

INTERVIEW OF KELLY MCLURE

\*\*\*\*\*

Date: March 3, 2005

Held at 10th floor Confederation

**Building, 457 Main Street,**

**Winnipeg, Manitoba**

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1 THURSDAY, MARCH 3, 2005

2 Upon commencing at 11:00 P.M.

3  
4 **SERGEANT GIRARD:** The date is  
5 March the 3rd, 2005, the time is 11:10 p.m. And  
6 we are in interview number one of the Professional  
7 Standards Unit Offices on the 10th floor of the  
8 Confederation Building, 457 Main Street in  
9 Winnipeg. My name is Detective Sergeant Roger  
10 Girard and also present is Sergeant Con Pearson.  
11 For the purpose of voice recognition, please  
12 identify yourself by name?

13 **SERGEANT PEARSON:** Con Pearson.

14 **SERGEANT GIRARD:** We are both members  
15 of the Professional Standards Unit. This is an  
16 interview of Constable Kelly McLure regarding  
17 Professional Standards Unit file 05-017. For the  
18 purpose of voice recognition, Kelly, can you  
19 please identify yourself by full name and badge  
20 number?

21 **CONSTABLE McLURE:** Constable Kelly  
22 McLure, badge number 2843.

23 **SERGEANT GIRARD:** Okay. I remind you  
24 that in accordance with service policy, our  
25 conversation is being recorded. For that purpose

1 this evening we are use an Olympus DS4000 digital  
2 recorder.

3 You were contacted by way of a  
4 memorandum, I believe, or were you one of the  
5 officers that didn't receive one?

6 **CONSTABLE McLURE:** I didn't receive  
7 one.

8 **SERGEANT GIRARD:** Everything, just by  
9 way to recap this, everything was set up through  
10 the divisional commander and through your shift  
11 supervisors as far as interviewing officers this  
12 week. It started a few days ago when Sergeant  
13 Humniski and Patrol Sergeant Anderson contacted us  
14 and said they wanted to come in and discuss this  
15 matter. They had told us at that time that  
16 everyone was interested in getting these  
17 interviews over with as quickly as possible.  
18 Normally we like to give people more time, however  
19 in this case we made the exception because people  
20 wanted to come forward. So we arranged that  
21 through the shift supervisors.

22 So it was arranged that you would come  
23 in this evening, once you started your shift. You  
24 arrived at short time ago, I guess maybe about  
25 five minutes ago now. Sergeant Pearson went

1 downstairs and got you. You came up into the  
2 room, and we explained to you how the interview  
3 would take place, explained a little bit about the  
4 preamble and reminded you what this incident was  
5 about that we would be interviewing you for. You  
6 didn't have any questions so we started the  
7 recorder. Is that an accurate account of what has  
8 taken place prior to me turning the recorder on?

9 **CONSTABLE McLURE:** Yes.

10 **SERGEANT GIRARD:** Okay. It is our  
11 practice to ensure that members understand their  
12 status when being interviewed, so I remind you  
13 that you are being interviewed as a witness in  
14 this matter. Your statement may be used in any  
15 criminal, civil or service proceeding or it may  
16 not be used in any proceeding at all. Okay?

17 **CONSTABLE McLURE:** Okay.

18 **SERGEANT GIRARD:** Were any threats  
19 made to you, or were any promises or hopes of  
20 reward offered to you in relation to providing a  
21 statement.

22 **CONSTABLE McLURE:** No.

23 **SERGEANT GIRARD:** Was there anything  
24 said to you by anybody that would influence what  
25 you might say to us in this statement?

1                   **CONSTABLE McLURE:** No.

2                   **SERGEANT GIRARD:** Okay. So, again, we  
3 are referring to February 24th, I believe you were  
4 working third relief with your platoon, or were  
5 you off then? Okay. Was that annual leave or  
6 what was the circumstances around that?

7                   **CONSTABLE McLURE:** I will just check  
8 my --

9                   **SERGEANT GIRARD:** Absolutely, yes,  
10 refer to anything you like.

11                  **CONSTABLE McLURE:** I took, I was off  
12 for that shift, just using some of my time -- or  
13 was that the 24th?

14                  **SERGEANT GIRARD:** Yes.

15                  **CONSTABLE McLURE:** I am sorry, you  
16 know what, I had Cad training at the academy.

