

My Statement:

SUBJECTIVE ANALYSIS

On Tuesday the 25th of March, 2008, I was working a paid duty at 55 Wellesley St W – also know as the MacDonald Block building. It was the date of the Provincial Budget release. The paid duty was scheduled from 5:00 am to 5:00 pm. All attending officers were supposed to be at the briefing room on the main floor of the MacDonald Block building at 5:00 am sharp. There were 6 officers including myself that were selected from Peterborough detachment to be part of the contingent of officers policing this budget detail. Sergeant Gerry Smith was the only sergeant from Peterborough detachment and also one of the 7 officers attending.

On Saturday the 22nd of March, 2008, I had worked days and was off at 5:00 pm, when Sergeant Gerry Smith asked me if I had received any information regarding what vehicles were we going to be taking. I said I hadn't, at which time he asked me what time I think we should be leaving. I think he asked me this question knowing that I was a former Toronto Police officer and I ought to or probably would be familiar with traffic flows through Toronto during the early morning hours. I told him that we should be leaving at the latest at 3:30 am. He said that he would see me at the detachment at 3:30 am.

Hence I arrived at the detachment and walked into the constable's office at 3:25 am on Tuesday the 25th of March, 2008. Constable Brenda Donnelly was inside and she immediately asked how long I would be. I told her about five minutes. We left at 3:30 am.

On Tuesday the 8th of April, 2008, around 1:15 pm I was called into the boardroom of Peterborough detachment. Present was Sergeant Norm Shaw and Sgt John Martin. At this time Sgt Martin advised me that he had been investigating a traffic complaint that was filed against me. As a result of the investigation I am being charged and he served me with a copy of a provincial summons for the offences of Stunt Driving and Careless Driving.

I remember that date very well because there was a lot of snow the preceding days and furthermore it took three hours getting back from the paid duty. That was because there was a major snow storm that started around 2:00 pm. It literally took about an hour to travel from the 401 and 115 to my residence, which was at County Road 10 exit. Normally it would take about half an hour.

When I told Constable Donnelly that I would be about five minutes, I went to the washroom, then picked up my gun and walked out. That would have taken, at the most about three to four minutes. She was about to get into the cruiser at which time I asked her if she wanted me to drive. I also asked her where the others were? She said that they had already left. I told her that Sgt Smith had told me to be here for 3:30 am. She told me that Sgt Smith sent an e-mail out to everyone on Sunday that we were meet at 3:00 am. I told her that I didn't work on Sunday so I wouldn't have received anything.

Anyways, we probably pulled out onto the Highway 115 at 3:30 am, given the brief conversation (**not at 3:37 am, as stated**). There was a very light flow of traffic and the roadway had some snow patches in places.

While traveling W/B on 115 I was keeping up with the flow of traffic, probably traveling at about 110 to 115 kilometers per hour.

After traveling for a few minutes I started to think about this e-mail that PC Donnelly said that Sgt Smith sent out to us, who were attending this paid duty. I started to think of the spot light that was on me. Sgt

Smith had testified against me at my Police Services Act trial regarding the Lawson incident and then there are my recent charges under the same act and how it appears that the OPP is watching me because of my cases before the HRC. Then there are the reprisals. So I wondered if they would want to charge me again if I was late. So I traveled a little faster than the flow of traffic initially, but when I saw it wasn't right for a police vehicle to be seen operating faster than the flow of traffic without any lawful reason I dropped my speed and continued at the speed of the flow of traffic.

PC Donnelly is a young officer, having started with the OPP in August 2006. Her coach officer, PC Bill Syvret had doubts about her traffic abilities. He evaluated her monthly for three consecutive months. His third evaluation of her was thirty-five pages long. I spoke to him on the 12th of May, 2008 at 5:45 pm and he advised me that her abilities regarding traffic observations and speed were questionable. He had concerns about her development, which is why he did a lengthy an in-depth evaluation of her in her third month at the detachment.

I deny traveling at 180 kph. I deny traveling the length of 115/35 at 180/kph. I deny traveling the length of Highway 401 from the 115/35 to the Don Valley Parkway at 180/kph. I deny traveling the length of the Don Valley Parkway from the 401 at 180/kph. Somewhere around Porter Road (Victoria Road 32) I asked her casually if she drank coffee. She said she did and I told her that we will be coming up to a Timmy's ahead and I will pick one up.

Just south of the 35 turn-off, I pulled into the Tim Horton's stop which was on the same lot as the Petro-Canada gas station. I picked up her coffee at the drive through and all of this took about three minutes to four minutes since there was no line up.

