

CANADA

PROVINCE OF NOVA SCOTIA

IN THE MATTER OF THE
FATALITY INVESTIGATIONS ACT
S.N.S. 2001, c. 31

THE DESMOND FATALITY INQUIRY

TRANSCRIPT

HEARD BEFORE: The Honourable Judge Warren K. Zimmer

PLACE HEARD: Port Hawkesbury, Nova Scotia

DATE HEARD: February 19, 2021

COUNSEL: Allen Murray, QC, Inquiry Counsel
Shane Russell, Esq., Inquiry Counsel

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Counsel for Attorney General of Canada

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Thomas Morehouse, Esq.
Counsel for Richard Borden, Thelma Borden and
Sheldon Borden
Joint Counsel for Aaliyah Desmond

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Counsel for Estate of Brenda Desmond
(Chantel Desmond, Personal Representative)
Joint Counsel for Aaliyah Desmond

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(Cassandra Desmond, Personal Representative)

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1 February 19, 2021

2 COURT OPENED (09:34 hrs.)

3

4 THE COURT: Good morning.

5 COUNSEL: Good morning, Your Honour.

6 THE COURT: Mr. Macdonald?

7 MR. MACDONALD: Good morning, Your Honour.

8 THE COURT: I know that ...

9 MR. MACDONALD: So this morning we will start with me
10 reading into evidence the affidavits filed by Thelma Borden and
11 Ricky Borden, and that will then be followed by Sheldon Borden,
12 who is here and will be giving direct evidence on the stand.

13 THE COURT: The affidavits have been marked as exhibits?

14 THE CLERK: Yes, they have. Exhibit number P-000168 is
15 the affidavit of Richard (Ricky) Borden and Exhibit 000170 is
16 the affidavit of Thelma Borden.

17 EXHIBIT P-000168 - AFFIDAVIT OF RICHARD (RICKY) BORDEN

18 EXHIBIT P-000170 - AFFIDAVIT OF THELMA BORDER

19 THE COURT: All right. Fine. Go ahead, Mr. Macdonald,
20 then, and perhaps whichever affidavit you wish to read to first.

21 MR. MACDONALD: Thank you, Your Honour. Your Honour, at the
22 outset I wanted to express the Borden family's thanks to you for

PRELIMINARY MATTERS

1 allowing them to submit their evidence by way of affidavit. It
2 was very much appreciated and it certainly hasn't gone
3 unnoticed.

4 I will start with the Thelma Borden affidavit, and that is
5 the one ending in 170.

6 **THE COURT:** Thank you.

7 **MR. MACDONALD:** In the ... and I'll read it verbatim, Your
8 Honour.

9 In the Provincial Court of Nova Scotia,
10 Desmond (Re), re: an Inquiry Under the
11 **Fatality Investigations Act** S.N.S. 2001,
12 Chapter 31, as amended, into the deaths of
13 Aaliyah Desmond, Brenda Desmond, Shanna
14 Desmond, and Lionel Desmond.
15 Affidavit of Thelma Borden sworn on January
16 26th, 2021.

17 I make oath and give evidence as follows:

18 1. I am Thelma Borden and I reside at 15375
19 Guysborough Road in Upper Big Tracadie,
20 Municipality of the District of Guysborough,
21 Nova Scotia, and I am the mother of Shanna
22 Desmond, the grandmother of Aaliyah Desmond,

PRELIMINARY MATTERS

1 and was the mother-in-law of Lionel Desmond.
2 I am the joint personal representative with
3 my husband, Richard (Ricky) Borden, of the
4 deceased, Shanna Desmond, and I have been
5 granted participation status at this
6 Inquiry.

7 2. I have personal knowledge of the evidence
8 sworn to in this affidavit except where
9 otherwise stated to be based on information
10 and belief.

11 3. I state in this affidavit the source of
12 any information that is not based on my own
13 personal knowledge, and I state my belief of
14 the source.

15 4. In this affidavit I describe events
16 relating to the incident that occurred in my
17 residence in Upper Big Tracadie on January
18 3, 2017, which is the subject of this
19 Inquiry.

