

INQUIRY INTO THE INVESTIGATION AND
PROSECUTION OF DEREK HARVEY-ZENK

The Honourable Roger Salhany, Q.C., Commissioner

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Interview of Chelsea O'Halloran
Held at the Taman Inquiry Offices,
30-200 Vaughan St.
Winnipeg, Manitoba

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Wednesday, March 12, 2008

This is the Interview of Chelsea O'Halloran, had and taken by Cecelia J. Reid, Official Examiner, Q.B., at the offices of The Taman Inquiry, 30-200 Vaughan St., Winnipeg, Manitoba, on the 12th day of March, 2008 at 1:30 in the afternoon.

APPEARANCES

Mr. Vincent Clifford

Associate Commission Counsel

Reporter:

CECELIA J. REID

Official Examiner, Q.B.

1 WEDNESDAY, MARCH 12, 2008

2 UPON COMMENCING AT 1:32 P.M.

3

4 BY MR. CLIFFORD:

5 Q It is March 12, 2008, and we are
6 present at the Taman Inquiry Office in Winnipeg.
7 I'm Vincent Clifford, Associate Commission
8 Counsel. And present today for an interview is
9 Chelsea Lynn O'Halloran. The time of day is 1:37
10 p.m. Also present is Cecelia Reid, our certified
11 court reporter.

12 Ms. O'Halloran, due to your employment
13 on Branigan's on February 24th, 2005, the
14 Commission would like to ask you some questions
15 about your dealings with certain individuals that
16 evening?

17 A Okay.

18 Q And before we do that, I would first
19 like to thank you for attending. I understand
20 that you have done it on a voluntary basis?

21 A Yes.

22 Q And, in fact, you even showed up a
23 little bit early for the interview?

24 A Correct.

25 Q And we appreciate it. And I also

1 wanted to confirm that you have had an opportunity
2 to review the statement that you gave to the RCMP
3 dated March 11th, 2005?

4 A Yes.

5 Q That you have had the opportunity to
6 review the transcript of that interview which was
7 prepared by the Commission?

8 A Correct.

9 Q And prior then to asking you questions
10 about what took place, at this time I would like
11 to have the oath administered, and I understand
12 that your preference would be to give a solemn
13 affirmation to tell the truth?

14 A Yes.

15 Q And our court reporter will administer
16 the oath, and she is qualified to do that.

17 COURT REPORTER: Do you solemnly
18 affirm the evidence to be given by you shall be
19 the truth, the whole truth and nothing but the
20 truth?

21 MS. O'HALLORAN: Yes.

22 BY MR. CLIFFORD:

23 Q Ms. O'Halloran, can you tell me what
24 your position was at Branigan's on February 4th,
25 2005?

1 A I was a lounge server.

2 Q And how long had you been working
3 there at that point?

4 A I had started to work there in
5 December, so probably about two and a half months.

6 Q And prior to working at Branigan's as
7 a lounge server, did you have experience in the
8 food and beverage industry?

9 A Yes.

10 Q Where did you work before that?

11 A I worked at the Pony Corral downtown.

12 Q And how long had you worked there?

13 A About a year.

14 Q Taking your mind back then to
15 February 24th, 2005, do you have an independent
16 recollection of a group of individuals coming in
17 and you being involved with them?

18 A Yes.

19 Q So in addition to the statement that
20 you have reviewed, you have your own independent
21 recollection that's still in your mind about what
22 happened that evening?

23 A Yeah.

24 Q And we know, of course, that a group
25 of individuals came into the bar that evening?

1 A Um-hum.

2 Q And you were responsible for serving a
3 number of them?

4 A Yes.

5 Q And were you aware of the fact that
6 they were police officers?

7 A Yes, yeah.

8 Q Okay. And this is something that you
9 were aware of as they came in, as a result of
10 dealing with them in the past or --

11 A Yeah. They usually call -- they would
12 usually call ahead of time just to let us know
13 that they were coming in because there was usually
14 kind of a bigger group, more than like two or
15 three people coming in. So our general manager
16 had asked them to call ahead of time to let us
17 know that they were coming so we could prepare
18 ourselves.

19 Q So before we deal with February 24th,
20 2005, I would just like to ask about the frequency
21 with which they would come in and the number of
22 people that would come in, and what it was
23 normally like?

24 A Yes.

25 Q So you have indicated that usually

1 they would call. How often was this group of
2 people coming in?

3 A There was three that I can remember,
4 they would at least come in once a week, and they
5 would have different people come with them every
6 once in a while, but there was three for sure,
7 three or four of them for sure that I can remember
8 coming in at least once a week.

9 Q And apart from specific individuals
10 that would come in once a week, were you working
11 before February 24th when a large group had come
12 in?

13 A Yes.

14 Q How many times had that happened?

15 A Probably only two times.

16 Q And when you say it was a larger
17 group, can you tell me how many?

18 A 15 or more.

19 Q And was there any particular time that
20 they would be coming in?

21 A They usually came when their shift
22 ended, so it was usually the later shift, so they
23 came in around 10:00, 10:30.

24 Q And how late would they stay?

25 A Well, we had to stay open for them,

1 they were usually the only people there, and they
2 would probably leave around 2:30.

3 Q And what would they do while they were
4 there?

5 A They would drink and eat wings.

6 Q And what sort of beverages would they
7 consume?

8 A Most of them drank off the tap, so it
9 was mostly beer, but a couple of them would order
10 hard alcohol like rye and vodka.

