

THE PROVINCIAL COURT OF MANITOBA
Winnipeg Centre

BETWEEN:

HER MAJESTY THE QUEEN,

- and -

DEREK HARVEYZENK,

Accused.

MEDICAL REPORT
LETTERS OF REFERENCE

GINDIN, WOLSON, SIMMONDS, ROITENBERG,
Barristers,
1200 - 363 Broadway,
WINNIPEG, Manitoba,
R3C 3N9.

(RICHARD J. WOLSON, Q.C. - 985-8181)

W.L. Davis, Ph. D., C. Psych.



Office: 302-1200 Portage Ave.
Winnipeg, Mb. R3G 0T5
Fax # 663-7754

July 17th, 2007

Mr. Richard Wolson, QC
1200- 363 Broadway
Winnipeg Manitoba
R3C 3N9

Dear Mr. Wolson:

Re: Derek Grant Harvey-Zenk



Introduction

This 33 year old married man has a twenty- one month daughter and resides currently in the City of Brandon, Manitoba. He is currently employed with [REDACTED] in Brandon Manitoba as a General Manager of three services stations. Mr. Zenk was involved in an off duty highway traffic accident when he was employed as a Police Officer with the Winnipeg Police Service. At the time of the accident Mr. Zenk was returning home at 700 AM on February 25th, 2005 when he fell asleep driving South on Lagimodiere Blvd. where it intersects with the Perimeter and rear ended another vehicle. A female occupant died as a result of that accident. At the time of the accident Mr. Zenk had been a Police Officer for four years. Mr. Zenk has, as of this date, entered a guilty plea to the charge of dangerous operation of a motor vehicle causing death.

This assessment was requested by his legal counsel, Mr. Richard Wolson on July 16th, 2007 for the purpose of determining Mr. Zenk's current state of mind with respect to this accident.

Assessment Procedure

I conducted a two and a half hour diagnostic psychological interview with Mr. Zenk on July 17th, 2007.

Non-Confidentiality Warning

At the outset of the interview I informed Mr. Zenk about the process and the purposes of the assessment. I cautioned Mr. Zenk in the interview about the non-confidential basis for my assessment. Mr. Zenk was informed that I

am not directly involved in making any recommendations but that my findings would likely be taken into account by others in the determination of the penalty phase of his court proceedings. Mr. Zenk consented to the interview and to the release of the assessment report to his legal counsel. I informed him that I am governed by the Personal Health Information Act in the collection and disclosure of health information.

Family and Personal Background Information

Mr. Zenk is the oldest son, but his parents divorced when he was three years of age and both parents remarried after several years. Mr. Zenk has three half brothers. One of those half brothers (21 years of age) was born to his mother and step father, and two of his brothers (age 23 and 19 years of age) were born to his father and step mother.

Mr. Zenk was born in Morden Manitoba and after his mother remarried the family moved to Brandon where he later met and married his wife [REDACTED]. They have been married for four years and their daughter [REDACTED] was born [REDACTED].

Mr. Zenk completed his high school education in Brandon and then his first year of university at the University of Brandon. He then transferred to The University of Winnipeg where he completed his degree.

Vocational History

Mr. Zenk first began work for pay at the age of fifteen by working as a dishwasher for two years at the Keg restaurant in Brandon.

After completing high school Mr. Zenk worked for a year as a general duty employee at a car dealership in Brandon, where he continued to work during the summers while he attended university. It was during this year that he formed the intention and desire to become a law enforcement officer. During his university school years at the University of Winnipeg he worked as a night club security guard.

After graduation he applied to several Police departments and with the Department of Corrections. He was hired by the Department of Corrections and trained and worked for them for three years. He was then hired by the Winnipeg Police Service and began his academy training on Dec. 4th, 2000. He was assigned badge number 2180, he field trained in District 2 and District 3 and when he graduated from the Police Academy he went to work in District 3 where he served till the accident February 25th, 2005.

Immediately after the accident he was placed on administrative leave and then suspended without pay in early March 2005. In late March 2005 he was dismissed from the Winnipeg Police Service.

During his Police career he was involved in some significant Police incidents.

Since leaving the Winnipeg Police Service he obtained work with [REDACTED] as the manger of a small service site, moved to managing a

large service site and has since become the general manager for all three service sites.

Domestic Situation

Mr. Zenk reports having received strong and continuous emotional support from his wife [REDACTED], and from his immediate and extended family on both his and his wife's side of the family. Their relationship has been under significant emotional distress and Mr. Zenk reports that they both recognize the magnitude of this tragedy and the long term challenge to every area of their lives together. They have turned inward and have become more home oriented since the accident.

Relevant Psychosocial History

Mr. Zenk is in relatively good health. Prior to this accident Mr. Zenk was in excellent Physical condition and had been very active in athletics since his high school days. He had no history of mental disorder prior to the accident nor had he received any mental health services from anyone. Mr. Zenk has no history of violence or misconduct, nor is there a history of self-harm behavior. There is no clinical indication of substance abuse with respect to either alcohol or nonmedical drugs. Nor is he taking any prescribed medicine.

Mental Status Examination

Mr. Zenk presented ahead of time and dressed casually, appropriate to a hot July day. He presents as a subdued and quiet spoken young man, appreciative of any normal social grace or emotional acceptance. He displayed a forthright openness in his discussion of his guilty plea and every area of his life addressed during the assessment. He displayed a limited range of affect confined primarily to the expression of sorrow, regret and the sadness resulting from his painful pervasive awareness of the responsibility he feels in another person being dead. Mr. Zenk cried repeatedly throughout the assessment whenever the topic touched on the accident and its tragic outcome for the accident victim. At these times he was struggling to compose himself in order to provide verbally understandable information in response to my questions. This uncontrolled sadness was appropriate however to the context of our discussion and there was no evidence of cognitive impairment, memory loss or psychomotor retardation or agitation. His thought processes were logical, rational and coherent although repeatedly self condemning. In response to my question about what he learned about the accident victim from the morning's court proceedings Mr. Zenk reported that he could see she was loved, that she would be greatly missed and that she

must have made a difference in many people's lives because of the number of people who had come to court. He saw that her family was quiet by nature, they were hurt and they were suffering, as well as being very understandably angry with him.