20 **Background.**

21 5. The purpose of my evidence is to give
22 some insight into the events leading up to

PRELIMINARY MATTERS

1 and surrounding the January 3, 2017
2 incident. My evidence is not intended to
3 demonize Lionel Desmond or destroy his
4 character, but I believe it is an accurate
5 reflection of my conversations and
6 interactions with Shanna Desmond, Lionel
7 Desmond, Aaliyah Desmond, and Brenda Desmond
8 and the impressions I formed as a result of
9 those conversations and interactions.

10 6. The information contained in this
11 affidavit relating to my conversations with
12 Shanna and Lionel are my recollections of my
13 conversations with them and are not meant to
14 be characterized as direct knowledge or
15 criticism by me of Lionel's medical
16 treatment providers.

17 7. We have forgiven Lionel because in order
18 for God to forgive us we must forgive
19 others.

20 8. In January 2017 my husband Ricky and I
21 were visiting our daughter Shonda Boparai in
22 Saskatchewan. Shanna, Aaliyah, and Lionel

PRELIMINARY MATTERS

1 were living at our home in Upper Big
2 Tracadie while we were in Saskatchewan. At
3 approximately 4:30, 5 p.m. Saskatchewan time
4 on January 3, 2017 my husband Richard
5 (Ricky) received a telephone call from his
6 friend, Brad MacKinnon, in Nova Scotia and
7 he was told it appeared Shanna, Aaliyah,
8 Brenda Desmond, and Lionel were dead and
9 that it appeared Lionel had killed his
10 family.

11 9. As a result of the telephone call we
12 understood Lionel had killed everyone and
13 that Chantel Desmond, Lionel's sister,
14 discovered the bodies because she went to
15 our home to pick up Aaliyah to take her to
16 an after-school program in Lincolnville,
17 Nova Scotia. We then took the first flight
18 we could obtain from Saskatchewan and
19 arrived in Nova Scotia on January 4, 2017.

Shanna.

21 10. Shanna was my oldest child. I loved
22 Shanna very much. She was 31 years old when

PRELIMINARY MATTERS

1 she died. She graduated from high school in
2 Guysborough. Shanna and I spoke by
3 telephone four to five times a day, as well
4 as in person when she was living with us,
5 and she confided in me about her life and
6 her marriage, including struggles that
7 Lionel had with his mental health and the
8 effect on their relationship.

9 11. After high school Shanna studied for her
10 hairdressing license, which she obtained
11 while at the same time working part-time for
12 me at my variety store in Monastery and then
13 later at a hairdressing shop I ran in
14 Antigonish.

15 12. After marrying Lionel and living in
16 Oromocto, New Brunswick for a number of
17 years while Lionel was in the Canadian Armed
18 Forces (CAF) in 2012 Shanna returned to Nova
19 Scotia to study Nursing at St. Francis
20 Xavier University (St. FX). She graduated
21 as a registered nurse in 2016 and began
22 working at St. Martha's Regional Hospital in

PRELIMINARY MATTERS

1 Antigonish (St. Martha's), where she was
2 employed as a nurse.

3 **Shanna and Lionel's Relationship**

4 13. Shanna was 16 when she began dating
5 Lionel, who was about 18 at the time.

6 Lionel was in the Army before they got
7 married. They were married after Shanna
8 graduated from high school.

9 **(09:40)**

10 14. As Lionel was in the CAF and he was
11 posted to Oromocto he and Shanna resided
12 there for a number of years while he served
13 in the CAF, including during his tours of
14 Afghanistan.

15 15. Shanna and I spoke many times each day
16 and she used to discuss her relationship
17 with Lionel with me.

18 16. In March 2016 Shanna and Lionel had been
19 living in Oromocto, but when Shanna
20 graduated in nursing from St. FX and was
21 hired at St. Martha's they stayed at my
22 house in Upper Big Tracadie with Aaliyah

PRELIMINARY MATTERS

1 while looking to get their own home.

2 17. Lionel moved into our home after Shanna
3 because he was at Ste. Anne's Hospital (Ste.
4 Anne's) in Montreal where he was being
5 treated for PTSD issues as a result of his
6 military service in Afghanistan.