I then continued on my way to Toronto traveling at a speed which was around the flow of traffic. On Highway 401 the average speed appeared to be around 115 kph. I remained in lane one simply because there was a moderate flow of traffic on the highway at this time with vehicles constantly entering the highway from the on ramps. Being in a marked cruiser and now on a highway with streetlights, traffic could easily make out the profile of a cruiser in their mirrors and were dropping their speed and moving over to the right.

I arrived at the designated parking lot at Grosvenor/Bay at 4:45 am and we caught the shuttle which was a police van to the MacDonald Block. I walked into the briefing room at the MacDonald Block at about two minutes to five in the morning. I noticed that PC Donnelly immediately walked over to the condiment table and fetched a cup and saucer. I also noticed that Sgt Smith was there already and was talking to the officers that he came down with. I noticed that PC Donnelly joined his group. I noticed this while I was talking to a couple of officers from another detachment and with whom I had worked during my five-month stint at Caledonia near Hamilton.

I deny the way PC Donnelly portrays the braking of the cruiser when other vehicles entered the passing lane and attributing it to the excessive speed of the cruiser. There were times I did have to break. But I was traveling around 110 to 120/kph and at times some vehicles that came off the on-ramps and traveled right over and into the passing lane did cause me to break only because they entered the passing lane at a speed slower than mine, like 100 or 105/kph.

There was nobody else in the shuttle van from Peterborough, so where she implies that a joke was made about me getting there and she responding by saying that we were doing 180/kph most of the way, did not occur in the van. She might have said that in the briefing room to one of the Peterborough officers. However, she is doing her statement some six days after the detail, so one has to wonder about her memory recall.

PC Donnelly genuinely did believe I had received the e-mail from Sgt Smith and that I was late in arriving at the detachment which is why I was traveling so fast and this anger (as she puts it) clouded her sense of perception and observations regarding the speed.

On Monday the 12th of May, 2008, at 2:30 pm, I spoke to Sgt Gerry Smith. He shook my hand commending me for still being at the detachment despite everything that I was going through. I asked him if he remembered sending out an e-mail to everyone doing the budget detail about being at the detachment at 3:00 am. He said he did and when I asked him if he remembered speaking to me on Saturday the 22nd of March, 2008, which was the day before he sent out that e-mail, around 5:00 pm in the constable's office (about the detail), he said he did. On his own volition he said that he asked me what time should we head down. He remembered me telling him 3:30 am, and he in turn telling me that he will see me here at 3:30 am. He said he changed his mind and sent out the e-mail the next day about 3:00 am because he reflected and thought that if he stuck to 3:30 am then some would arrive at the detachment at 3:45 am. When I told him that I took the next day off so I would have never had the opportunity to view that e-mail of his because I was on my days off for the 24th and 25th of March, he said that's why you came in at 3:30.

OBJECTIVE ANALYSIS

1) MAPQUEST indicates that the distance from Peterborough Detachment situated at 453 Lansdowne St East in Peterborough to 25 Grosvenor St in Toronto, which is the Coroner's building and where the parking for all police vehicles attending the budget detail was located is 83.81 miles. That is 134.09 or 134.1 kilometers. MacDonald Block is situated at 79 Wellington St W, Toronto that is half a kilometer away from 25 Grosvenor St. By traveling by shuttle bus one would take only two to three minutes to arrive at the side doors (located facing Bay St) of 79 Wellington St which would be the east side of the building.

Walking up from the basement level of the parking lot to the ground level and then waiting for two to three minutes for the shuttle bus since it was departing when PC Donnelly and I walked to the street. Therefore, by the time we walked into the briefing room of the MacDonald Block building it would have been two minutes to five or five am at the latest.

2) Using PC Donnelly's statement of departure and arrival times:

Departure: 3:37 am

Arrival: 4:40 am

The total travel time is 63 minutes.

Total distance traveled is 134.1 or 134 kilometers, rounded to the nearest kilometer.

The synopsis states 180 kph, all the way (refer to synopsis):

134 divided by 180 equals .75 hours which is 45 minutes. **Therefore I would have had to have arrived around 4:23 am and not 4:40 am as she stipulates.**

Her statement indicates 180 most of the way and at times 160:

134 divided by 160 equals .84 of an hour which is 50.4 minutes.