17                  **SERGEANT GIRARD:** Okay.

18                  **CONSTABLE McLURE:** So I was off for  
19 the week, but I went in for my Cad training on the  
20 24th at the academy.

21                  **SERGEANT GIRARD:** Okay. Was that  
22 during the day or in the afternoon?

23                  **CONSTABLE McLURE:** 3:00 o'clock to  
24 11:00.

25                  **SERGEANT GIRARD:** Okay. So it is our

1 understanding then that you met up with a group of  
2 your shift mates?

3 **CONSTABLE McLURE:** Yes.

4 **SERGEANT GIRARD:** Okay. If you could  
5 just tell us about that, then please?

6 **CONSTABLE McLURE:** After I got home  
7 from work, I went home and I got a call that we  
8 were -- my shift was going to be meeting at  
9 Branigan's. So I met them at Branigan's. I  
10 believe it was around 11:00 o'clock p.m. And we  
11 had wings and a couple of drinks, or I had wings  
12 and a couple of drinks.

13 **SERGEANT GIRARD:** Um-hum.

14 **CONSTABLE McLURE:** And we stayed and  
15 chatted until, I believe it was around 2:00, 2:30.  
16 We paid our bills and we -- I guess it was decided  
17 that maybe we would go over to Sean Black's house,  
18 just to chat and get together. And so I went  
19 there with, there was four of us in Tracy Fudge's  
20 vehicle, and we drove there and went to Sean  
21 Black's house and visited more, chatted more. And  
22 I'm not sure how long I stayed 'til, but the four  
23 of us returned back with Tracy Fudge. Maybe -- I  
24 know I was asleep by 6:00 a.m. when I checked the  
25 clock, so I assume probably we stayed until about

1 maybe 5:00, by the time we left and chatted, maybe  
2 left around 5:00, approximately.

3 **SERGEANT GIRARD:** Okay.

4 **CONSTABLE McLURE:** And that's about  
5 it.

6 **SERGEANT GIRARD:** Okay. Who did you  
7 meet up with at Branigan's?

8 **CONSTABLE McLURE:** People from my  
9 shift. You need a list who I recall being there?

10 **SERGEANT GIRARD:** Yes.

11 **CONSTABLE McLURE:** We had the table in  
12 the back. There was Lloyd Swanson who was near  
13 me, and TJ Spruyt. I know Derek Harvey-Zenk was  
14 there, Marnie Nechwediuk was there, Tracy Fudge  
15 was there. She came after work with her husband,  
16 Sammi Haddad. He stopped by for a short while.  
17 Mostly everyone from our shift, Gord Schneider was  
18 there, Ken Azaransky, Sean Black, Chris Humniski,  
19 Jim Anderson, Ted Michalik. That's all I can pull  
20 off the top of my head.

21 **SERGEANT GIRARD:** Okay. Whereabouts  
22 in Branigan's were you sitting?

23 **CONSTABLE McLURE:** It was in the  
24 lounge area near, I will describe it as near the  
25 back, underneath the small TV across from the big

1 screen TV, directly across the room from the big  
2 screen TV.

3 **SERGEANT GIRARD:** Okay. And what was  
4 the seating arrangement like?

5 **CONSTABLE McLURE:** We kind of had, for  
6 the first part we had, along the wall we had, I  
7 think it was three tables. And there was kind of  
8 in a T, because we had another table that we  
9 brought out so it looked mostly like a T.

10 **SERGEANT GIRARD:** Okay.

11 **CONSTABLE McLURE:** And I was sitting  
12 on the left-hand side of the T beside, I know  
13 Lloyd Swanson was beside me, and I was kind of in  
14 the corner of the T, and TJ was to the right of  
15 me.

16 **SERGEANT GIRARD:** Okay.

17 **CONSTABLE McLURE:** And then there was  
18 some people that were sitting like in the lower  
19 chairs, we were on the higher chairs.

20 **SERGEANT GIRARD:** Oh, okay, right.  
21 Where was Derek Harvey-Zenk sitting in relation to  
22 you?

23 **CONSTABLE McLURE:** From what I recall,  
24 he was sitting on the -- like I was sitting on the  
25 left-hand side of the T, he was on the right-hand

1 side of the T, and I believe his back was kind of  
2 towards me.