Mr. Zenk was able to compose himself mostly without my intervention but throughout the assessment he repeatedly expressed his sense of shame and self disdain, expressing the opinion that this is his burden to bear. In the early time frame after the accident Mr. Zenk was referred to a Dr. Sharkey who referred him to a Psychiatrist whom he saw on two occasions to be evaluated for potential for self harm. Although there is no history of self harm prior to this accident Mr. Zenk reports that without his wife and daughter who he feels deeply committed to and responsible for taking care of them, he would not likely be here today. Mr. Zenk reports that in the weeks following the accident he told himself that his own family and the family of the victim would have been better off if he too had died in the accident.

Mr. Zenk has gained weight and expresses that he does not take care of himself well anymore because he does not feel very worthy nor does he feel he deserves to be happy or feel joy. He is less active and no longer participates in athletics like he used to. He eats poorly and reports a pattern of insomnia resulting in sleep of an average of 5-6 hrs on a good night and 2-3 hrs of fragmented sleep on a bad night. He reports agitated arousal related to memories of the accident and court proceedings and he accepts responsibility for the negative effects all of this is having on his immediate and extended family. Their support, by his report, has been unswerving and continuous for which he expresses deep gratitude.

As part of the assessment procedure I asked Mr. Zenk to identify from a list of negative beliefs which ones he believes about himself since the accident. His response indicates a number of significant changes in his identity since the accident. He expressed that he has come to recognize he could not do Police work anymore because his identity as a protector of people has been lost and he would feel false about presenting himself that way.

Diagnosis

Mr. Zenk has exhibited and reports depressive symptomatology since the accident. He does not appear to meet the full diagnostic criteria for a diagnosis of major depressive disorder. I would categorize his condition, given the significant psychosocial stressor and its enduring consequences, as an Adjustment Disorder (chronic type) with Depressed Mood.

Capacity for Harm

I do not believe that Mr. Zenk represents any potential for harm to anyone. On the contrary my concern would be that in his depressive mood he would be at risk of perceiving himself to be the cause of everyone's pain and being worn down by self imposed responsibility for anything that will go wrong for the people he deals with in his life.

I would strongly recommend that he enter into receiving some professional assistance which I believe he will avoid if left to his own discretion because he doesn't believe he should ever return to feeling joy or success or be taken out from under the burden of his responsibility. I would also recommend that he and his wife seek some preventive marriage counseling to guard against the impact of this chronic long term stressor.

I hope that this report provides you with the information you require. If you have any further questions please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'William L. Davis', written in a cursive style.

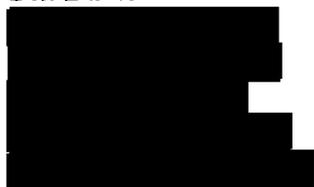
***William L. Davis, Ph. D., C. Psych.
Registration #148***

Heather Reay

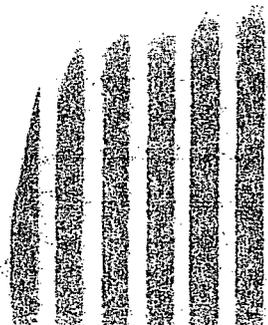
From: william davis [mts789@mts.net]
Sent: July 19, 2007 5:29 PM
To: Heather Reay
Subject: Follow up to Mr. Wolson's Question about Clinical report provided to him
Attachments: Follow up memo to Richard Wolson 7-19-2007.doc

Mr Wolson called me today with a question regarding a statement made on page three of my report and I have attached a copy of further explanation. Please reply that this document has been received and provides the necessary explanation.

Bill Davis



No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.476 / Virus Database: 269.10.10/908 - Release Date: 19/07/2007 6:10 PM



W.L. Davis, Ph. D., C. Psych.

[REDACTED]
[REDACTED]
[REDACTED]

Office: 302-1200 Portage Ave.
Winnipeg, Mb. R3G 0T5
Fax # 663-7754

July 19th, 2007

Mr. Richard Wolson, QC
1200- 363 Broadway
Winnipeg Manitoba
R3C 3N9

Dear Mr. Wolson:

Re: Follow up to Report on Derek Grant Harvey-Zenk
[REDACTED]

The following is provided in response to your request to further clarify the intent of my sentence contained on page three of the report which states:

"He displayed a limited range of affect confined primarily to the expression of sorrow, regret and the sadness resulting from his painful pervasive awareness of the responsibility he feels in another person being dead."

The intent of this statement was to communicate how striking, evident and pervasive Mr. Zenk's experience of sadness and remorse were throughout the two and a half hour clinical interview. There was almost no affective display of anger or fear, and no expression of joy. There were only three brief moments of relief from the anguish of his sadness which came when he expressed his gratitude for his family's support, when he expressed his affection for his wife and daughter, and when he expressed empathy for the family of the victim.

There was no intent to express concern about any pathology in the singularity of his affective expression but rather to document the extent of his brokenness and to note it as an appropriate clinical indicator and evidence of his acceptance of responsibility in this tragic death.

If there are any further questions please feel free to call me.

Sincerely,

William L. Davis, Ph. D., C. Psych.
Registration #148

July, 2007

To Whom It May Concern:

We have been asked by Derek Harvey-Zenk to provide a letter of support and reference for him. Although the circumstances leading to this request are undoubtedly tragic, we are honored and proud to fulfill this request as we hold Derek in the highest regard as a friend, husband, father, business manager, and an exceptional human being. We have known Derek for over twenty years, and have been family friends during the course of these years, watching him grow from a child to the man that he is today. Derek possessed many dreams as a young person, which transformed into personal goals for himself as a young adult. He focused on his goal of becoming a police officer by attending university and attaining a degree in Criminology as well as working as a corrections officer at Headingly Penitentiary. Derek found time to volunteer for the Village Clinic fundraising efforts, assisting in the Correctional Officers Care for Kids Camp, volunteer for the Winnipeg Police Community Services Centre, and helping young children in elementary classrooms. Derek realized his dream of becoming a police officer and joined the Winnipeg Police Force.

The passion, commitment, and dedication that Derek held for his career in law enforcement was truly a pleasure for us to observe. It was so exciting and refreshing to watch a young man express his love for his job -- he was without complaint about any aspect of his work!