11 Q You mentioned that you would stay open
12 late?

13 A Yeah. Usually we would shut down
14 around midnight, that's the latest, like when they
15 wouldn't come in that was usually how late we
16 stayed open 'til. But our general manager was
17 good friends with one of the policeman who came in
18 every single time a group of them would come in,
19 so he would stay open. He would make me work
20 until about 2:00 or 2:30, and then that's when you
21 can't serve alcohol any more legally.

22 Q Who was the general manager at the
23 time?

24 A Rod.

25 Q Can you give me Rod's last name?

1 A Rodriguez, I believe.

2 Q And do you know who his friend was
3 that was the police officer?

4 A Yes.

5 Q Who was that?

6 A His name is Sean Sean Blackie.

7 Q As far as you know, Mr. Rodriguez and
8 Officer Blackie were friends?

9 A I know for a fact they were.

10 Q How do you know that for a fact?

11 A Because my general manager told me
12 that Sean was in his wedding party when he got
13 married.

14 Q Okay. Do you know where Mr. Rodriguez
15 is living these days?

16 A The last I heard, he had opened a
17 restaurant in East St. Paul, but I don't know if
18 that's happening any more. I heard that quite a
19 while ago.

20 Q Can you give me any idea when it was
21 that you heard that?

22 A Probably about a year ago.

23 Q So there had been evenings prior to
24 February 24th, when you were employed as a lounge
25 worker or a lounge server, where a large group of

1 police officers came in at the end of their shift
2 and stayed beyond what would be the normal closing
3 time?

4 A Correct.

5 Q And that was at the request of
6 Mr. Rodriguez?

7 A Yes.

8 Q And on a typical night when the police
9 officers weren't there, what time would you be
10 going home?

11 A I would usually go home around
12 midnight, 12:30 I believe is --

13 Q And your expectation about going home
14 would change, is that correct, if you knew that
15 the officers would be coming?

16 A Yes. I knew that I would have to stay
17 regardless.

18 Q And how would they all get there, do
19 you know, like what sort of means of
20 transportation?

21 A They would all drive.

22 Q So you are aware of the fact that they
23 would all drive there?

24 A Oh, yeah.

25 Q You would serve them alcohol

1 throughout the evening?

2 A Yeah.

3 Q Okay.

4 A Yes. I don't know if every single one
5 of them drove their own vehicles or if they came
6 together, but I know that's how they got there in
7 general.

8 Q Do you know how they left after they
9 were there?

10 A I did see a few of them leave in cars.

11 Q Do you know if there were times when
12 the cars were left behind?

13 A I don't think so, but our parking lot
14 was also attached to Red Lobster, so I don't know
15 particularly exactly vehicle they all had, so it
16 could have been someone's vehicle left in the
17 parking lot from the other restaurant.

18 Q And you recall this happening on two
19 prior occasions before February 24th --

20 A Yes.

21 Q -- in your brief employment up to that
22 point?

23 A Yes.

24 Q Now let's move to February 24th, 2005?

25 A Okay.

1 Q And I would like you to bring me, in
2 as great detail as you can, through what you
3 observed happening. Explain the number of people
4 that came in and what they were doing and so
5 forth?

6 A Okay. We had gotten the call, I don't
7 remember what time, but it was obviously before
8 11:00 o'clock, because that's when they all
9 started to come in, but we got the call there was
10 going to be a large group of them. They started
11 to arrive slowly, but from what I remember there
12 was at least from 25 to 30 people. I would say
13 pretty much every single one of them were drinking
14 except for maybe one or two. And I remember that
15 there was two girls there out of the 25 people.

16 Q Could I ask you at this point, was
17 this a larger crowd than you had experienced in
18 the previous two times?

19 A Yes. I mean, there was about, the
20 last two times there was about 15 people. This
21 time it was my biggest group.

22 Q And how many did you think were there?

23 A I would say about 25 to 35 people. I
24 know it was pretty much their whole shift that had
25 came. I don't know why they came, but I know that

1 that was basically their whole shift that got off
2 and came.

3 Q Okay. Continue.

4 A Yes, like I said, they were, most of
5 them were all drinking. They were ordering food,
6 some were ordering off the menu, some just ordered
7 their regular wings, because we would give them a
8 special also that they have \$2.75 pints and 30
9 cent wings. However, that was only supposed to be
10 I believe on Tuesday or Thursday, but if they came
11 in on one of those off days that we would still
12 give them that deal, because they came and stayed
13 and spent some money. And just towards the end of
14 the night, they were all pretty loud and rowdy
15 because they had been drinking a fair amount.
16 Nobody looked out of hand. A few of them did look
17 drunk and were loud, and you can tell when someone
18 is drunk because they are loud and belligerent.
19 But they all paid their bills. I usually, when
20 there was a bigger group they would all just line
21 up at the bar and I would get them to pay
22 individually, because they don't like to pay in a
23 big group. They just pay their individual bills.
24 So then they all left. One of them, or a couple
25 of them were talking about a bonfire that was

1 happening at one of the other police officer's
2 house, and they asked me if I wanted to come and I
3 said no.

4 Q Okay. Just before we get to that, I
5 will ask you some questions about it, but in terms
6 of the arrival time, you've indicated that you got
7 a call before 11:00 o'clock?

8 A Yes.

9 Q Can you indicate what time they
10 arrived?

11 A They came around probably 11:00,
12 11:30, that's when they all started to show up.

13 Q What time was it when they were
14 leaving?

15 A Probably about 2:30.

16 Q So we are now into February 25th at
17 2:30 in the morning?

18 A Yes.

19 Q You have had this group in the bar --

20 A Yeah.

21 Q -- throughout the evening and you are
22 serving them?

23 A Yes.

24 Q And you mentioned that you were
25 actually invited somewhere?

1 A Um-hum.

2 Q Tell me about that, please?

3 A They were just saying that they were
4 going to have a bonfire at one of the other police
5 officer's house that lived in St. Paul, or East
6 St. Paul. And they just said that they were going
7 to have a bonfire and if I would like to come.