3 **SERGEANT GIRARD:** Okay. How far away  
4 would that have been, roughly?

5 **CONSTABLE McLURE:** Within feet?

6 **SERGEANT GIRARD:** Yeah.

7 **CONSTABLE McLURE:** Ten feet maybe, I  
8 think.

9 **SERGEANT GIRARD:** Okay. So what was  
10 going on at Branigan's then?

11 **CONSTABLE McLURE:** Just visiting,  
12 wings, just a get together. And then after we --  
13 I remember me and Tracy Fudge and Marnie went and  
14 sat down on the lower couches and the three of us  
15 just chatted pretty much almost up 'til it was  
16 time for us to -- before we were leaving to pay  
17 our bills and stuff.

18 **SERGEANT GIRARD:** Okay.

19 **CONSTABLE McLURE:** For a while there  
20 we were, and I think I remember I stood up and I  
21 was standing for a while before we left too.

22 **SERGEANT GIRARD:** Did you guys stay  
23 right until closing time?

24 **CONSTABLE McLURE:** Yes, I believe it  
25 was closing time.

1                   **SERGEANT GIRARD:** Now, did you pay for  
2 your own food and beverages?

3                   **CONSTABLE McLURE:** Um-hum.

4                   **SERGEANT GIRARD:** Okay. Was there a  
5 tab going at all for a group of people or --

6                   **CONSTABLE McLURE:** Yeah, like, well,  
7 when I ordered my drinks it was just, like I  
8 ordered from the same waitress and at the end of  
9 the night I just paid my bill.

10                  **SERGEANT GIRARD:** I see. Okay.

11                  **CONSTABLE McLURE:** That's a tab I  
12 guess.

13                  **SERGEANT GIRARD:** Sure.

14                  **CONSTABLE McLURE:** Okay.

15                  **SERGEANT GIRARD:** Do you know what  
16 Derek was drinking?

17                  **CONSTABLE McLURE:** No.

18                  **SERGEANT GIRARD:** Or how much?

19                  **CONSTABLE McLURE:** No, you know what,  
20 I don't know. I wasn't paying attention. I know  
21 he had wings because, I just remember, I'm pretty  
22 sure I saw him having wings, because, yeah, pretty  
23 sure. But I don't recall if he had any -- I don't  
24 recall if he had any alcoholic beverages in front  
25 of him.

1                   **SERGEANT GIRARD:** Okay, that's fair.

2                   Okay. So now when you guys left to go to  
3                   Constable Black's residence, so you went with  
4                   Tracy Fudge, Jim Anderson, and I think Dave you  
5                   said?

6                   **CONSTABLE McLURE:** Dave Harding.

7                   **SERGEANT GIRARD:** Okay. You know  
8                   what, I'm sorry, let me get back to Branigan's for  
9                   one more thing.

10                  **CONSTABLE McLURE:** Sure.

11                  **SERGEANT GIRARD:** Was anyone at  
12                  Branigan's in the group obviously intoxicated?

13                  **CONSTABLE McLURE:** No. And I do  
14                  recall having a conversation, actually now that I  
15                  remember this, I do recall having a conversation  
16                  with Derek Harvey-Zenk, it was earlier on in the  
17                  night when I got there, it was a bit of a heated  
18                  discussion about our computer systems. And  
19                  like --

20                  **SERGEANT GIRARD:** Hot topic these  
21                  days.

22                  **CONSTABLE McLURE:** Hot topic, yeah,  
23                  because I was doing some helping with the  
24                  training, so we kind of had a bit of a discussion.  
25                  And I do recall at that point he was fine and I

1 didn't -- again, I didn't notice if he was  
2 drinking or not, I couldn't say one way or another  
3 at Branigan's. But I know we had a conversation  
4 shortly after I got there about the computers.

5 **SERGEANT PEARSON:** What time was that  
6 about? You obviously got there about 11:00?

7 **CONSTABLE McLURE:** I would say  
8 probably about 11:00'ish. It would have been  
9 within the first hour, that conversation.

10 **SERGEANT PEARSON:** So 11:00 or 12:00?

11 **CONSTABLE McLURE:** Yeah. I would  
12 probably, maybe an hour into it, I would say.