7 18. Lionel had received a medical release
8 from the military because of mental health
9 issues. In approximately July 2016 Shanna
10 and Aaliyah drove to Montreal and brought
11 Lionel back from Ste. Anne's to our home.

12 19. Lionel and Shanna got along well before
13 he was sick. Lionel was sent to Afghanistan
14 when Aaliyah was about three months old and
15 when he came back from Afghanistan he wasn't
16 the same.

17 20. Shanna told me, and I do verily believe:

18 (a) Lionel would wake up in bed in the
19 night with sweats and the whole bed would be
20 soaked;

21 (b) one night Shanna woke up in bed to
22 Lionel choking her and she had to holler at

PRELIMINARY MATTERS

1 him and say, Lionel, Lionel. He told her he
2 was sorry because he didn't know what he was
3 doing because he thought he was back in
4 Afghanistan;

5 (c) Lionel told Shanna he heard the
6 guns and bombs in his head;

7 (d) Lionel got very jealous of Shanna
8 and he'd accused her and dream about her
9 sleeping with other men and men coming in
10 the house while he was not home. She would
11 say, Lionel, it's only a dream, don't do
12 this to yourself, but Lionel would say, I
13 know, babe, but I can't help it, these
14 thoughts keep going through my head;

15 (e) Shanna told me about an incident on
16 New Year's Eve 2016 that she and Lionel had
17 been at my sister Liz's camp, and Shanna,
18 Lionel, Aaliyah, and Brenda were driving in
19 Shanna's truck with Lionel behind the wheel
20 going back to my home when, because of the
21 icy roads, the truck slid off into a ditch.
22 Lionel got very upset and blamed the

PRELIMINARY MATTERS

1 incident on Shanna;

2 (f) Shanna told me Lionel wouldn't let
3 the truck incident go. He had trouble
4 letting things go since he came back from
5 Afghanistan. He went on about the incident
6 for days;

7 (g) Shanna told me she told Lionel he
8 had to leave. Lionel said, I am not leaving
9 no place, you are not taking my daughter,
10 you can call the cops, I'm not leaving, I'll
11 have something for them - the cops - when
12 they come. Lionel was up in her face and
13 she had to leave the home with Aaliyah and
14 go for a drive. After that Lionel texted
15 Shanna accusing her of being with somebody;

16 (h) Shanna would tell Lionel he had to
17 get help;

18 (i) Lionel would go around the house
19 banging things;

20 (j) Shanna and my daughter, Shonda,
21 told me about Lionel banging on the kitchen
22 counter and constantly cursing. He'd go

PRELIMINARY MATTERS

1 outside our home and be upset like crazy and
2 then come in laughing because he was using
3 marijuana;

4 (k) Lionel was upset with Shanna for
5 buying a new truck when she got the job at
6 St. Martha's;

7 (l) Shanna would try to persuade Lionel
8 to go to the hospital and get help, but he
9 did not want to go;

10 (m) Shanna told me the night before she
11 died that she told Lionel, Lionel, I can't
12 do this no more;

13 (n) Shanna told me she wanted a
14 divorce. She said she couldn't deal with it
15 anymore.

16 **Lionel**

17 21. Lionel was my son-in-law who used to
18 call me Mom. I spoke to Lionel personally
19 about his struggles in 2016 when he came to
20 live with us. He told me, and I do verily
21 believe:

22 (a) He could not get his Afghanistan

PRELIMINARY MATTERS

1 experience out of his head, that it was
2 constant, that every time he closed his eyes
3 he saw dead people and walking over dead
4 people;

5 (b) Many of his CAF buddies in
6 Afghanistan were killed alongside him. He
7 had to pick up the bodies and the pieces
8 after they had blown up;

9 (c) While in Afghanistan he fell
10 through a couple of houses' roofs and fell
11 on his head. He fell another time and hit
12 his head on cement;

13 (d) Before he went to Ste. Anne's
14 Hospital he was prescribed medical
15 marijuana. He stopped taking marijuana and
16 drinking while at Ste. Anne's but his mental
17 health struggles did not go away;

18 (e) Before Lionel went to Ste. Anne's
19 he told me his head hurts, it was banging,
20 he was always twitching;

21 (f) Prior to the incident Lionel told
22 me when he signed himself into St. Martha's