8 Q Do you know who it was that --

9 A Hosting the party?

10 Q Yes?

11 A I think his name is Ken Azaransky, I'm
12 not sure, because I know that there is a few of
13 them that lived in East St. Paul, but I believe it
14 was him.

15 Q Do you know that individual?

16 A Yes -- not like on a personal basis
17 but I have had contact with him before, I have
18 seen him around.

19 Q Who was it that invited you?

20 A I believe his name was Dave, David.

21 Q Do you recall his last name?

22 A No.

23 Q He was a police officer?

24 A Yes.

25 Q What was your reaction to being

1 invited to go out after work by these individuals?

2 A I just kind of laughed. He had also
3 asked, like because I was their server and I was
4 the only one there, and my bartender. He kind of
5 said it kind of in front of the bartender and the
6 bartender kind of laughed too, but I just laughed
7 at it, I didn't say I was going to come or
8 anything.

9 Q Who was the bartender?

10 A His name is Darcy.

11 Q Gerardy?

12 A Yes.

13 Q So you were invited to attend at a
14 bonfire by one of the police officers?

15 A Um-hum.

16 Q Can you indicate the level of sobriety
17 of the individual that made this invitation to
18 you?

19 A He was drunk, very drunk.

20 Q What makes you say that he was very
21 drunk?

22 A I can just tell because I had served
23 them before, so I do know them. They would come
24 in as often as once a week, so I do know them a
25 little bit. And when they came in they kind of

1 were just laid back and talked and like joked
2 around and stuff, but I could tell once they were
3 starting to get drunk because they were loud and
4 say more like kind of vulgar things, and they were
5 just like being super, super loud. So I would
6 know, because I have seen them when they are sober
7 and I have seen them when they are drunk, so I can
8 tell.

9 Q And what was your impression that
10 evening, when you got into February 25th, 2005, in
11 terms of their sobriety?

12 A Like what did I think, if they were
13 drunk or not?

14 Q Yes.

15 A Yes, they were drunk. Not every
16 single one of them were, but I could pinpoint the
17 guys who were, I knew that they were drunk.

18 Q And how many of them do you think were
19 drunk?

20 A Probably about 15 of them for sure.

21 Q And what can you tell me about the
22 amount of alcohol that you had served them?

23 A I know that they all had quite a bit,
24 probably about eight or nine beers per person, and
25 then there was a few that were drinking rye and

1 they probably had about eight or nine. And then I
2 remember the one girl, she was quite drunk too and
3 they were ordering pitchers of beer.

4 Q Let's deal first with the entire
5 group. You have a recollection there was 25, or
6 35?

7 A Approximately, yes.

8 Q Approximately?

9 A Yes.

10 Q And I understand that. Of this total
11 number that you recall, how many do you think
12 drank to the point of being drunk?

13 A Like I said, probably about 15 of
14 them.

15 Q And do I understand correctly that of
16 those 15, your recollection is that they would
17 have consumed about eight drinks, eight beers
18 each?

19 A Um-hum.

20 Q And in addition to these individuals,
21 you have described one of the girls?

22 A Um-hum.

23 Q Does she make up part of that group of
24 15?

25 A Yes.

1 Q And the individuals that were drinking
2 rye, do they make up part of that group of 15 as
3 well?

4 A Yes. Yes.

5 Q And I understand this is an
6 approximation?

7 A Yes. I don't know how many people
8 were there, like exact, I don't know the exact
9 number.

10 Q Okay. Do you know who was drinking
11 the rye?

12 A No. I don't -- I know one of them
13 was, I think it was their Sergeant, he is an older
14 gentleman, I don't know his name, but if I saw
15 him, I would be able to recognize him. He was
16 drinking rye. And the one girl I believe started
17 to drink hard alcohol, and then just drank the
18 pitchers that the other police officers were
19 ordering.

20 Q You recall two female officers being
21 present?

22 A Yes.

23 Q And you have suggested that one of
24 them --

25 A Was drunk.

1 Q -- was drunk?

2 A Extremely. She was loud.

3 Q I need you to explain that in further
4 detail?

5 A She was just extremely, extremely
6 loud. She kept standing up on her chair and like
7 yelling stuff. She was just like really loud.

8 Q Do you know whether they were
9 celebrating anything in particular?

10 A No. And they very well could have
11 been, because there was such a large group of
12 them, but they never told me that they were
13 celebrating anything. I do remember that Sean
14 Blackie had been promoted to Sergeant, but I don't
15 know if that's what they were celebrating because
16 I can't remember if it was before or after. But I
17 do remember after the incident, they didn't really
18 come in any more.

19 Q When did you learn that Officer
20 Blackie was promoted to Sergeant?

21 A I can't remember whether it was
22 before, or whether my manager had told me, but I
23 think it was right around that time. And one of
24 the ladies was also going I believe into
25 detective, I think, that's what they had said.

1 Q One of the two ladies that was
2 present?

3 A Yes.

4 Q Was going into --

5 A I believe she got --

6 Q -- a position?

7 A -- yes, a position as detective or --

8 Q Was there anybody else in the
9 restaurant as the night progressed?

10 A There was a couple, but they left just
11 shortly after the police had arrived. So they
12 were just basically the only people.

13 Q Were they eating a lot of food?

14 A They usually just ordered wings. Some
15 had salads, I believe one of the girls, the one
16 that got promoted to detective, she had a salad,
17 but the rest usually just ate wings, they never,
18 ever ordered anything else.