It was no surprise to us that Derek enjoyed so much success as a police officer as we knew he had the kind of character that would support his achievements in such a difficult career. Derek has always possessed maturity in his demeanor, even as a very

young person. As a teenager, Derek was a strong student, a talented athlete in several sports, and a young man who demonstrated a high level of respect for his parents, his extended family, and family friends. These characteristics have continued into adulthood as he attained his dream career, married a very special woman, and became a father to his beloved daughter. Derek is an attentive son, supportive husband, and adoring father to his only child. We can only hope that our own children find as much happiness and love in their relationships with their partners, children, and family as Derek enjoys.

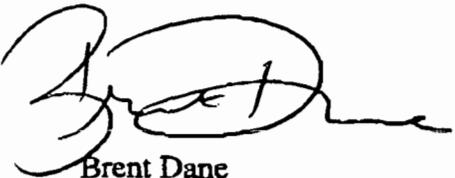
Derek possesses a high level of strong interpersonal skills, a very caring attitude toward those who have had challenges in their lives, and has a tremendous ability to put others ahead of himself. Derek continues to demonstrate his dependability, goal orientation, and work ethic with his attainment of a career as a business manager, and by enrolling in correspondence courses for Financial Planning. He was also able to employ our teenage son this summer, and we have been very happy to have Derek become involved in our young son's life as we know he will provide the type of adult role model that every teenager needs.

These personal attributes account for the fact that Derek, his wife, and daughter enjoy a large contingent of very close, loving family members, and a wide circle of devoted and generous friends - all of whom have given support and received support from Derek over the years.

It is also these very attributes that have allowed Derek to experience such a deep level of remorse over the accident that he was involved in. We believe that if Derek was not such a genuinely caring person, that he would not have been willing or able to understand as completely as he does, the results of that tragic day. After witnessing the

grief, sorrow, and guilt that Derek has endured over these past months, there is absolutely no doubt in our minds that he will never forget the aftermath of that terrible day. Our support for Derek and his family goes back a long way, has withstood good times and bad times, and is unwavering. Derek will live with challenges every day of his life – challenges that we can only imagine. But we know with just as much certainty that he will continue to contribute in a most positive way to his wife, child, family, friends, and community.

Sincerely,



Brent Dane
Fire Chief, City of Brandon



Nancy Dane
Principal, Brandon School Division

July 23, 2007

To Whom It May Concern:

I am writing this letter on behalf of Derek Harvey-Zenk. I write as his employer, his friend and I am the uncle of his wife. It is to the first two that I write.

Derek is the General Manager [REDACTED] and has day-to-day control of the three Petro-Canada gas stations we operate. His primary work location is the 16-hour per day station at [REDACTED], where he is also our car wash specialist. Derek also general manages our 24-hour operation located at [REDACTED] and a 16-hour per day location at [REDACTED]. The three sites are all located in Brandon and are spread out. The site at [REDACTED] is located in the south end of the city, [REDACTED] is in the west central area of Brandon and [REDACTED] is located near the Trans-Canada Highway in the extreme north end of Brandon. I also operate a [REDACTED] attached to the [REDACTED].

Derek's privilege to drive is required to maintain and complete the responsibilities within his job description. Derek is responsible to ensure cash deposits are delivered to the Westoba Credit Union on a daily basis. Derek must also do visual price surveys at our competitors on a daily basis. To do this he must be able to drive between sites and to competitor locations within two kilometers of each site. Derek must also be able to drive to the wholesale company located in the [REDACTED] of Brandon, to pick up emergency stock when we run out of product and then deliver it to one of the three sites. These are usually tobacco products that have a high value and require proper loss control procedures. This type of high value product is only picked up or delivered by management. My company has four parking lots that require snow clearing. I own and operate the truck and plow that clears them. Derek is my back up driver to ensure the lots are cleared in a timely basis during and after a snowstorm. This occurred in March of 2007 when I was in Yorkton opening another business. The plow is parked at [REDACTED] in the southwest corner of Brandon.

Derek's normal working hours are 8:00 a.m. to 6:00 p.m., Monday to Friday, but he occasionally has to cover shifts between 7:00 a.m. and 11:00 p.m. on any day of the week when a gas attendant is sick or we are critically short of staff. Derek is also expected to respond to all mechanical calls from the car wash and emergency calls from any of the three locations. These call ins are infrequent in occurrence as many can be handled by telephone but from time to time he is required to attend the site outside of his normal working hours. Derek is a "Key-holder" for all three sites and must attend any of the sites if an alarm goes off and police are sent to the site.

Derek is in charge of hiring new staff and training them to [REDACTED] standards. In this labour market, he is very busy keeping the businesses staffed and running. The fact that he has signing authority on all of our business bank accounts, and our restaurant bank account (that he does not manage), speaks to his integrity and our trust in him. We have

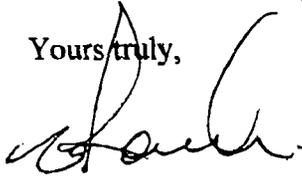
never had anyone that we delegated the amount of control that we have with Derek. To lose Derek would be a severe blow as it would be very hard to find a person of his character and quality.

I met Derek shortly before he married my niece. I really began to know Derek after he moved to Brandon and we started working together. I see the effort he puts into his job and the character he puts into his life and I know that he is a person that I want to be around my family. I have learned that he is a gentle giant with children and enjoys being with them. Derek is among the very few people I would entrust my children's care to.

Derek has spent his entire adult life preparing to serve his community. I have seen the pain he feels over the accident and the guilt over the lost life. His emotions are so close to the surface that I am concerned for him and am pleased that he is seeking counseling. I will do all within my abilities to assist Derek in his recovery process.

Please feel free to contact me regarding any issue that I may clarify or assist with. My cell phone number is [REDACTED].

Yours truly,



Chris O'Rourke
President,
[REDACTED]

01/20/2007 09:10 FAX 7019000400 MSU NDCFD 002

July 19, 2007

To Whom It May Concern:

I am writing this letter in support of Derek Morden Harvey-Zenk.

I have had the privilege of knowing Derek for approximately 23 years and have watched him grow from a kind and caring young boy to a mature, kind and caring young man.

I am aware and understand the charges against him and know that he has pleaded guilty to dangerous driving; causing death.