PRELIMINARY MATTERS

1 he felt they weren't doing anything for him.
2 He signed himself out. He said that his
3 head was going crazy;

4 (g) The night before the incident
5 Shanna called me and put me on a three-way
6 telephone call with Lionel, and I remember
7 Lionel apologizing to Shanna, asking her for
8 help, accusing her of wanting to put him in
9 the hospital for the rest of his life,
10 saying he wouldn't stay in the hospital,
11 that they would find him in a body bag;

12 (h) When Shanna left Lionel after the
13 New Year's Eve incident and went for the
14 drive with Aaliyah Lionel called me and said
15 he didn't know where Shanna and Aaliyah
16 were. I told him Shanna wasn't leaving him,
17 that Shanna needed time, and he was scaring
18 Aaliyah. I told him he needed to get help,
19 and he said he went for help but they don't
20 want to help him. He said, "Mom, you don't
21 know what's going on in my head, it's just
22 100 things just going on and on and on and

PRELIMINARY MATTERS

1 I'm twitching and twitching." I felt he was
2 at a breaking point;

3 (i) In the telephone call I told Lionel
4 if Shanna, Aaliyah, and his mother, Brenda,
5 can't talk to him or get through to him he
6 had to stay in the hospital because they are
7 - the hospital - the only ones that can help
8 you. Lionel replied they couldn't do
9 anything for him. Pills weren't working
10 help. The hospital wasn't helping him. It
11 was making him worse.

12 **Aaliyah**

13 22. The following is based on my own
14 recollection and on information provided to
15 me by my daughter, Shanna, and my belief of
16 that information.

17 23. Aaliyah was ten years old when she died.
18 She was a sweet little girl. She loved her
19 mother and father very much and her daughter
20 Penny G and horseback riding, skating,
21 singing, and spending time with her cousins.
22 She wanted to be a veterinarian when she

PRELIMINARY MATTERS

1 grew up. She attended Chedabucto Education
2 Centre in Guysborough, Nova Scotia.

3 24. Aaliyah knew Lionel was sick and she
4 would tell him, Daddy, it's going to be
5 okay, I know you are sick but you are going
6 to get help.

7 25. When he returned from Ste. Anne's
8 Aaliyah was nervous around Lionel. For
9 example, Shanna and Lionel would take
10 Aaliyah horseback riding and sometimes
11 Lionel took Aaliyah to horseback riding
12 alone, and he was good with her at horseback
13 riding. But when they came home he'd go off
14 and it would scare Aaliyah.

15 26. Shanna told me that when Lionel went
16 around the home banging and hitting things
17 he would scare Aaliyah and because of this
18 she asked him to get help.

19 27. When Lionel had outbursts Aaliyah
20 couldn't talk to him because he would say,
21 You're just like your mother. Aaliyah would
22 say to Lionel, Daddy, Mommy's trying to get

PRELIMINARY MATTERS

1 you help, and I'm trying to get you help.

2 **Brenda Desmond**

3 28. Brenda was Lionel's mother and Shanna's
4 mother-in-law and Aaliyah's grandmother.

5 Brenda and Shanna were close.

6 29. Brenda worked all summer but was off in
7 the winter and she would come to our home to
8 see Aaliyah. She would take Aaliyah to
9 town, Antigonish.

10 30. Shanna told me, and I do verily believe,

11 (a) Brenda would tell Lionel he had to
12 get help. He was scaring Shanna, he was
13 scaring Aaliyah, and he was starting to
14 scare her, Brenda;

15 (b) Brenda asked Lionel how he expected
16 a woman - Shanna - to stay around if he was
17 going on, starting to go up in her face, You
18 want to smash her in the face. Lionel told
19 Brenda he wouldn't hit Shanna but Brenda
20 told him Shanna did not know that and when
21 he got angry it was like the demons coming
22 out of him because of the different look on

PRELIMINARY MATTERS

1 his face. I saw that look on Lionel's face
2 and it was a pale look like something you
3 would see in a movie.

4 31. I had the impression Brenda became
5 scared of Lionel.

6 Sworn to before me on January 26th, 2021 at
7 Upper Big Tracadie, Municipality of the
8 District of Guysborough, Nova Scotia.