19 Q Was the one who ate the salad the one
20 who drank?

21 A No, it wasn't the one that drank, it
22 was the other one.

23 Q Are you able to make any comment on
24 whether the other female officer consumed alcohol?

25 A I think she had a few, but no more

1 than three or four.

2 Q Did you know any of the male officers
3 that were drinking, by name?

4 A Yes. There was Sean Blackie, there
5 was Ken Azaransky, there was that Dave, and I
6 don't remember any of their other names. I have
7 their faces in my mind, but I can't remember their
8 names.

9 I know also, coming back to my mind,
10 is there is a few young guys I believe that just
11 got into their division or whatever it is called,
12 into their thing. So, yeah, I think that's
13 another thing that they were celebrating, because
14 there was I think three or four of them.

15 Q When you say there were a few young
16 guys that just got into the division, or their
17 division, can you explain that a little bit
18 further, what you understood was happening with
19 these young officers?

20 A They had just said that these were the
21 newest members to their team. And so I guess they
22 were just trying to get them drunk, celebration.

23 Q Is that a speculation of yours or was
24 that a comment that was made?

25 A Just a speculation of mine.

1 Q All right. Did those young members
2 get drunk?

3 A Yes.

4 Q Did anybody pay for anybody else's
5 food or drinks that you recall?

6 A No.

7 Q Who else was in the bar in terms of
8 staff or managers when the officers were leaving?

9 A Just Darcy.

10 Q Who was functioning as the bartender?

11 A Yes.

12 Q And had he been working there quite a
13 bit longer than you?

14 A I think so.

15 Q Did you have any discussion with him
16 about these individuals drinking and then leaving?

17 A No.

18 Q Was it a concern that you had?

19 A I don't really know if it was a
20 concern because I don't know whether they were
21 going together, if some people that weren't drunk
22 were driving the others that were drunk, but it
23 wasn't any of my concern. I didn't really think
24 about it.

25 Q Did anybody have any problems walking

1 out?

2 A No.

3 Q I would like you to tell me now about
4 the area where these officers were sitting --

5 A Okay.

6 Q -- in terms of how big it is and how
7 big the tables are?

8 A Okay.

9 Q And how close they were to one
10 another?

11 A Okay. It was at the back of our
12 lounge, so I guess the south end of the lounge.
13 There is windows all around and then there is a
14 fireplace kind of in the middle of it. We would
15 always have to put the tables at the south end
16 together. They were all high top tables, which
17 are big bar tables, and there was four chairs that
18 sat around each one, but we pushed them all
19 together. So it would just be like a line of
20 tables down here, chairs here and chairs there.
21 And then we would move the tables to go around the
22 fireplace, so then there is chairs here, a few
23 chairs here, and the fireplace was right here.
24 And then we added another table, there was two
25 tables right here of people, and they just sat

1 around.

2 Q Okay. Bearing in mind, of course,
3 that we are going to transcribe this and we are
4 not going to refer to diagrams necessarily, I
5 would like to make an attempt at getting another
6 description.

7 A Okay.

8 Q We will go step-by-step. The bar
9 tables are high top tables?

10 A Yes.

11 Q So these are tables where you would
12 put, rather than a normal restaurant chair, you
13 would put basically a bar stool?

14 A Bar stool, correct.

15 Q And you took a number of these high
16 top bar tables --

17 A Yeah.

18 Q -- you put them in a line?

19 A Yes.

20 Q How big were the bar top tables in
21 terms of the distance across the table? So would
22 it be a two foot table, or a four foot table, are
23 you able to recall the size?

24 A They are not very big at all. They
25 are probably about three, four feet. You can only

1 fit four people, even that's a little crowded
2 around the table.

3 Q Okay. So to put four people around
4 one of these high top bar tables would be
5 squeezing them in?

6 A Yes.

7 Q And you would run these in a row?

8 A Yes.

9 Q And that night, in order to
10 accommodate the officers that were in, do you
11 recall how many you would have put in a row?

12 A We only had three high top tables that
13 sat along the south window, and then the rest were
14 like just low top tables with little couches that
15 they had sitting around them. Again, you could
16 fit two people on one couch and two people on the
17 other couch. So each table basically held four
18 people. And we had, like I said, about three high
19 tops along the back south window. And then around
20 the fireplace, which would be if you are standing
21 southeast of the table, it would be four. And
22 then around the corner of the fireplace, there was
23 three more high top tables that we just pushed
24 together as well. So it kind of went in an S, I
25 guess you could say.

1 Q So the total number of high top tables
2 was?

3 A Probably about six.

4 Q Six, and at each table you were
5 seating?

6 A At least four, but, again, they were
7 all pushed together so there is people that would
8 be sitting, I guess, in the crack of the tables as
9 well.

10 Q Yes. So you recall 24 people sitting
11 at the high tops, approximately?

12 A At least.

13 Q And then on the low top tables?

14 A There we only had I think two, because
15 they would be in the middle.

16 Q And how many people were around those
17 tables?

18 A Probably about two on each side, so
19 eight.

20 Q And the area that you are describing,
21 was this a large room in and of itself?

22 A No.

23 Q So these people were all very close to
24 one another?

25 A Yes. I had a hard time getting in and

1 out of there, because I had to clean. Every time
2 I would go and pick up stuff, like plates and
3 empty glasses, they would order more.

4 Q I would like you to tell me about how
5 busy you were that night serving the drinks and
6 the food?

7 A Extremely busy. Every single time I
8 went back, somebody else needed something.
9 Because it was such a large group, they weren't
10 all drinking at the same time or at the same pace.
11 So, therefore, I would go back and say take five
12 or six glasses away, and somebody else would be
13 ordering another drink.