13 **SERGEANT GIRARD:** Okay. So around  
14 midnight, give or take?

15 **CONSTABLE McLURE:** Yes.

16 **SERGEANT PEARSON:** What was he like  
17 then?

18 **CONSTABLE McLURE:** Fine. It was an  
19 intelligent conversation, I wouldn't have even --  
20 like I said, I didn't see him specifically with  
21 any drinks, but at that point I wouldn't have, you  
22 know, if we would have been anywhere, it would  
23 have been just like any other conversation that I  
24 have ever had with him at work or anywhere so --

25 **SERGEANT GIRARD:** All right.

1                   **SERGEANT PEARSON:** Hold on a second,  
2                   was anybody else involved in this conversation  
3                   besides you and him?

4                   **CONSTABLE McLURE:** Yes, I believe, I  
5                   think Christian Guyot was a bit in the  
6                   conversation too. He made a couple, like just  
7                   kind of -- I think it was pretty much the three of  
8                   us, mostly me and Harvey-Zenk, but I believe  
9                   Christian Guyot might have spoken up.

10                  **SERGEANT GIRARD:** So, of the people  
11                  from Branigan's, who all ended up going to  
12                  Constable Black's residence?

13                  **CONSTABLE McLURE:** There was the four  
14                  of us in our car, Jim Anderson, Dave Harding,  
15                  Tracy Fudge, and then me, the four of us. And  
16                  then there was Sean Black, obviously, Ken  
17                  Azaransky, TJ Spruyt, Chris Humniski, Derek  
18                  Harvey-Zenk, Jay Nolet. I think that should be  
19                  everyone.

20                  **SERGEANT GIRARD:** Okay. And what was  
21                  occurring at Constable Black's? You said just  
22                  conversation?

23                  **CONSTABLE McLURE:** Yeah, just pretty  
24                  much conversation, laughing, joking. Yeah, like  
25                  pretty much, there was a little bit of arm

1 wrestling between the guys.

2 **SERGEANT GIRARD:** Was there any  
3 alcohol?

4 **CONSTABLE McLURE:** When I was at Sean  
5 Black's, I know I had one drink of, like a little  
6 bit of Bailey's with milk. I wasn't drinking that  
7 much that night. Like I had a beer and a half at  
8 Branigan's, and then I had a little drink there.  
9 I didn't really notice, I didn't see any alcohol  
10 out that I can recall, other than just the  
11 Bailey's. I don't recall seeing any other  
12 alcohol. I know that people had drinks, like  
13 there was some people who had drinks in their  
14 hand, but I don't really recall who, but I don't  
15 know what, I couldn't say what was in their  
16 drinks.

17 **SERGEANT GIRARD:** Right.

18 **CONSTABLE McLURE:** I know there was  
19 Pepsi and Coke out. I couldn't say what was in  
20 their drinks.

21 **SERGEANT GIRARD:** Okay.

22 **CONSTABLE McLURE:** I know I was  
23 talking with Jim Anderson, and TJ Spruyt, my  
24 partner was there and he had Coke in his hand, and  
25 I'm pretty sure, because he was standing right

1 there, but I didn't really pay much attention I  
2 guess.

3 **SERGEANT GIRARD:** Okay. All right.  
4 Was anyone at Constable Blacks' residence  
5 intoxicated?

6 **CONSTABLE McLURE:** I would say Dave  
7 Harding had quite a bit to drink.

8 **SERGEANT GIRARD:** Okay.

9 **CONSTABLE McLURE:** Yeah, Dave Harding.

10 **SERGEANT GIRARD:** Okay. And then you  
11 left with Tracy, Jim and Dave at about 5:00,  
12 roughly?

13 **CONSTABLE McLURE:** I would say around  
14 5:00, yes, that would be my estimation.

15 **SERGEANT GIRARD:** Who was still at the  
16 residence when you left, or as you were leaving,  
17 who did you note that was still there?

18 **CONSTABLE McLURE:** You know, I didn't  
19 really note who was there. I know that when we  
20 left for sure that Chris Humniski was gone,  
21 because I believe him and TJ weren't there when we  
22 were leaving, so they would have left. So I  
23 assumed that everyone else would have still been  
24 there. Like I know that Ken was there and Sean  
25 was there. So the rest I would assume -- you know

1 I didn't really notice Jay Nolet and Harvey-Zenk,  
2 but I would assume they were still there.

3 **SERGEANT GIRARD:** Okay. You didn't  
4 see them leave?