9 Thomas M. Macdonald, Barrister, in and for
10 the Province of Nova Scotia.

11 Signature of witness, Thelma Borden.

12 Your Honour, I will now turn to the exhibit ending in 168,
13 and that is the affidavit of Richard (Ricky) Borden:

14 In the Provincial Court of Nova Scotia,
15 Desmond (Re), re: an Inquiry Under the
16 **Fatality Investigations Act** S.N.S. 2001,
17 Chapter 31 as amended, into the deaths of
18 Aaliyah Desmond, Brenda Desmond, Shanna
19 Desmond, and Lionel Desmond.

20 Affidavit of Richard (Ricky) Borden sworn on
21 January 26th, 2021.

22 I make oath and give evidence as follows:

PRELIMINARY MATTERS

1 1. I am Richard (Ricky) Borden and I reside
2 at 15375 Guysborough Road in Upper Big
3 Tracadie, Municipality of the District of
4 Guysborough, Nova Scotia, and I am the
5 father of Shanna Desmond, grandfather of
6 Aaliyah Desmond, and was the father-in-law
7 of Lionel Desmond. I am the joint personal
8 representative with my wife, Thelma Borden,
9 of the deceased, Shanna Desmond, and I have
10 been granted participation status of this
11 Inquiry.

12 2. I have personal knowledge of the evidence
13 sworn to in this affidavit except where
14 otherwise stated to be based on information
15 and belief.

16 3. I state in this affidavit the source of
17 any information that is not based on my own
18 personal knowledge, and I state my belief of
19 the source.

20 4. in this affidavit I describe events
21 relating to the incident that occurred in my
22 residence in Upper Big Tracadie on January

PRELIMINARY MATTERS

1 3, 2017, which is the subject of this
2 inquiry.

3 **Background**

4 5. Shanna and Thelma spoke every day. I
5 have reviewed my wife Thelma Borden's
6 affidavit filed in this Inquiry and agree
7 with its contents.

8 6. When this incident occurred on January 3,
9 2017 I was in Saskatchewan with my wife,
10 Thelma, visiting our daughter Shonda
11 Boparai.

12 7. I knew Lionel for many years. I drove
13 Lionel to the Canadian Armed Forces (CAF)
14 recruiting centre in Sydney when he enlisted
15 in the CAF.

16 **(09:50)**

17 8. Lionel had PTSD when he returned from
18 Afghanistan and got out of the Army. Some
19 days he used to go right off and he went off
20 quite a bit of times.

21 9. Lionel was on medical marijuana and was
22 in Ste. Anne's Hospital in Montreal and was

PRELIMINARY MATTERS

1 given medication, but from what I saw, he
2 still used to go off and the treatment
3 didn't seem to help him.

4 10. I remember when Shanna purchased her new
5 truck. It was because Lionel took the truck
6 from her and she had to miss a weekend of
7 work at St. Martha's Hospital. I gave her
8 the down payment to purchase the truck.

9 11. Shanna and Lionel would have little
10 arguments but they did not get out of hand
11 when I was at home.

12 Sworn to before me at on January 26th, 2021
13 at Upper Big Tracadie, Municipality of the
14 District of Guysborough, Nova Scotia.

15 Thomas M. Macdonald, a Barrister, in and for
16 the Province of Nova Scotia and signature of
17 witness of Richard (Ricky) Borden.

18 Your Honour, that concludes the reading of the affidavits
19 of my clients, Thelma and Ricky Borden.

20 **THE COURT:** Thank you, Mr. Macdonald.

21 **MR. MACDONALD:** So I would now call Sheldon Borden ...

22 **THE COURT:** Please.

PRELIMINARY MATTERS

1 **MR. MACDONALD:** ... to give his direct evidence, please.

2 **THE COURT:** Mr. Borden, would you like to come forward,
3 please? I'll just have you come up here if you can, please.

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1 **SHELDON BORDEN, sworn, testified:**

2 **THE COURT:** Mr. Borden, I can tell you that there's a
3 fresh bottle of water there for you, and I can also tell you
4 that all of that area has been sanitized. So you ... hopefully
5 you can feel comfortable there.