From the beginning of this terrible ordeal, Derek has been remorseful and I know that in visiting with him that his concern is, and always has been, for the deceased and for her surviving family. He has never felt sorry for himself, but rather, has expressed his concern for how this has affected all of those around him. He is a son, a brother, a husband and a father, a friend and a relative to many people who love and support him.

Since the unfortunate accident, Derek has been taking a course in [REDACTED] and has worked diligently for [REDACTED] as an executive, overseeing personnel and inventory at three different locations. He has also been refurbishing his parents' home. He has a tremendous work ethic and is a community driven citizen.

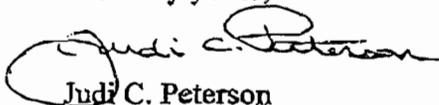
My husband, Steve, and our daughter, Taylor, are proud to know Derek and we are blessed to have been part of his life. Even though Derek is 19 years Taylor's senior, when we have visited the Zenks, Derek was always willing to spend time with her and would take the initiative to entertain her (not something that most boys of his age would have done).

As I watched Derek grow, I remember thinking how lucky Rod and Pam and Sharon and Brent were to have such a wonderful son, who never caused them any trouble or dismay.

I am involved in a program called "Character Counts" which is comprised of five pillars of character. Without hesitation I can say that Derek has all five pillars firmly entrenched in his character: honesty, trustworthiness, caring, responsibility and citizenship.

I hope and pray for the best for Derek and his family and hope this letter will assist in a promising future.

Sincerely yours,


Judi C. Peterson
Family friend
Learning Disabilities teacher
Audiologist

[REDACTED]

July 22, 2007

[REDACTED]

TO WHOM IT MAY CONCERN,

RE: REFERENCE FOR DEREK HARVEY ZENK

We are pleased to have this opportunity to provide a reference for Derek.

Murray and I have been neighbours/friends of Derek for 19 years. During this time we have watched Derek grow from a young boy to a responsible adult. His pleasant, outgoing nature and his willingness to lend a helping hand were fundamental to his establishment of a strong network of friends and were reflected in his approach to his working environment. Therefore, it came as no surprise when Derek chose to pursue a career in law enforcement.

We attended Derek's graduation from the Police Academy (Winnipeg), extending our congratulations as he began his career as a police officer. Murray and I were honoured to be guests at Derek and [REDACTED] wedding and offered our congratulations upon the arrival of their daughter, [REDACTED] two years ago. Derek approached his role as a father in the same manner he embraced the responsibilities of his career. He is a wonderful father to [REDACTED] and a loving husband to [REDACTED]. He shares the responsibilities of parent hood and is proud of Ryan's developmental accomplishments, often boasting that she is exceeding expectations for her age.

We are aware of the charges that Derek is facing. We are also aware of the remorse that Derek feels in the aftermath of that fatal February morning. There is not a day that goes by that Derek does not think about that tragic day and the impact that it has

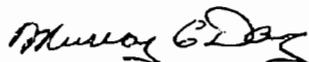
had on this woman's family, as well as his own. He accepts full responsibility for his role in this woman's death.

Thank you for your time in considering our support of Derek in what is a difficult time for all concerned.

Sincerely,



Marilyn Day
Nursing Program Manager
Maternal Child Care
[Redacted]



Murray Day
Journeyman Carpenter
[Redacted]

To Whom It May Concern:

RE: Derek Harvey-Zenk

We are submitting this letter for Derek Harvey-Zenk in attempts to assist the Court in determining a proper and just sentence for him.

We have known Derek Harvey-Zenk for six years and we can describe Derek as an honest, hard working, family oriented person. He has strong moral and family values that are strengthened by his sense of community mindedness.

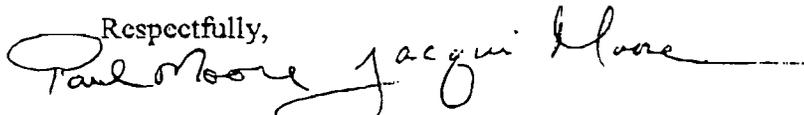
The tragic event of February 25th, 2005 that led to the death of Crystal Tamon has changed the lives of all the families that were impacted by her death. We have seen first hand the impact of such sudden and tragic events on families and we extend our deepest sympathies and condolences to the Tamon family on their loss.

Derek has assumed responsibility for the death of Crystal Tamon in this traffic collision and in doing so he has not in any way minimized or marginalized this tragedy. The death of Crystal Tamon in this collision has also changed the life of Derek Harvey-ZENK. We believe there is not a day goes by that Derek does not reflect back on the events of that tragic morning in February of 2005 and we know he feels regret, pain and heartache for the events of that day and we believe he will carry this with him all his life. Derek's career that he worked so hard to attain has ended and he has had to search out other employment to support his young family.

In speaking to a sentence for Derek we will only make one strong appeal to the court, that appeal is that "Incarceration" not be part of his sentence. Derek did not wish or plan for this tragic event to take place and he has no history of similar events. Our penal system incarcerates those persons that pose a threat to society and Derek is clearly not a threat to society. Rehabilitation is part of the incarceration process and we can state that Derek takes responsibility for the collision that took the life of Crystal Tamon. Derek was at the time of the collision and still is a productive and positive person to the community rehabilitation is not at issue here.

We trust the Court will make a fair and just sentence.

Respectfully,



Paul & Jacqui Moore



July 23, 2007

To Whom It May Concern:

I am writing this letter on behalf of Derek Harvey-Zenk. I write as his employer, his friend and I am the uncle of his wife. It is to the first two that I write.

Derek is the General Manager of [REDACTED]. He has day-to-day control of the three [REDACTED] we operate in Brandon, Manitoba. His primary work location is the site at [REDACTED], where he is also our carwash specialist. Derek also general manages our locations at [REDACTED] and [REDACTED]. Derek's normal hours of work are 8:00 AM to 6:00 PM, Monday through Friday. He occasionally has to cover a shift at any time at the 24 hour location or between 7:00 AM and 11:00 PM at the other two locations, on any day of the week. Derek is also expected to respond to all mechanical calls from the car wash and emergency calls from any of the three locations. These calls are infrequent in occurrence and many can be handled by telephone, but from time to time he is required to attend the site. He is also required to survey our competitors daily for gasoline price changes and monthly for other product pricing.