5 **CONSTABLE McLURE:** Like when we were  
6 all getting up and leaving and I went downstairs  
7 to get Dave, yeah, I don't specifically recall  
8 them still there, but I'm assuming they were still  
9 there. Yeah. Like I'm pretty sure I recall Jay  
10 Nolet still there when we were leaving. Yeah. I  
11 would say that, I would be pretty sure to say that  
12 Ken Azaransky, Sean Black, Jay Nolet and  
13 Harvey-Zenk were still there, because I knew when  
14 the other people left.

15 **SERGEANT GIRARD:** Okay.

16 **CONSTABLE McLURE:** I saw them leaving  
17 so.

18 **SERGEANT GIRARD:** All right. Okay.  
19 Whereabouts in the house was the activity  
20 predominantly?

21 **CONSTABLE McLURE:** We were mostly in  
22 between the kitchen, some people were behind --  
23 like in the kitchen they have an island that juts  
24 out, and mostly people were around the island and  
25 in the kitchen area. And that would have been

1 predominantly where everybody was. Dave Harding  
2 was on the couch in the livingroom, which was just  
3 like, just around the corner, and then I think he  
4 went downstairs for a little bit. And I was  
5 standing right at the, I guess at the base of what  
6 I would describe as the island, and in kind of, I  
7 believe I was on carpet, so I was kind of on the  
8 outside of the kitchen into the livingroom, if  
9 that makes sense.

10 **SERGEANT GIRARD:** Okay. On one side  
11 of the island would be the kitchen flooring or  
12 whatever, and the other side was the livingroom,  
13 sort of separating?

14 **CONSTABLE McLURE:** Yeah, like the  
15 island is what separated the kitchen area, a table  
16 and the livingroom was right here. I was standing  
17 right here. I was kind of in between the  
18 livingroom and the kitchen area.

19 **SERGEANT GIRARD:** Okay. And where was  
20 Derek?

21 **CONSTABLE McLURE:** From what I recall,  
22 he would have been over at the other -- somewhere  
23 over in the other end -- it seemed to me, like I  
24 know I was standing there, and I know Jim Anderson  
25 was standing across from me for most of the time.

1 It didn't feel like we were there for that long.  
2 And I know that TJ was standing next to me. So  
3 everybody else kind of was around the other side,  
4 I think. I remember, yeah. So I think Derek was  
5 over here, maybe more in the kitchen on the other  
6 side.

7 **SERGEANT GIRARD:** Did you notice if he  
8 had a drink in his hand?

9 **CONSTABLE McLURE:** I didn't even  
10 notice if he had anything in his hand.

11 **SERGEANT GIRARD:** Okay. All right.

12 **SERGEANT PEARSON:** Did you have any  
13 conversation with Derek at the house?

14 **CONSTABLE McLURE:** Not at the house,  
15 no. I was pretty quiet, like I was pretty -- like  
16 I said, it was mostly conversations, I was mostly  
17 chatting with Jim Anderson, and that's who the  
18 conversation was with. I didn't really have  
19 conversation with Jay Nolet, again, like I don't  
20 think me and him, I don't think we said anything  
21 at the house. I didn't have conversations with  
22 Derek Harvey-Zenk, and I didn't have conversations  
23 with Chris Humniski. You know, there was a lot  
24 of --

25 **SERGEANT PEARSON:** Aside from Dave

1 Harding, you don't think that anybody else looked  
2 obviously drunk?

3 **CONSTABLE McLURE:** No.

4 **SERGEANT GIRARD:** And you hadn't had  
5 that much to drink?

6 **CONSTABLE McLURE:** No.

7 **SERGEANT GIRARD:** So your observations  
8 wouldn't have been clouded by --

9 **CONSTABLE McLURE:** No, I had to get up  
10 early the next day, and it wasn't a night -- like  
11 I said, I had a couple, but that's it. And that  
12 was over a span of like between 11:00 --

13 **SERGEANT GIRARD:** 11:00 and 5:00.

14 **CONSTABLE McLURE:** Yes.

15 **SERGEANT GIRARD:** Okay. I don't think  
16 I have any other questions. Con?