6 **A.** Thank you.

7 **THE COURT:** All right. Thank you.

8 **MR. MACDONALD:** Thank you, Your Honour.

9 **THE COURT:** Mr. Macdonald?

10

11

DIRECT EXAMINATION

12

13 **MR. MACDONALD:** Good morning, Sheldon. I'd like you to
14 start with your full name again, please.

15 **A.** Yeah. I'm Sheldon Richard Borden.

16 **Q.** And Sheldon, where do you reside at the present time?

17 **A.** In Dartmouth.

18 **Q.** And it's very evident to all. But if you go through
19 for a moment your relationship to Shanna.

20 **A.** I'm Shanna's brother.

21 **Q.** And your relationship to Aaliyah?

22 **A.** I'm her uncle.

SHELDON BORDEN, Direct Examination

1 Q. And then your parents are Ricky and Thelma Borden.

2 A. Yes, they are.

3 Q. Okay. And Shonda Boparai is your sister?

4 A. Yes, she is.

5 Q. Now you were a member of the Canadian Armed Forces?

6 A. I was.

7 Q. How many years?

8 A. Just a little over 11 years.

9 Q. Okay, and when would you have joined?

10 A. I joined the 3rd of September 2009.

11 Q. And what branch did you serve?

12 A. I served in the Royal Canadian Navy as well as the
13 Royal Canadian Air Force.

14 Q. And when you left the military which branch were you
15 serving in at that time?

16 A. The Royal Canadian Air Force.

17 Q. Okay. And what were your duties in the Navy and the
18 Air Force? What did you do in the Forces?

19 A. I was a supply technician.

20 Q. And can you tell me about your postings over the 11
21 years of where you were posted, your deployment?

22 A. Yeah. I was in Borden, Ontario, Saint-Jean, Quebec,

SHELDON BORDEN, Direct Examination

1 and *HMCS Halifax* and on board ship *HMCS St. John's* and *HMCS*
2 *Iroquois*.

3 Q. So when did you leave the military?

4 A. I just released the 25th of January this year.

5 Q. Okay. Why did you leave?

6 A. I relieved because of having PTSD.

7 Q. And can you tell us a little bit about the triggers of
8 your PTSD?

9 A. Yeah, I can ... it's right here.

10 Q. Your Honour, Mr. Borden was going to refer to a couple
11 of notes. Is that okay with you?

12 **THE COURT:** Certainly.

13 **MR. MACDONALD:** Thank you.

14 A. Is that ... yeah.

15 **THE COURT:** These are some of your documents?

16 A. Yes, they are.

17 **THE COURT:** Is it? Sure.

18 A. To answer your question there, it was several
19 instances of racism, and if you would like I can certainly give
20 the Court a few examples.

21 **MR. MACDONALD:** Well, maybe if we could just have one or two
22 examples.

SHELDON BORDEN, Direct Examination

1 **A.** While I was onboard ship I went to get my lunch in the
2 mess and a cook threw his equipment on the floor and said, I'm
3 not serving that nigger. And for an organization that, you
4 know, I gave my heart to, it was ... it was frustrating, made me
5 feel ashamed and not worthy and just defeated.

6 **Q.** And what is your plan post-military, Sheldon? What is
7 your, you know, plan in terms of work going forward?

8 **A.** Just to ... just to stay healthy at this moment.

9 **Q.** Yeah. Tell me about Shanna. What kind of a sister
10 was she?

11 **A.** She was a magnificent sister. Very bright. Very
12 loving. Very kind, considerate and fair. She didn't really see
13 too much bad in anybody, you know? She could always see
14 positively in almost every circumstance. You know, she was ...
15 she was that person that would walk in a room and ... and bright
16 it up, you know? Like, and just an amazing sister.

17 You know, I lived with them my last year of high school
18 and, you know, growing up in Guysborough wasn't easy. There
19 was, you know, a lot of things that you can get involved in. So
20 she gave me an opportunity of living with her and ... and Lionel
21 in Oromocto, New Brunswick that I never had here in Guysborough.

22 **Q.** Sheldon, what do you remember about Shanna and her

SHELDON BORDEN, Direct Examination

1 relationship with Aaliyah as a mom?