14 Q What were you taking to the tables
15 primarily?

16 A Beer and wings.

17 Q And how were the beers going out, were
18 they in pitchers or glasses?

19 A They were in glasses to begin with,
20 and then towards the end they were getting them in
21 pitchers.

22 Q And were you busy from the moment they
23 came in?

24 A Yes. But I had, like I had experience
25 working the night that they come in, so I know

1 that basically all they want is wings and beer.
2 So we have an option on the computer that is \$2.75
3 pints and 30 cent wings, and then you just pick --
4 you have to order them in ten, so they would pick
5 ten whatever kind they would want. So I kind of
6 had myself prepared to know what they wanted,
7 because usually that's what they would get
8 anyways.

9 Q Were you aware of anybody else that
10 got pints of beer for \$2.75?

11 A Just like any other person that would
12 come in?

13 Q Yes?

14 A As long as it was Tuesday or Thursday,
15 they could have the \$2.75 pints. But if just like
16 a regular person came in on a Wednesday, they
17 would not be offered a \$2.75 pint.

18 Q Did you receive gratuities or tips at
19 the end of the night?

20 A Yes.

21 Q Was everybody pleasant with you when
22 they were leaving?

23 A Yes.

24 Q You rang all of the purchases through
25 the register?

1 A Yes.

2 Q Okay. That would be a source of
3 information with respect to how much food and
4 alcohol was consumed?

5 A Yes.

6 Q And do they, do you ring them through
7 separate, alcohol and food?

8 A Yes.

9 Q It is required to be kept separate I
10 would think?

11 A Yes.

12 Q And at some point did you have access
13 to that record?

14 A Throughout the night, if I were to
15 print a bill off and say give it to one of them, I
16 do have access to print another one off, but then
17 at the end of the night when I did my cash out, I
18 have to give all of my receipts to the closing
19 manager. So, therefore, I wouldn't be able to
20 take it home unless I just pocketed it.

21 Q But if everybody ordered separately,
22 would I be correct in concluding that each of
23 these transactions would be shown --

24 A Yes.

25 Q -- on the register?

1 A Yes.

2 Q And on the actual record?

3 A Yes.

4 Q Whether it was a receipt or a tally?

5 A Um-hum, yes.

6 Q So I could determine, and correct me
7 if I'm wrong, the number of individuals that you
8 cashed out?

9 A Yes.

10 Q And I could also determine the amount
11 of food and beverage that they each consumed?

12 A Yes. Yes, if you had the receipts to
13 see every single one.

14 Q Right. And your understanding of the
15 normal business practice at Branigan's was that
16 these things were recorded?

17 A Yes.

18 Q You were required to put transactions
19 through the cash register?

20 A Yes, otherwise they would not be
21 charged.

22 Q And otherwise you wouldn't be
23 collecting the --

24 A Money?

25 Q -- money and everything else that goes

1 along with commerce that night?

2 A Yes.

3 Q Did you give any beer away that night?

4 A No.

5 Q Any drinks away?

6 A No. I wouldn't be able to because I'm
7 not the bartender, and I'm not sure if Darcy did,
8 because there is such a large group of people
9 coming back and forth, going to the bathroom,
10 playing the VLTs, that he may have given some
11 drinks away but, because I am not behind the bar,
12 I never gave free drinks away.

13 Q Apart from the records of the
14 individual transactions, your independent
15 recollection is that you had a busy evening?

16 A Fairly.

17 Q Had you had nights as busy?

18 A Tuesdays and Thursday were busy, not
19 necessarily with large groups like the one that
20 came in that night, but Tuesdays and Thursdays,
21 and sometimes Fridays and Saturdays were quite
22 busy, because we did have drink specials on. And
23 the wings were the Tuesdays and Thursdays, and a
24 lot of people came in for that because it was so
25 cheap. And I believe one night we had karaoke

1 that a lot of people came in and sang. But, you
2 know, some nights are busy and some nights are
3 not, you don't really know until it happens.

4 Q Did you continue to work there after
5 February 25th for very long?

6 A Not too much longer after it, no.

7 Q Can you give me an idea of how long
8 after?

9 A About three months.

10 Q And did Mr. Gerardy continue to work
11 there as well?

12 A Yes.

13 Q Did you have any conversation with him
14 about that evening?

15 A No. After it had happened, and I
16 didn't say it in that because I was scared, but --

17 Q I need you to explain that. You say
18 after it happened, I didn't say it in that, what
19 are you referring to?

20 A I did not say it in my first interview
21 with the Winnipeg Police because --

22 Q Let me just interrupt you there.
23 There is something that you didn't say to the
24 Winnipeg Police?

25 A Yes.

1 Q That you would like to say now?

2 A Yes.

3 Q And I understand that you haven't said
4 it to anybody --

5 A No.

6 Q -- up to this point?

7 A Well, my brother I said it to, but
8 that's it.

9 Q All right. So what is it?

10 A My manager, Rod, had said to keep my
11 interview with the Winnipeg Police very brief and
12 very short so that they didn't ask me any more
13 than they needed to, and to kind of -- not play
14 down, but just be very brief and pretend like I
15 didn't remember very much from that night, so that
16 Branigan's would not be held liable.

17 Q And this was your manager, Rod?

18 A Yes.

19 Q And you understood his last name to
20 be?

21 A Rodriguez.

22 Q And were you interviewed in fact on
23 March 11th, 2005?

24 A Um-hum.

25 Q So it is three years and a day?

1 A I had two interviews actually. I
2 guess the first one wasn't really an interview,
3 the Winnipeg Police had come to my house to see --
4 they had given me numerous amount of pictures to
5 pick and see if I would recognize any of them.