Derek has been in charge of hiring new staff and training them to [REDACTED] standards. In the current labour market, he has been very busy keeping the businesses staffed and running. The fact that he has signing authority on all of our bank accounts speaks to his integrity. We have never had anyone that we delegated the amount of control that we have with Derek. To lose Derek would be a severe blow as it would be very hard to find a person of his character and quality.

I met Derek shortly before he married my niece and I really began to know him after he moved to Brandon. I see the effort he puts into his job and the character he puts into his life and I know that he is a person that I want to be around my family. I have learned that he is a gentle giant with children and enjoys being with them. Derek is among the very few people I would entrust my children's care to.

Derek had spent his entire adult life preparing to serve his community. I have seen the pain he feels over the accident and the guilt over the lost life. His emotions are so close to the surface I am concerned for him and I am pleased that he is seeking counseling. I will do all within my abilities to assist Derek during his recovery process.

Please feel free to contact me regarding any issue that I may clarify or assist with.

Yours truly,



Chris O'Rourke

[REDACTED]

July 23, 2007

To Whom It May Concern

Re: Derek Harvey-Zenk

It is without hesitation that I provide this letter in support of the character of Derek Harvey-Zenk. I am aware of the tragic accident that Derek was involved in on February 25, 2005 and of the resulting charges.

As a close family friend, I have known Derek since he was 15 years old. Even as a teenager, Derek stood out as a responsible and reliable young man, never causing his parents a moment of grief. He was a good student, played rep and high school hockey, and worked hard at part-time jobs.

Most impressive to me during this time of his life were Derek's strong family values. His devotion to his little brother, [REDACTED] was heart-warming. He was a significant figure in [REDACTED]'s upbringing, both as a nurturer and as a role model. These values were also evident in Derek's close relationship with his grandparents.

It was not surprising to me that Derek's career interests saw him pursue employment in the criminal justice system. As a Correctional Officer, his work with offenders gave him the opportunity to contribute to creating a safe and law-abiding community. But it wasn't until he became a Police Officer that he found his real niche. I heard him talk about his work in policing with pride and passion. It was work in which he exhibited courage, team work, the ability to function in different roles, the ability to work in hostile circumstances, and the ability to take responsibility, communicate effectively, and demonstrate self-control.

At the time of the fatal accident which caused the death of Crystal Taman, Derek was newly wed to his wife, [REDACTED]; they had purchased and were remodeling their first home, and they were expecting their first child.

Immediately following the accident and for some weeks after it, Derek experienced the acute emotional pain characteristic of traumatic loss. As shared with me by his parents, he was wracked with guilt, grief and remorse over his involvement in the death of another human being. He experienced deep remorse for the huge losses caused to the victim's family and for the pain, loss, and turmoil that had been thrust upon his own family.

As time moved on and with the unflinching love and support of his wife and family, Derek fought to re-establish equilibrium and to cope with a future that looked dramatically different from the one he had envisioned. With the same strength of character exhibited throughout his young life, he has worked hard to accept responsibility for his actions and for his family's future.

Derek moved his family back to Brandon and began working as the manager of a [REDACTED]
[REDACTED] He is now the manager of all three of Brandon's [REDACTED].

He was the birthing coach for his wife when their daughter [REDACTED] was born in October of 2005 and is a devoted husband and father.

After working hours, Derek has applied his considerable talents as a carpenter, painter and woodworker in the homes of his parents and his in-laws. As well, he has taken courses towards becoming a Certified Financial Planner. He is a tireless worker who is seeking opportunities for self-improvement.

And – he has waited for almost 30 months, to face the same justice system that he once worked for so proudly. While I've never heard a word of complaint or self-pity from Derek, I imagine that it has been agonizing.

In spite of what can be characterized as “very good coping”, it is obvious that he continues to feel great remorse for his actions and grief over the losses caused to so many. Every morning when he wakes, every night when he tries to sleep, every family celebration, every holiday, every small daily happiness – all are tinged with sadness and regret that Crystal Taman is no longer enjoying life and that her family must endure and adjust to life without her.

While the impact and aftermath of this terrible accident continue to play out in the life of Derek Harvey-Zenk, I am confident that he will continue to hold himself accountable for his actions and to devote the rest of his life to upholding the family and community values that have guided him to date.

Yours sincerely,

Judy Pilling
B.A., B.Ed.,
Master of Arts/Applied Behavioral Science
[REDACTED]

July 29th, 2007-07-22Karen Hoes


To Whom It May Concern;

I felt very honoured when asked to write a character reference for Derek Harvey-Zenk.

I have known Derek from the time he was born and I'm proud to say that my husband and I are his god parents. We have seen him over the years grow up to be a fine son, brother, husband and father. Of all the words that I could use to describe Derek I have carefully chosen gentle, unselfish, goal oriented, diligent, purposeful, charming, generous, loving, hardworking and giving. I see a wonderful combination of attributes from which he has earned my love and respect.

Some of the memorable moments that I share with Derek make my buttons burst. He was a sweet baby so happy, content and easy to be with. As a toddler his imaginary friends were a source of entertainment for all of us! When his new brother happened upon the scene some years later he took care of him performing many tasks to keep his younger brother entertained without complaint. His teenage years came and went with no real issues. His school was important to him as his goal was to be a policeman and knew that he needed to keep up his grades. He then left the comfort of his friends and hometown of Brandon to build on his dream and completed his Criminology Degree in Winnipeg. While going to university he had some financial assistance however was responsible for the majority of it as he took on evening and weekend jobs to support himself all the while maintaining a respectable grade average.

Employment followed after and he choose to continue to build on his career goal to work as a Corrections Officer. In the meantime he met a beautiful young lady that he adored. It was so much fun to hear the dreams and aspirations they shared as a young couple embarking on the rest of their life together. At this time he had finally reached his goal and had become a police officer for the Winnipeg Police Dept. No one could have been prouder then he was. It was no surprise that he wanted to work in the district of Main Street which gave him the best opportunity to help citizens most in need. His imminent wedding day guest list was full of his new found friends from the police department and childhood friends. It was at this time that I saw what a solid quality adult that he became surrounded by good people which only reflected what he too had come to be. The birth of his daughter was the highlight in his life. I was fortunate enough to be there along with another "auntie" of Derek's. We were thrilled to be allowed to be a part of such an important time of his life. His entire face beamed as he introduced us to his new baby daughter just minutes after her birth. He is actively involved with his daughter's life which absolutely completes them. In his busy family life he has now recently made the time to be a valuable handyman helping his mother-in-law and mother with extensive renovations that they need in their homes.