2 **A.** Just an amazing mother, you know? Always doing the
3 best that she could and always ... you know, she basically laid
4 the platforms for me to ... to be a great father to, you know,
5 my son and daughter that are ten and seven. So ...

6 **Q.** Now do you remember when Shanna went back to school to
7 start to study nursing?

8 **A.** Yeah, I do.

9 **Q.** And of course she graduated from St. FX in nursing and
10 got a job at St. Martha's.

11 **A.** Mm-hmm.

12 **Q.** Was that a proud moment for the Borden family?

13 **A.** Extremely proud, you know? It's ... you know, like I
14 said before, when you ... when you can make something of
15 yourself coming from ... from Guysborough in a small black
16 community it's ... it's huge for the whole community, not just,
17 you know, the person themselves, right?

18 **Q.** So it was a big deal in the black community, too?

19 **A.** Absolutely.

20 **Q.** Tell me about Aaliyah, and what would you like to say
21 about her?

22 **A.** She was ... you know, she was ... she's perfect in my

SHELDON BORDEN, Direct Examination

1 eyes. You know, she ... very, very, very smart for her age.
2 You know, she ... she loved to play, you know, with her ... with
3 her cousins. You know, she loved her aunts, her uncles. You
4 know, Borden side, Desmond side. You know, she was very family
5 to the core. Shanna did a good job with that, as well as my
6 mother did. You know, we ... we're ... you know, I live by
7 family first, and you know, you can tell Shanna was a great
8 mother to Aaliyah for her to have those core values.

9 **Q.** So when you were living with Shanna and Lionel in
10 Oromocto Aaliyah was there as well?

11 **A.** Yes, she was.

12 **Q.** What do you remember not only from that period of time
13 but seeing Aaliyah and Shanna and Lionel together, about the
14 three of them? How did they get along?

15 **A.** They got along good most of the time. You know, they
16 ... they would always do things together, you know, whether it
17 be just ... you know, just I remember the ... the snow days, you
18 know, where ... a lot of good family time, you know? And I
19 remember pulling Aaliyah on a sled and so did Shanna and Lionel.
20 And I remember us going out to eat a lot and movies and to the
21 mall. You know, it was a very ... you know, for the most part
22 it was ... it was good.

SHELDON BORDEN, Direct Examination

1 **Q.** Fair to say they were a normal loving family?

2 **A.** Yeah.

3 **Q.** Sheldon, tell me ... tell me about Lionel. When did
4 you first meet Lionel?

5 **(10:00)**

6 **A.** I met Lionel starting to go to school in Guysborough
7 Academy and we became really close. I believe it was around
8 Grade 10. Used to come down to the house a lot when him and
9 Shanna started dating. I didn't know nothing about it at that
10 time. I was pretty young but, you know, he was pretty fit. You
11 know, loved to run. He was a very, very hard worker when it
12 came to, you know, working in the woods or cutting wood or, you
13 know ... just all around, like, you know, hard labour person,
14 and talented at it at that.

15 And I never had a brother. So with him coming around,
16 like, you know, he embraced me as, you know, his little brother
17 and I embraced him as my big brother.

18 **Q.** So you knew him in the Guysborough Academy days so, of
19 course, before he joined the military?

20 **A.** Yes.

21 **Q.** Do you remember when he joined the military?

22 **A.** Yes.

SHELDON BORDEN, Direct Examination

1 **Q.** And do you remember when he was deployed to
2 Afghanistan?

3 **A.** Yes.

4 **Q.** What can you tell Judge Zimmer and in the Inquiry
5 about any changes in Lionel that you noticed before and then
6 after the Afghanistan experience?

7 **A.** Well, it's ... you know, it's pretty blunt. You know,
8 he ... he came back different, you know, and he ... you could
9 tell he was fighting things within himself. Still a great
10 person but his experiences had traumatized him, as well as, you
11 know, a lot of people who go overseas or experience trauma in
12 particular. They ... it changes personalities.