6 Q And in your formal interview with the
7 Winnipeg Police, the one where you reviewed the
8 transcript from today, prior to this interview --

9 A Yeah.

10 Q -- you were told by your manager to be
11 very brief as a result of his concern about
12 liability --

13 A Yes.

14 Q -- to Branigan's --

15 A Yes.

16 Q -- over the accident?

17 A Yes. As well as he was friends again
18 with Sean Blackie, and I know that he had hung out
19 with a few of them. So he was probably also in
20 protection of their jobs and what they do.

21 Q And is that what you were doing on
22 March 11th, 2005?

23 A Yes.

24 Q Trying to minimize what you saw?

25 A Yes. Because as myself, I didn't want

1 to get in trouble and I didn't want anything to
2 happen to me just in case I did say something.

3 Q You had -- this was March 11th, 2005,
4 a short time after the Taman accident?

5 A Yes.

6 Q And are you telling me that you had
7 some concerns about your own personal liability?

8 A Yes.

9 Q That somebody might say you are at
10 fault because of the alcohol?

11 A Somebody might say that I'm at fault,
12 or if I were to say more than I should have, then
13 I might be in trouble, because I thought, as well
14 as Rod thought that there was a way around to
15 protect the person who got in the accident. So if
16 we didn't say much, then it would be off our
17 chests, anything that we had to do with it.

18 Q And is the only person that you talked
19 to about this before today your brother?

20 A My brother and my sister.

21 Q And how have you felt about that,
22 Chelsea?

23 A I don't need to talk about it.

24 Q Do you want to take a few minutes?

25 A Um-hum.

1 Q It is 2:14, and we are going to take a
2 ten minute break at this point. And we will come
3 back on the record. You can indicate on the
4 record that the witness started to cry.

5 (RECESS TAKEN)

6 BY MR. CLIFFORD:

7 Q It is now 2:09 p.m. and we are back on
8 record. Ms. O'Halloran, I wanted to follow up
9 with you on what you've just explained to me about
10 the statements you gave to the RCMP and what
11 you've indicated to me today?

12 A Okay.

13 Q You told me you read your statement
14 prior to coming into the interview?

15 A Yes.

16 Q And throughout the interview, you have
17 provided me with significantly more detail --

18 A Yes.

19 Q -- on the level of alcohol consumption
20 and your observations?

21 A Um-hum.

22 Q And I think you can see that there is
23 some, there are some apparent inconsistencies
24 between what you told to the RCMP and what you are
25 indicating to me?

1 A Yes.

2 Q And you've explained in part how that
3 happened with respect to advice and direction you
4 were given by your manager?

5 A Yes.

6 Q Your employer at the time?

7 A Yes.

8 Q And also the concern that you had
9 yourself about being responsible for serving the
10 alcohol. I just want to follow up with you on
11 that. Your manager, was he the person who was
12 responsible for your employment at the time?

13 A He gave me the interview, but I found
14 out that I could get a job through an old manager
15 that I had worked with at the Pony Corral. He
16 didn't work at the Pony Corral anymore and I had
17 left the Pony Corral as well, and he went over to
18 Branigan's and I had bumped into him and he said
19 that he was working at Branigan's, and he said
20 just to come in and talk to the manager and he
21 would give me a job.

22 Q So was Mr. Rodriguez your supervisor,
23 so to speak, or your senior?

24 A Yes, he was the general manager.

25 Q What prompted you to make this

1 disclosure to me today?

2 A I guess just talking about it with my
3 brother and sister. And when I first gave my
4 statement I was scared, again, like I thought that
5 I would be held liable or that something bad would
6 happen to me if I told them exactly what I knew.
7 So they just -- I talked to my brother and sister
8 and they just said to be completely honest,
9 because there is a family who lost their mom and
10 they need some answers, and they need to know that
11 he correctly gets what he should have.

12 Q Can I ask you how old you are now?

13 A I'm 24.

14 Q You are 24?

15 A Yes.

16 Q And are you going to school or --

17 A No, I'm currently on maternity leave.

18 Q Prior to your maternity leave, were
19 you living here in Winnipeg or --

20 A No, I have lived in Calgary for the
21 last year and a half, two years.

22 Q Is Calgary your home now?

23 A Yes.

24 Q You told me that you knew some of the
25 officers by name, you knew who they were?

1 A Yes.

2 Q You referred to Officer Blackie being
3 there?

4 A Yes.

5 Q And what were your observations of
6 his -- of him that evening?

7 A He was drunk. I had gone out for
8 drinks with them actually a couple of weeks prior
9 to this, so he was drunk, but he was very just
10 quiet, as he always was. And then there was the
11 Officer Ken Azaransky who, he is very rude, and he
12 was drunk and saying his rude things as he always
13 would.

14 Q I want to ask you about Officer
15 Blackie. You said that you were out for drinks
16 with him a couple of weeks beforehand?

17 A Yes.

18 Q Can you explain that a little more?

19 A I guess we weren't out, we were at
20 Branigan's again, they were there, there was only
21 a few of them, and I had gotten off early so I
22 just sat down and had a few drinks with them.

23 Q This was at Branigan's?

24 A Yes.

25 Q Did you leave and go anywhere else?

1 A No.

2 Q And how did you know Officer
3 Azaransky?

4 A He was there as well and I'm --

5 Q That same night that you had drinks,
6 when you finished early, with Officer Blackie?

7 A Yes. And he is just very rude, he is
8 just not a very nice pleasant person to be around,
9 and he was just being his rude self.