There is a hollowness in Derek's eyes and a confidence that has disappeared since the tragic accident. It is because of his good character that he will forever suffer knowing what his mistake has cost another family.

Respectfully,



Karen Hoes.

TO WHOM IT MAY CONCERN

I am writing this letter as a character reference for Derek Harvey-Zenk.

I have basically watched Derek grow from a baby boy to a fine young man.

As an in-law to his aunt, I have been around him and his family for all his growing years.

We are truly saddened by this horrific accident in where so many peoples lives have been affected and changed forever.

I feel very strongly a need for people to know that Derek has been and still is a great young man. He comes from a background of a very loving and supporting family.

Derek had verbalized a strong desire to join the police force at a very young age therefore governed himself accordingly through his teen and young adult years. He worked very hard to prepare himself physically and studied long and hard to obtain his degree in criminology.

Derek is a very caring individual with strong moral values and a love of family and community.

He is now married to a very loving and supportive wife and they are now parents of a beautiful little girl.

For the most part my reasons for writing this letter is let someone know what a good kid and great young man Derek has grown to be.

He has three younger brothers who admire and look up to him and he is a good role model for his siblings.

I know that mentally Derek will never get over the affects of this horrific accident. He will not carry on to be a police officer any more though it was his life dream. What I do know is that with the love and support of his wife and families, he will continue his life down a different path. He will continue to be a great husband and father and an upstanding citizen in the community.

He also has to carry with him for the rest of his life the affects of this accident, the loss of a life and how it has affected so many.

I myself, am a wife, mother, grandmother and retired nurse. I've with and dealt with many people in my life and I consider myself to be a good judge of character.

Elaine Handregan



TO WHOM IT MAY CONCERN

I am writing this character reference for Derek Harvey-Zenk on behalf of the Harvey family. As an Aunt, I realize family is not always considered the best reference but out family is close and it is important to me to support Derek at this time.

He lived in my home for about 2 years while he went to university and I can honestly say that he never caused me a moment of concern.

His parents were divorced when he was quite young. He was a very lucky boy to have two sets of loving and caring parents and all their families. He was brought up by both sets of parents to be honest, caring respectful and conscientious.

He worked very hard to get his degree and also to get prepared for being accepted into the Police Force. The day he graduated as a police officer was one of the proudest moments of his life and all of his families lives. The graduation was witnessed by members of all four of his families.

The accident was a very unfortunate incident that has changed his life forever. He has been fortunate enough to have been able to, along with his wife and young daughter, start his life down another path with the support of his loving families but I know that he will always have a very heavy heart knowing the pain this incident has caused other people.

Derek's Aunt,



Lynn Handregan (Harvey)

Sean Martin



July 24, 2007

Dear Mr. Wolson:

I am writing in support of the character of Mr. Derek Harvey-Zenk. I have known Derek since 1994 and became good friends with him shortly after our introduction.

Over the years Derek has proven himself the epitome of what a friend should be, always there for you should you find yourself in a position of need, regardless of the magnitude of the situation. Trivial or monumental Derek will drop everything in order to assist you in whatever way that he can.

He is a dedicated and loving husband and father, and I believe that he places his family as his absolute first priority, an attribute that perhaps is not as common as it once was in our society. He has always been a very responsible individual, more often than not being the voice of reason that needed to be heard in our younger years, and he carried these traits forward into his career in law enforcement, a career that is truly suited for him since he genuinely wants to help people and believes he can make a difference. It was his exhibition of responsibility over the years that made this incident difficult for me to fathom since it was exactly the opposite of what I would consider Derek's normal behavior. I will contend that the incident in question would be a singular event, since it is so unlike the behavior of the man I have known for thirteen years.

Derek has been deeply affected by the accident and I know that he would do anything in his power to reverse the outcome, it is something that weighs heavily on him and he carries a great deal of remorse for what transpired.

I am proud to be considered a friend of Derek's and I believe him to be one of the most solid, grounded people that you could ever hope to meet.

Sincerely,



Sean Martin

July 25, 2007

To Whom It May Concern:

I am pleased to be able to write a character reference letter for Derek Harvey-Zenk. I have known Derek for over twenty years. As a close family friend I have watched him become a fine young man of integrity. Derek is a caring, respectful and responsible individual. He has always demonstrated a strong sense of family values. Derek was a good student who was able to keep up with his grades while being involved with extra-curricular activities. One of those activities which my husband and I watched Derek grow and develop in was hockey. Derek showed leadership and good sportsmanship throughout his hockey years. Through the challenges of adolescence, Derek made good choices for himself. Within his family, he accepted the role of being an older brother to an active sibling with responsibility and maturity. Derek was an empathetic brother who took the time to patiently explain things to his younger sibling. As a husband, father and community member these same strong family values are evident.

I believe my twenty-one years as a resource teacher and a classroom teacher of special needs individuals, as well as ten years as a Client Service Agent with the Federal Government puts me in a position to provide an accurate assessment of Derek's character.

In closing I reflect on this tragic accident and its effect on the two families. One family has lost a parent. One will live with the responsibility for this tragedy. Derek's pain and remorse at this time has been a burden he has taken full responsibility for in a manner which reflects his strong sense of family values and social conscience.

Sincerely yours,

Wilma Hevill

[REDACTED]

July 30, 2007

To whom it may concern,

I have known Derek for over 25 years. We became friends from the moment we first met and have stayed close ever since. Even though Derek and I have rarely lived in the same city, we have always remained in touch with each other and have always confided in one another. As we have grown older, we have shared in many experiences. We have always had an ability to speak candidly to one another and we have never been afraid to express our thoughts, our opinions or our fears to another. Derek was the "best man" at my wedding and a few years later, I was honoured when he asked me to reciprocate. In the all the years we have been friends, I have always known Derek to be thoughtful and considerate. He is the type of friend who is reliable and dependable when needed. Derek has always held a deep set of values and morals as well as sense of duty towards his community. It is this sense of duty that led Derek to pursue a career as a corrections officer and later to follow his childhood goal of becoming a police officer. He was successful in achieving a position with the Winnipeg Police Service, even though it required repeated applications and dogged perseverance. While I did not witness Derek's performance as a police officer, I do know that his colleagues respected him and spoke highly of his abilities as an officer.