17 **CONSTABLE McLURE:** I don't know if  
18 this is relevant. When we were leaving, or the  
19 four of us were leaving, Dave had gone downstairs  
20 and he was laying down, and Sean Black had said if  
21 anyone wants to stay -- because I remember I was  
22 like, well, Dave is sleeping, should we go wake  
23 him up? We had a ride for him because Jim  
24 Anderson -- because Dave had left his car at  
25 Branigan's so we were going to give him a ride in,

1 because he was drinking, we were going to give him  
2 a ride to Branigan's, where he was going to go  
3 with Jim Anderson. So he would have someone to  
4 give him a ride home because he was drinking. And  
5 I remember at that point Sean Black said, if  
6 anyone wants to stay the night, then we are  
7 welcome to. And I remember specifically saying,  
8 because I was going to go and wake up, like me and  
9 Tracy, I think Tracy came down for a bit too, we  
10 were going to wake up Dave to see if he was  
11 either, because for him it was either he was going  
12 to stay the night or he was going to get a ride  
13 home with like Tracy and then Jammy, Jim Anderson.

14 **SERGEANT PEARSON:** Anybody you know  
15 take up his offer?

16 **CONSTABLE McLURE:** I don't know.

17 **SERGEANT PEARSON:** You left.

18 **CONSTABLE McLURE:** I don't know --  
19 yeah, I have no idea.

20 **SERGEANT GIRARD:** Okay.

21 **CONSTABLE McLURE:** Just assumptions,  
22 but I don't know.

23 **SERGEANT GIRARD:** All right. Okay.  
24 Do you have knowledge of any other information  
25 that we haven't covered here, anything that you

1 can think of that we may have overlooked that may  
2 be important to this matter?

3 **CONSTABLE McLURE:** No, it was just  
4 like a typical night. Like I don't -- other than,  
5 no, it was just getting together and chatting.

6 **SERGEANT GIRARD:** Correct me if I'm  
7 wrong, I am getting the sense that it wasn't like  
8 a wild party?

9 **CONSTABLE McLURE:** Not at all.

10 **SERGEANT GIRARD:** It was co-workers  
11 getting together for a few drinks and some food  
12 and a lot of conversation.

13 **CONSTABLE McLURE:** Yes. And a little  
14 bit of arm wrestling between a couple of the guys.  
15 Like just fun, it wasn't -- like, I wouldn't have,  
16 I didn't really notice anyone really, like I said,  
17 drinking very much other than Dave. And it was  
18 pretty -- I thought it was pretty quiet. There  
19 was some bantering between a few of the guys like  
20 they always do, just like at work they do, like  
21 they razz each other all the time at work, so it  
22 was nothing more than that bantering, friendly  
23 banter from work on to, you know, where they kind  
24 of tease each other.

25 **SERGEANT GIRARD:** Same as in the

1 parade room.

2 **CONSTABLE McLURE:** Same as in the  
3 parade room, yes, or in between calls and stuff.

4 **SERGEANT PEARSON:** Everybody had been  
5 out a little later on the clock by this point in  
6 time I imagine?

7 **CONSTABLE McLURE:** Yeah, like it is --  
8 I don't know, like I guess to me I just see like,  
9 yeah, it was, I guess they were on evenings, 4:30,  
10 so it is not your typical people who wake up and  
11 go to work 7:00, or 8:00 to 5:00, we work shift  
12 work, but, you know.

13 **SERGEANT GIRARD:** Right. Okay. Is  
14 there anything else that you would like to say  
15 before we stop?

16 **CONSTABLE McLURE:** No.

17 **SERGEANT GIRARD:** Okay. Well, the  
18 interview is concluded, the time is 11:34 p.m. and  
19 I'm turning the recorder off.

20

21

22

23

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25

1  
2 OFFICIAL EXAMINER'S CERTIFICATE  
3  
4  
5

6 I, CECELIA REID, a duly appointed Official  
7 Examiner in the Province of Manitoba, do hereby  
8 certify the foregoing pages are a true and correct  
9 transcript of an audio recording of the above  
10 interview of Constable McLure to the best of my  
11 skill and ability.  
12  
13  
14

15 -----  
16 Cecelia Reid

17 Official Examiner, Q.B.  
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