10 Q And what was his level of sobriety on
11 February 25th, 2005?

12 A He was drunk.

13 Q And the other individual male officer
14 that you named, you've provided only a first name?

15 A Um-hum, yes.

16 Q Dave?

17 A I don't know his last name, his name
18 is Dave, though.

19 Q What can you tell me, if anything,
20 about his level of sobriety on February 25th,
21 2005?

22 A He was drunk as well.

23 Q And what makes you say that he was
24 drunk?

25 A Again, just his tone of voice, he was

1 loud, he was slurring his words, he was saying
2 stupid things that normally I know he wouldn't say
3 if he wasn't drunk.

4 Q Such as?

5 A Just about like my body and stuff like
6 that, they would always say comments, and I know
7 that when they are not drunk, they don't say stuff
8 like that.

9 Q And do you have specific recollections
10 about this?

11 A They were just telling all of their
12 new officers to look at my bum.

13 Q And who specifically was telling the
14 new officers to look at your bum?

15 A Dave.

16 Q So those are the three male officers
17 that you can put a name or a partial name to?

18 A Yes.

19 Q And you have described some of their
20 conduct?

21 A Yes.

22 Q What about the other individuals that
23 you can't name, was there anything that was said
24 or done by those individuals that would indicate
25 to you that they were consuming alcohol and

1 drinking heavily?

2 A Just again their tone of voice, they
3 were just extremely, extremely loud. And like,
4 you don't have to be a genius to know when someone
5 is sober and watching them continuously drink, and
6 then to the point when they are extremely loud.
7 Like I saw all of them when they came in, they
8 were ready to have a good time, they were ready to
9 have fun, but then as the night went on, they were
10 getting louder and being more belligerent and --

11 Q You described at one point earlier
12 that the female officer got up on a chair?

13 A Yeah.

14 Q Can you describe her physical
15 appearance, what she looked like?

16 A She was a heavier set girl. At the
17 time she had brown hair. I believe she was
18 engaged, I think she showed me her ring. And she
19 was just, she was like a jolly girl, but she was
20 very, very, very loud.

21 Q How tall was she, do you recall?

22 A Probably about five eight.

23 Q You said she was heavy set?

24 A Yes, heavier.

25 Q Hair colour?

1 A Brown, I think she had brown hair.

2 Q I'm sorry, you told me that. Long or
3 short hair?

4 A Probably about shoulder length, and I
5 think she had blonde streaks in it.

6 Q And what about the other female that
7 was there -- female officer that was there, I
8 should say?

9 A Yes. She had blonde hair, she was a
10 little bit taller, she was quite thin. She, I
11 believe, was telling me she played soccer, and
12 that's what she did outside of work.

13 Q And the heavy-set girl, tell me about
14 her getting up on the chair?

15 A She didn't stand completely on the bar
16 stool, but there is like a little piece of wood
17 that goes around the stool, and she stood on that
18 and she was just yelling, I can't remember what
19 she was yelling, but she was yelling and clapping
20 her hands.

21 Q Was there anybody else doing this at
22 the same time?

23 A No.

24 Q How long was she there before this
25 happened?

1 A Just a few -- like probably about 50
2 seconds and she sat back down.

3 Q No, the question was not how long she
4 was up clapping her hands, how long was she in the
5 restaurant or the bar before she started this?

6 A Probably about an hour, hour and a
7 half.

8 Q Who was she seated next to?

9 A I believe at one point she was sitting
10 beside Dave, because she did have her arm around
11 him and she was saying something to him.

12 Q So you believe she was seated beside
13 the individual, Dave?

14 A Yeah.

15 Q And you don't know his last name?

16 A No.

17 Q But this is the same person that made
18 comments about your body?

19 A Yes.

20 Q And you -- was she present when these
21 comments were being made?

22 A Not from what I can remember. I don't
23 believe so.

24 Q Where was the blonde-haired female
25 officer who told you that she played soccer?

1 A She was sitting beside who I
2 believe -- I don't know how the police works, but
3 I think it was their Sergeant or somebody, their
4 like head person. He was an older man with gray
5 hair and she was sitting beside him at the end of
6 one of the high top tables.

7 Q You came to learn, of course, about
8 the tragedy involving Crystal Taman. And how were
9 you able to determine that the group of people
10 that you had there were involved? Did somebody
11 bring it to your attention prior to the police
12 coming along or --

13 A I think that I saw it in the
14 newspaper, that it was a police officer who had
15 done it and he was at Branigan's the night before,
16 and that he had refused a breathalyzer.

17 Q Now, the Winnipeg Police were asking
18 you on March 11th, 2005, whether you knew some of
19 the officers that were there?

20 A Um-hum, yes.

21 Q And they asked you whether you knew
22 who the person was, and you responded to them --
23 did you know who the person was --

24 A I thought I did.

25 Q -- when you became aware of the

1 accident?

2 A And I believe, after I had given this,
3 they had brought pictures over to my house.

4 Q That's right --

5 A Because I couldn't go to see them, so
6 they came to my house. And it is not the person
7 who I thought it was. Because they said that he
8 is in amongst these pictures, if you knew who it
9 was, could you pick him out? And I didn't know
10 anybody in the pictures.

11 Q You couldn't pick out anybody that was
12 in the pictures?

13 A No.

14 Q Okay. Now, the person that you
15 thought it was, had you ever seen them in the
16 restaurant before?

17 A Yes.

18 Q When did you see them in the
19 restaurant before?

20 A Super Bowl. I had served a couple of
21 them, and their wives or girlfriends were there,
22 and there was one who was pregnant. And I can't
23 remember what he looks like, but my manager told
24 me that that was him and that his wife was
25 expecting, but I couldn't put his face to a

1 picture.