Derek is a considerate husband and a loving father. Since Derek was a young man, he has expressed his desire to be a father and the birth of his daughter has brought him immense joy. I am confident that Derek will raise his daughter to have the same set of values and consideration for others as he does. His involvement in this tragic accident has caused Derek serious grief, remorse and a sense of loss. It has affected him and his family greatly. As a father, Derek empathizes with the family at the loss of their mother. He also understands how a tragedy like this affects the surviving family members as he lost his aunt and his cousin in a similar car accident in 1997. While this accident has forced him to give up his career as a police officer and relocate to Brandon, Derek realizes he is fortunate to be alive and that he has been given the opportunity to make a fresh start and learn from this tragic mistake. Derek continues to carry the heavy burden of responsibility that his lapse of judgement has caused and is fully prepared to accept the consequences of his actions.

Derek wishes to move on with his life and provide for his family. He has found a new employment as a manager of several service stations in Brandon and welcomes the challenges this position brings. He has also begun taking courses to become a financial planner and his hoping to pursue a career in this field in the near future. It is his sincerest wish to bring closure to this part of his life and allow both families to begin to heal. While I am fully aware that Derek cannot alter the outcome of his actions that day, I am confident that he will not repeat them.

Sincerely,

Kelly Richmond
[REDACTED]

Jacqueline Chelin^U

To Whom It May Concern:

This letter is a testament to the character of Derek Grant Morden Harvey-Zenk.

My name is Jacqueline Chelin, I have been a lifelong friend of the Morden family since I was a child. As such, I have known Derek since the moment of his birth. I have watched Derek grow up to be a fine person that any parent would be proud to have as a son.

Derek has always shown himself to be a responsible and caring person. Derek always looked out for his younger brother [REDACTED] - taking him "under his wing" when he needed "big brother" help or advice, coaching him in sports and always someone that [REDACTED] looked up to.

I have enjoyed watching Derek interact with my own 4 children from the youngest who now 5 to the eldest, Amy who played closely and was watched over by Derek who was 4 years older than she. Derek always took extra time to play yet another game of street hockey with my son Luke as he was growing up.

(2)

As Derek has grown from a boy to a man I have watched, with pride and admiration, as Derek has achieved his dreams of becoming a husband, father and police officer. I was there for the birth of his daughter [REDACTED] and watched him give her her first bath in the hospital - his joy and pride so very dear.

The shock of the accident of February 2005 has left both family and friends in a state of devastation. How could Derek, the best and man I know and love, have been involved in such a horrible situation? Upon hearing of the accident I immediately contacted the Zenk family. Derek was and is totally devastated by the accident and consequences of his actions. Derek has said to me that the accident is the first thing he thinks of when he awakes and the last as he goes to sleep at night.

I am fully cognizant of the charges against Derek. Nothing can minimize the grief and pain the victim's family has had to endure. In closing, I can only say that Derek has always taken on every responsibility, purposefully and with conviction as a son, brother, friend, husband, and father.

Sincerely,
Jacqueline Phelan

July 31, 2007

To whom it may concern,

I have known Derek Harvey Zenk since his early school days when Pam and Rod first met. Rod is a very good friend of mine and spending time with him gave me many opportunities to watch Derek grow up. Derek was a nice little boy who was very polite and related in a positive manner with adults.

It was Derek's entry into high school where I really got to know him. He attended Vincent Massey High School where I was employed as a Physical Education teacher. I saw him in academic, athletic and social situations as he grew into a fine young man. Derek was a pleasure to coach and to teach. He got along well with his peers and the staff. He was involved in the school, not only in the classroom and the hockey rink but also in volunteer activities.

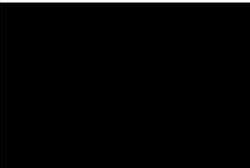
Derek set goals in high school and worked very hard to attain them. We were all proud of him as he began his career in the Winnipeg Police Services. He got married to Karleigh, they were settled in their home and starting their family. These were all goals Derek set as a young man. Everything looked very good for Derek and his family as he contributed to society in a positive way with his work and lifestyle.

That changed for everyone the morning of the accident. It changed 'life' as many knew it, certainly including Derek who will grieve that day for the rest of his life. He went through a long period of emotional trauma and they moved to Brandon to be able to have more family support. Derek has worked hard since that time to reestablish stability for himself and his family. He has worked his way up to managing three gas stations and is always ready to help friends and family with home renovations. He, [REDACTED] and their daughter have just moved into a home of their own with the hope of a positive future.

Derek will live with the impact of the accident for the rest of his life. He has shown me with his talk and actions that he will never be a debt to society, only a great son, husband and father.



Larry Rodenbush B.A., B.Ed.
Retired Teacher and Coach



July 31-2007

To Whom It May Concern:

I first met Derek Harvey-Zenk two years ago. Over the next 18 months Derek became a leader in the Brandon [redacted] market His duties included, initially learning how to serve the public, then completing car wash maintenance, coaching and leading service attendants and finally, managing gas stations.

Through difficult times he has always maintained a professional demeanour and acted like a role model for many of our GSAs who are often under the age of 20. He has tackled every challenge with zest. Highlights of the past 18 month include the upgrade of [redacted], the roll-out of the [redacted] initiative which he was one third responsible and growing the store sales [redacted] despite the gasoline volume decreasing.

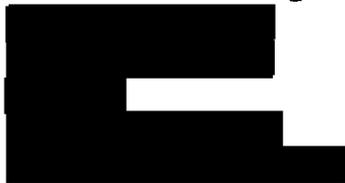
Derek's character has never been questioned. He deals with [redacted] the same way he deals with his team and his guests, with respect, empathy and caring. Although he has faced a tough business environment, a limited staff pool and the constant demand of daily duties, he has always been an asset to [redacted]

As a Retail Business Manager with [redacted] I would gladly have Derek as a part of my team ... anytime.