To make a 63-minute trip covering a distance of 134 kilometers a vehicle would be traveling at a speed of:

$134 \times 63 \text{ (minutes)} = 134 \times 1.03 \text{ (hours)} = 138.02 \text{ kph}$. It stands to reason that the vehicle would have to be traveling at 138kph continuously not 180 kph. If a vehicle was traveling at a speed greater than

138 kph then the remaining distance would have to be traveled at a speed less than 138 kph. **But she is stating that I was traveling at 180 kph (according to the synopsis which is derived from her statement) all the way. Her statement does say that I dropped down to 160 then immediately went back up to 180. Hence, any prudent investigator would have to question her observations based on the calculations or in this case, a traffic sergeant (an experienced traffic man) ought to have done the simple calculations and know that she is lying or genuinely mistaken or there was something wrong with the speedometer on that date in question.**

Simple mathematics does not lie. The calculations alone indicate that the minimum speed a vehicle would have to be continuously traveling to cover 134 kilometers in 63 minutes would be 138.02 or 138 kph.

Therefore PC Donnelly is lying or genuinely mistaken – **the math just doesn't add up.**

The fact that I indicate that she is genuinely mistaken about the departure and arrival times aside from deliberately manipulating the travel speeds is indicative that I am telling the truth. It took roughly an hour and fifteen minutes to travel the entire distance of 134 kilometers.

By her own statement: 134 km covered in 63 minutes = 134 km covered in 1.03 hours.

At 120 kph a vehicle would cover the distance of 134 kilometers in:

134 divided by 120 = 1.11 hours **or 71 minutes.**

Since 72 minutes is longer than 63 minutes the speed of a vehicle covering 134 kilometers in 63 minutes would have to be 130 kph at minimum.

134 divided by 130 = 1.03 hours **or 63 minutes.** Hence, I would submit that if one were to take her version of the time frame then at the most at any given time, I was doing 130 kph.

Now, it is clearly evident that PC Donnelly is angry at me from her perception that I was late by arriving at 3:25 am. She feels that I would have had to have seen the e-mail from Sgt Gerry Smith and I am, therefore extremely and carelessly tardy thereby I would be the cause of her possibly being late for 5:00 am duty in downtown Toronto She is consumed with anger and frustration and fails to objectively see anything clearly. Hence she ends up saying I was doing 180 all the way because we might have been late for duty.

3) **When one takes into account my version:**

134 kilometers covered in an hour ten minutes, the calculations are as follows:

134 divided by 1.10 hours = 134 divided by 70 minutes = 1.91×60 (60 minutes in an hour) = 114.6 kph.

134 kilometers covered in an hour thirteen minutes (leaving at 3:32 am and arriving at 4:45 am) the calculations are as follows:

134 divided by 1.13 hours = 134 divided by 73 minutes = $1.83 \times 60 = 109.8 = 110$ kph.

134 kilometers covered in an hour fifteen minutes, the calculations are as follows:

134 divided by 1.15 hours – 134 divided by 75 minutes = $1.78 \times 60 = 106.8 = 107$ kph.

Now when you take away a five-minute (at the most) stop for a drive through at the Tim Horton's drive-through with no traffic in front of you, one has an hour ten-minute trip.

Hence by the aforementioned calculation one can clearly see that the mathematics actually corroborate my version of the events.

4) I question the investigating officer's ability to state that the speedometer of the cruiser was indeed accurate on the date in question: March the 25th, 2008. He did not check the speedometer with a radar device until the 8th of April, 2008. That is 14 days after the alleged incident. Many officers would have used that same vehicle during those 14 days. Furthermore, how can he state beyond a shadow of a doubt that by checking it on the 8th of April, 2008, the speedometer would have been accurate on the 25th of March, 2008. Does he not realize and maybe he has done this himself in the past: one notices that they have a burnt out headlight and so he/she taps the headlight or bangs the side of the quarter panel or hood to jar a loose connection and poof, the headlight lights up. Could it be possible that there was indeed a problem with the speedometer on the 25th of March, 2008? One will never know because it wasn't tested on the 25th of March or even the 31st of March when the investigator took PC Donnelly's statement.

For all of the aforementioned, I assert that this episode is clearly another case of reprisals and harassment from the Ontario Provincial Police. **They received an allegation and instead of doing a prudent investigation because it involves an officer, they see that it is me and decide to just get her statement and charge me. The disclosure itself reveals this to be a fact (Sgt Martin obtained her statement on the 31st of March, goes on his days off or does nothing with the complaint, and on the 8th of April travels to Headquarters in Orillia where he meets with management. His notes then indicate that he returns, calls me in and issues me with two summonses for the offences. His notes then indicate that two and a half hours after charging me he takes the cruiser that I had used on the 25th of March, 2008 and calibrates the speedometer.)**

Where is the professionalism and integrity in all of this?

Is it any wonder why one wouldn't view this as a shoddy investigation?