE RILEY LLP • BARRISTERS, SOLICITORS AND TRADE-MARK AGENTS  
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May 28, 2008

Commissioner for the Taman Inquiry  
Room 30 – 200 Vaughan Street  
Winnipeg, MB R3C 1TS

**Attention: David Paciocco/Vincent Clifford**

Dear Sir:

**Re: Taman Inquiry into the Investigation and  
Prosecution of Derek Harvey-Zenk**

As a result of a meeting with Chief Carter this morning, it has come to my attention that there has been a failure on my part to disclose, through inadvertence, a relevant document. The responsibility for that failure to disclose rests solely with me. The reason for the failure to disclose is that, until my meeting this morning, I failed to recognize that the document contained information relevant to the issues before the Inquiry.

The document in question is the front cover (two sides) of the East St. Paul Police Department file relating to the Harvey-Zenk investigation. A copy of the document was first provided to me by Chief Carter on November 15, 2007. A copy of both sides of the document is attached hereto.

At my meeting this morning, Chief Carter referred me to the original document. I did not recognize it at first. However, on checking the file material delivered to me by Chief Carter on November 15<sup>th</sup> last, I acknowledge that I have had a copy of the document since then.

The reason Chief Carter referred me to the document this morning is twofold. First, the notes on the back side of the cover which, except as noted hereafter, Chief Carter believes to be in the handwriting of former Chief Bakema, evidence continuing involvement in the investigation of the accident by former Chief Bakema after February 25, 2005. Second, the note below the name "Dale Kasper" and above the name "Ted Rosser", which Chief Carter also believes to be in the handwriting of former Chief Bakema, references the blood/breath issue. The note that appears beside former Chief



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Bakema's note, "I advised Prosecutor Minuk", is Chief Carter's note as is the entry two lines below "Report to M.E.'s office".

If you have any questions or would like further information from Chief Carter about the document, please do not hesitate to contact me. I apologize for this oversight on my part.

Yours truly,

**FILLMORE RILEY LLP**

Per:



**R. D. McDONALD**

RDM/kmh



# EAST ST. PAUL POLICE

← REF. FILES \_\_\_\_\_ ASSIGNED TO OFFICER NO. (S) \_\_\_\_\_  
 \_\_\_\_\_ REASSIGNED TO OFFICER NO. (S) \_\_\_\_\_  
 \_\_\_\_\_ ASSIGNED TO ALL MEMBERS \_\_\_\_\_

DATE REVIEWED / NOTES  
 25 FEB 2005 *U*  
 01 MAR 2005  
 06-03-02 CAT PL. Divid.  
 4 " " 505 NOTICE TO DPVU issued  
 7 " " 1st Report not returned  
 7 " " Vehicle impounded not returned  
 08 " " Vehicle impounded not returned  
 11 " " 2216 mailed TO OTTAWA  
 " " " Crown PK delivered  
 05-03-30 - 7 AC mailed TO DPVU.

DIARY DATES  
 05-03-15

CLASSIFICATION  
 VIOLATION CODE (1)  
 VIOLATION CODE (2)  
 ACCUSED (S)

FATAL MUC  
 8300

Prelim JONES / 08  
 JUN 12-13

COURT DATES

06-05-15. off. sent for K. Chalm  
 called to crown

- VICTIM BILL OF RIGHTS
- VICTIM IMPACT STATEMENT
- PROTECTION ORDER

FINGERPRINTS TAKEN

D.P.I.C. DATE 05-03-02  
 ADDED ACC PROHID

MODIFIED \_\_\_\_\_

REMOVED \_\_\_\_\_

QUERIED, NEG. \_\_\_\_\_

QUERIED, HIT. \_\_\_\_\_

DATE CONCLUDED \_\_\_\_\_

COURT APPEARANCE(S) DATE: \_\_\_\_\_

ACCUSED ATTENDED: YES  NO

GUILTY  GUILTY W/EXPLN.  NOT GUILTY

TRIAL: YES  NO

DISPOSITION: REPRIMAND  DISMISSED

FINE: \_\_\_\_\_ COSTS: \_\_\_\_\_

TOTAL: \_\_\_\_\_ I/D: \_\_\_\_\_

T.T.P. \_\_\_\_\_

- C.P.I.C.  FILE  EXHIBIT
- C.P.I.C.  FILE  EXHIBIT
- C.P.I.C.  FILE  EXHIBIT

FILE NO. 05-00568  
 EXHIBIT NO. \_\_\_\_\_  
 C.A.D. NO. \_\_\_\_\_

Gindin  
Wolson  
Simmonds  
Barristers

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Notes - <sup>Suppe</sup>  
- ✓ Graham ✓  
- ✓ Bakema ✓  
- ✓ Woychuk ✓  
- ✓ Carter ✓  
- Pedersen ✓  
- Krawchuk

Remp officus Rpt

witness statement - Gauth Shaw ✓

- VERNON STEWENS ✓
- DENISE BUKOWSKI ✓
- SELKIRK Ambulance attendant (Ted Rosser) ✓
- Cathy Beattie ✓
- East St Paul Fire Dept L
- wpg Ambulance attendant
- 1st medic on scene
- Dale Kasper [REDACTED]
- Carter to change Suppe Blood to Buetti - I ADVISED PARTIAL TO MINUTE
- TED ROSSER - [REDACTED]
- Report to MB'S OFFICE

**RCMP · GRC**

T.L. (Tracy) Kennett  
Corporal Investigator  
Major Crime Unit  
Winnipeg

Caporal Enquêteur  
Groupe des crimes graves  
Winnipeg

Royal Canadian Mounted Police / Gendarmerie royale du Canada

Canada

799 2952