Please feel free to call me anytime for further comments or insights on the strong character and work ethic of Derek Harvey-Zenk

Sincerely

Kelly W. Tarrant
Retail Business Manager



July 26, 2007

Re: Character Reference for Derek Harvey-Zenk

To Whom It May Concern:

Derek Harvey-Zenk has been a friend of our family for over 5 years and is now "Uncle Derek" to our one year old son Liam. Derek is the kind of friend who we can count on to be there for us in our lives; whether it be watching out for our son, helping us move or giving us advice on starting up our family business or talking through a problem with Alex related to his job with the federal government.

Derek is a person who takes the time to be there for people he cares about, and has the commitment, loyalty and compassion that are needed in these relationships. Derek also is a man willing to take time out of his life with his wife and daughter to help others. There have been many hours when Derek has been at our home teaching Alex all he knows about painting, carpentry and construction. In taking this time Derek has allowed Alex to gain confidence to take on new challenges and projects on his own (no small accomplishment, let me assure you!)

As a father to his beautiful daughter [REDACTED] Derek is completely a "hands on" dad! He is involved in all her activities, and in this role he again shows the patience, commitment, compassion and love that are characteristic of him as a person. He teaches his daughter the boundaries and lessons she will need to grow into a strong woman, while sharing laughter and joy with her and his wife.

We are so grateful for our friendship with Derek, and his wife [REDACTED] and know that through the years Derek will also be an important person to our son, as a much loved "Uncle" and friend.

Sincerely,


Katie McKay-Argyriou


Alex McKay-Argyriou

[REDACTED]



July 21, 2007

To: Mr. Richard Wolson – QC
 Representing:
 Mr. Derek Harvey-Zenk

From: Wayne Scott Dobbie – Tech Ag.



Re: Personnel Reference for Mr. Derek Harvey-Zenk

Dear Mr. Wolson,

My name is Wayne Dobbie, and I am the Territory Manager for Canterra Seeds Ltd for Western Manitoba. I am writing this letter on behalf of Mr. Derek Harvey – Zenk as a personnel reference.

I have known Derek for more than 20 years, and in that time we have been the best of friends. Within that time frame, and getting to know Derek through High School, Hockey, University and throughout, I can honestly say he is one of the kindest, most thoughtful people I have ever known. If you needed help with anything, or just someone to talk to, he has always been there. His sense of community, of people, and family is second to none. I know this served him well in the law enforcement field.

His commitment to his own new family, and staying in touch with friend and relatives continues through these troubled times, which only makes my resolve stronger to see Derek as an active part of the community.

I only hope this letter will help Derek stay part of his family, our community and my family. He truly is one of the best friends I have ever had, and a truly beautiful person.

Best regards,

Wayne Scott Dobbie



July 27, 2007

To Whom It May Concern:

My name is Tammy Richmond and I have personally known Derek Harvey-Zenk for over 25 years. During this time I have observed Derek demonstrating traits and characteristics that I feel should be considered when deciding the outcome of Derek's trial.

Derek displayed valuable character traits at a young age through his participation in organized sports - hockey. Being part of a team while growing up allowed him to recognize the importance of working with others to achieve a common goal. His interactions and experiences translated into the development of discipline, commitment, and leadership skills that have carried over into adulthood.

As a young adult Derek started setting and achieving goals for himself. This was evidenced in his successful completion of his criminology degree at the University of Manitoba which led to his pursuit of a respected position on the police force. At the time that Derek was applying to the police force there were few positions available and many applicants. This did not deter Derek and he displayed focus, motivation, and determination to successfully achieve his goals. Derek still demonstrates these traits on a daily basis.

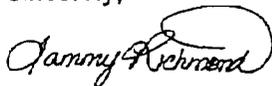
In the past 2 years Derek has taken on an operations management role that has allowed him to further develop his leadership skills. His proven track record in the role has lead to expanded responsibilities that Derek has taken in stride and successfully managed.

Recently Derek has started a family. Through the roles of father and husband Derek's innate sense of responsibility has shone through. Anyone who knows Derek and has interacted with him in his family environment experiences his compassion and love for his family. He is devoted to providing a home that is full of love and happiness for his daughter.

Through the above examples I hope I have allowed you to see the Derek I know. He is a person I know I can always count on if I need to. He is someone I have always regarded as trustworthy; with integrity and high morals and the events in the recent past have not, and will not, change my perception of Derek.

Thank you for your consideration.

Sincerely,



Tammy Richmond BComm, RTR

July 31, 2007

Dear Sir or Madam:

The purpose of this letter is to provide a character reference for Derek Harvey-Zenk.

I have known Derek for approximately 5 years. During the time I have known him, he has become a good friend. I value his opinion, and have always found him to be forthright and trustworthy.

Derek is a personable man with an easygoing nature. He is well liked by those around him; and his positive attitude and good humor are infectious making him a pleasure to be with.

Derek is always ready to lend a hand to those who need assistance, and often volunteers to help others before being asked. He is patient, honest, and charitable. Through his actions, it's apparent that he cares deeply for those in his community and their wellbeing.

I would be remiss to speak about Derek without speaking about his family. Derek is a proud father and husband. It is obvious that he has great love for his family, as he devotes much of his time and energy to their wellbeing. In my observations, he continually puts their needs in front of his own.

Derek is a fine well balanced person with an abundance of positive qualities. He has been; and continues to be, a valued friend.

Sincerely,



Lloyd Swanson

ATTN: RICHARD WOLSON

RE: DEREK HARVEY-ZENK

07-08-03

I've had the pleasure of knowing and working with Derek for approx 7 years. I first met Derek when I was transferred to District #3, from the Surveillance Unit...After about a year of being on the shift and reacquainting myself with uniform procedures I was approached by the Shift Supervisors and given the opportunity to pick any Member of the shift as a partner....Without hesitation I choose Derek.... I had observed his work ethic and demeanor during the past 12 months and was impressed with the way he conducted himself....As a result I had the honor of working with Derek for approx 2 years...His job knowledge, his patience, his professionalism and the way he dealt with people further impressed me and I never questioned my decision.

Derek is the type of person that everyone hopes they'll meet and know during their life time....Derek is now a proud father and takes the responsibility of raising a child seriously.....I've had the pleasure of meeting Derek's family and can easily see where he gets his values and moral standards from....

In closing I would hope that Derek is allowed to move on from this dark period in his life....A time where he has learned much and I know will never forget....

RESPECTFULLY
Ted J Michalik