2 Q So to clarify this, one of the males
3 that was there that night in Branigan's on
4 February 25th, 2005 --

5 A Yes.

6 Q -- you recognized from being in the
7 bar some weeks before during the Super Bowl?

8 A Yes.

9 Q Okay. And the individual that was in
10 the bar on February 24th and 25th, that you
11 recognized from the Super Bowl --

12 A Um-hum.

13 Q -- were they drinking on the night of
14 February 24th/25th?

15 A Yes.

16 Q Were they drinking a lot or a little?

17 A About eight or nine, he was involved
18 with the 15 people who were drinking quite
19 excessively.

20 Q So this individual that you recognize
21 from the 24th and 25th, you also saw them on the
22 night of the Super Bowl?

23 A Yes. He was with his pregnant wife,
24 and then there were I think two or three other
25 ones with their wives and girlfriends that were

1 sitting with them.

2 Q Apart from any identification that
3 took place after February 24th/25th, you being
4 shown pictures, are you sure that the person you
5 saw on February 24th/25th is the same person that
6 was in at the Super Bowl?

7 A Yes.

8 Q And you are certain of that?

9 A Yes.

10 Q And the person on the
11 February 24th/25th was amongst the 15 that you
12 would say was drinking?

13 A Yes.

14 Q And on the Super Bowl, you understood
15 that the fellow's wife was pregnant?

16 A Yes, she was very big.

17 Q Who else was in the night of the Super
18 Bowl? Was there anybody else?

19 A I believe Ken Azaransky was there with
20 his wife, and Dave was there with his girlfriend.

21 Q So Ken Azaransky was there with his
22 wife and Dave, who you don't know last name?

23 A Yes, was with his girlfriend.

24 Q And was it busy the night of the Super
25 Bowl?

1 A Yes.

2 Q And were you serving Ken and --

3 A Yes.

4 Q -- Dave and the other individual?

5 A Yes.

6 Q And you felt as though the individual
7 that was with Ken and Dave was the individual who
8 you understood to be responsible in the accident?

9 A Yes.

10 Q And what can you tell me about that
11 night, the night of the Super Bowl, in terms of
12 alcohol consumption?

13 A There wasn't very much. I had served
14 them, I had served Ken and Dave before, and when
15 their girlfriends aren't around, they were quite
16 different from what they were that night. They
17 were very calm and didn't have much to say, and
18 just ordered what they needed and that was it, but
19 they didn't get drunk or anything.

20 Q I take it their behaviour between the
21 night of the Super Bowl and February 24th/25th was
22 quite different?

23 A Yes.

24 Q And not that this is of any great
25 contention or secret, but do you recall when the

1 Super Bowl was?

2 A No.

3 Q Okay. Was it your understanding that
4 it was a couple of weeks earlier?

5 A Yes, I think so.

6 Q Your interview with the Winnipeg
7 Police Service was March 11, 2005. Do you have an
8 independent recollection of when thereafter it was
9 that the police appeared to do the photo lineup
10 with you?

11 A No, I don't remember when it was. I
12 know there was still snow on the ground, so it had
13 to be some time before May I guess.

14 Q And how did that process go when the
15 police went to see you with the photos?

16 A They had just asked me if I could come
17 down again to look at pictures, and I wasn't able
18 to, so they said that they could come to my house.
19 And they just showed up and they had, I think
20 there was three rows of four pictures across, and
21 they asked if I could pick -- if I recognized
22 anybody in those photos. And I couldn't.

23 Q Were all of the photos that you were
24 shown on one page?

25 A I think there was some just little

1 squares that they put out, but I think that they
2 were all on one page.

3 Q Were you shown the photographs one
4 picture at a time or --

5 A The first little squares -- I think
6 they said, do you recognize, and I said no, and
7 they did it again, do you recognize, and I said
8 no. And then I believe that they had the sheet
9 and they said, do you recognize any of these
10 people? And I couldn't, I didn't know.

11 Q So at first you were shown --

12 A I believe it was individual pictures.

13 Q How big were the pictures?

14 A Just little square ones.

15 Q Could you give an approximation in
16 terms of inches?

17 A Probably three by four maybe.

18 Q And after you were shown the
19 photographs individually --

20 A Yes.

21 Q -- then were you shown them in another
22 format?

23 A Yes. In just a piece of paper with
24 the pictures on it again. They said, do you
25 recognize any of these people.

1 Q And the piece of paper that had
2 pictures on it, was it one piece of paper that had
3 more than one picture?

4 A Yes.

5 Q And how many pictures were on it?

6 A I would say probably three rows of
7 four across.

8 Q And did they show you a second page
9 that had any pictures on it?

10 A No, not that I remember.

11 Q Ms. O'Halloran, is there anything else
12 at all that you wanted to tell me that I haven't
13 asked you?

14 A No.

15 Q Do you have any other recollection of
16 anything occurring in Branigan's that night that
17 we haven't touched upon?

18 A No.

19 Q Thank you very much for coming in and
20 agreeing to being interviewed. As I mentioned to
21 you, a copy of the transcript will be prepared and
22 it will be provided to those parties with standing
23 and you will also receive a copy of your own. And
24 either myself or Mr. Paciocco, who is also
25 Commission Counsel, will be in touch with you to

1 make arrangements for your testimony.

2 A Okay.

3 MR. CLIFFORD: Thank you.

4 (Concluded at 2:44 p.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

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I, CECELIA REID, a duly appointed Official
Examiner in the Province of Manitoba, do hereby
certify the foregoing pages are a true and correct
transcript of my Stenotype notes as taken by me at
the time and place hereinbefore stated.

Cecelia Reid
Official Examiner, Q.B.