

**P-2.83**

**PAGES 2552 – 2557**

**N. CARTER – INCIDENT NARRATIVE**

**MARCH 1, 2005**

2005.03.01 - 13:48:17 (Norm Carter)

File Name	Notes
Old Value(s)	<p>2005/02/25 0738 hrs. Writer received a call from dispatch requesting writers attendance at an MVC located at Hwy 59 and the Perimeter. Dispatch further advised that it was reported that one of the vehicles was split in half.</p> <p>0800 hrs. Writer arrived at the station where he was requested to wait for Cst Woychuk to attend.</p> <p>0812 hrs Cst Woychuk attended to the station and advised that he had male subject in the rear of R.M.2 who was involved in the accident that has resulted in one fatality of a female. The subject had declined medical attention at the scene and was being transported back to complete a TAR. Information received from Cst Woychuk was that he had detected a slight odor of liquor from this subject enroute to the station.</p> <p>0814 hrs. Writer and Cst Woychuk attended to R.M. 2 where writer identified himself to a male later identified as Derek Grant HARVEYMORDENZENK.</p> <p>0815 hrs. Writer and Cst Woychuk escorted the male to interview room # 1. Writer detected a strong smell of liquor on the accused breath. The male was noted to be unsteady on his feet. The male was observed to walk 20 feet on sidewalk 10 feet on carpet and 30 feet on tile floor. The male was identified by way of a valid Manitoba Drivers licence HARVEDG261C1 and a Winnipeg Police picture identification card in the name of Derek G. HARVEY-ZENK.</p> <p>0818 hrs. At this time writer formed the opinion that the subject was impaired and subsequently placed the subject under arrest for Impaired Driving cause death/bodily harm or some similar charge in relation to this incident. The male advised writer he understood.</p> <p>0819 hrs. Writer advised the male of his right under the Charter. Again the subject advised writer he understood and wanted to exercise his rights to contact legal counsel.</p> <p>0820 hrs. Writer read the standard police caution to the subject and again he advised that he understood.</p> <p>0821 hrs. Writer read the accused the blood demand. He advised he understood and agreed to provide breath samples. The subject was subsequently searched and lodged in interview room # 1. The subject requested a phone book, pen and paper and advised that he wanted to call Richard WOLSON. Writer called WOLSON's law office and was advised that WOLSON was not available but that the on call lawyer would be paged. Writer was then put on hold. At this time writer noted the following observations of the subject: Strong odour of liquor, flushed face, unsteady on feet, glassy/bloodshot eyes. The subject had dried blood on his hand and nose. The subject was wearing blue jeans, a blue Ralph Lauren T-shirt, . Writer noted the subject to be approximately 6'1" and 225 lbs.</p> <p>0834 hrs. The subject asked writer "I'm sorry, did you give the demand?" Writer answered in the affirmative. Cst Woychuk completed the prisoner log and the subject signed same for his belongings.</p> <p>0838 hrs. Lawyer Paul COOPER came on the line and writer briefed him before passing the phone to the subject to consult in private.</p> <p>0855 hrs. Writer noted the subject was finished his call. Writer entered the interview room and removed the telephone and pen from the subject. At this time the subject asked writer what time he had made the call to his lawyer and writer provided him with that time.</p> <p>0906 hrs. Writer had requested Cst Woychuk escort the subject to the breath room, but subject was heard to say to Woychuk that he did not</p>

want to provide breath samples.

0907 hrs. Writer attended to the interview room and asked the subject if he would provide samples, but the subject declined by saying "no". Writer then asked if he understood that he would be charged for refusal and the subject replied "I understand"

0908 hrs. Writer read the accused the refusal demand and then asked if he would provide samples. The subject replied "no"

0909 hrs. Writer again asked the subject if he was refusing and the subject replied "I'm refusing"

0910 hrs. Writer exited the interview room

0915 hrs. Writer impounded the subjects vehicle ( DAX 165) for 60 days as a result of the refusal pursuant to the provisions of the HTA.

0921 hrs. Cst Pedersen called writer to confirm that the deceased is Crystal TAMAN of [REDACTED] Pedersen advised that the family is at the hospital and requested that the name of the deceased not be released to the press.

0934 hrs. Cst Pedersen called writer and advised that the M.E. had been contacted by the hospital and that the driver of vehicle # 1 ( Beattie, Cathy) has been released from hospital after being treated.

1004 hrs. Writer made contact with the crowns office and spoke with duty Crown Russ RIDD to brief him on the incident. he advised that as the accused is a police officer that they will contact a special prosecutor.

1035 hrs. Writer received a call from Special prosecutor Marty MINUK who was briefed on the incident. Based upon the information, MINUK authorized charges of Refusal/ Impaired cause death/ dangerous cause death and Criminal negligence cause death. Writer was also advised that the subject can be released on a PTA for Courtroom 301-408 York.

1052 hrs. Heather Reay of Richard WOLSON's law office called to ascertain if the subject was still in custody. Writer also received a call from Jim POOLE of the Professional Standard Unit of the WPS.

1110 hrs. Writer and Cst Krawchuk escorted the subject to the washroom

1114 hrs. The accused was escorted back to the interview room where writer asked he wanted to call his wife or call the Association. The subject advised writer that he wanted to do so. The subject was asked if he wanted to speak to writer about the incident, but the subject declined.

1117 hrs. Writer then exited the interview room. writer received subsequent telephone calls from Jim POOLE of professional Standards and Loren SCHENKEL of the WPS Police Association.

1128 hrs. Writer received a call from WOLSON's law office advising that lawyer Katherine BUETI is enroute to the station

1148 hrs. Katherine BUETI arrived at the station. Shortly after her arrival, S/Cst Offert advised writer that the subject was banging his hands and head on the wall of the interview room. Writer attended to the interview room to find the subject very upset and crying.

1151 hrs. Katherine BUETI was escorted to the interview room to consult with the subject in private.

Writer also subsequently received a call from the Trauma Unit of WPS ( Paul ISAAC) who advised that he would be attending to the station to see the subject.

1229 hrs. Paul ISAAC arrived and was escorted to the interview room with Katherine BUETI.

1303 hrs. Writer escorted the subject and his lawyer to writers office where he was served a PTA/ Drivers Licence suspension Notice/ vehicle impound notice/ vehicle forfeiture notice and Notice to Seek Greater Punishment. The accused advised that he understood all documents and signed the prisoner log for his belongings. The accused also consented to being fingerprinted/photographed at this time.

1337 hrs. The subject left the station in the company of his lawyer.

1420 hrs. Inspector Corine SCOTT called for an update and was provided same.

1500 hrs. M.E. Leslie LEE called and advised that the PM is scheduled for Monday morning at the HSC. She also requested that Cst. Pedersen call her with details on NOK.

Sgt. N. Carter

New  
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2005/03/01 1137 hrs. writer swore out information before Magistrate V. Erickson in Selkirk, Mb

1230 hrs. Writer and Chief Bakema attended to [REDACTED] Rd to speak with the family of Crystal TAMAN to update them on the progress of the investigation.

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