13 So you know, he was a very joyful, joyful, happy, funny guy
14 and, you know, could make you laugh at the silliest things,
15 right? And if you were, you know, just home and you were having
16 a bad day he was that person that could uplift you, you know?
17 And same thing from his members he served with. You know, they
18 ... I'm sure they could tell you the same thing, whether they're
19 in the field and they're eating rations. You know, he can make
20 it seem like it's not that bad, you know?

21 **Q.** Did you notice after Afghanistan whether he became
22 angry at times?

SHELDON BORDEN, Direct Examination

1 **A.** He did. He became ... he was ... it wasn't so much
2 anger that I noticed first. It was him trying to deal with
3 something in his head and you could see that he was ... he was
4 fighting it, you know? He wasn't a pushover, right? He was
5 trying his best, but there would be many times where him and
6 Shanna would fight, you know, because I loved him so much and I
7 ... I love all my family, my sister and my niece. You know,
8 Lionel as well. You know, I'd always try to be there for him.

9 Some days he would try to deal with it on his own and go
10 for a walk. I think maybe that's one of the coping mechanism,
11 you know, he had learned from, you know, trying to get help.
12 But he would go for a walk. He'd walk down our driveway and he
13 would ... he'd run a lot, too. So when him and Shanna were
14 fighting one day, you know, Shanna had ... I never knew the
15 severity of it. I was just a kid and kind of walking through my
16 own path of life.

17 But I'm like, Shanna, like, you got to kind of be there for
18 him, like, he's ... you know, he's trying, he's trying. And
19 then Shanna had said to me like ... like, looked at me right in
20 the eyes, and said like, Okay, I'm going to go get him. She's
21 like, Let him go, you know, do you want him to come in here and
22 kill us all? And I never ... I'm, like, looking at her, like,

SHELDON BORDEN, Direct Examination

1 sideways like, What are you talking about? Like, you know?

2 So I ran down the hill and I'm talking to him and he ...
3 he's listening to me but he's not ... he's not getting it. He's
4 just ... like he had too much in his head. And he said to me,
5 he said ... like, just ... just turned around and looked at me
6 and said like, Shel, just go back home. And I knew at that
7 point, like, that I couldn't do nothing.

8 So I just ... I felt bad. Like, it was, like, a shame-walk
9 when I had to turn around and walk back up the hill because,
10 like, I'm only a kid. I didn't have the tools or the resources
11 to help him the way that a professional could have.

12 **Q.** When you were living with him in Oromocto and
13 finishing school do you remember any incidents in the home at
14 that time?

15 **A.** Yeah, there was a few incidents. One in particular
16 that comes to my mind is when, you know ... with the PMQ we
17 lived in it's kind of similar to the one that I lived in as
18 well. You have the master bedroom upstairs and you have, you
19 know, the ... the other bedroom upstairs, you know, I was across
20 from them when you came up the stairs. They were on the left.
21 I was on the right.

22 And you know ... you know, I slept a lot as a kid. So you

SHELDON BORDEN, Direct Examination

1 know, I didn't really get up unless I had to on the weekends and
2 stuff and I remember hearing in the room, like, very low, like,
3 Lionel. And like, I remember hearing again, Lionel. And like,
4 I ... like, pretty much yelling like, Lionel. And you know, I
5 think somewhere along the line he had connected the dots that,
6 This is reality and I'm not somewhere else. And he woke up and
7 I seen tears in his eyes as I came to stand up at the door and
8 he was walking downstairs. And I just didn't know.

9 So I looked at Shanna, and Shanna was up, too, right? And
10 she's just like, Uhh. Like, kind of like ... you know, she was
11 a very smile-person, joyful person. She just had that kind of
12 smile in her eyes to be like, It's okay, Shel. Like, she
13 wouldn't really let me know too much that was going on, right?
14 And I didn't know how serious it was.

15 But you know, she had told me that, you know, in that
16 moment Lionel grabbed her by the throat and, you know, didn't
17 really know what he was doing and when he realized, you know, it
18 made him feel horrible, right? So he walked downstairs.

19 Q. Sheldon, as you know, Lionel had firearms and, you
20 know, you've been following the Inquiry and you know that. Do
21 you have any comments on the fact that Lionel, being a guy who
22 fought in firefights in Afghanistan, we heard that evidence

SHELDON BORDEN, Direct Examination

1 yesterday from former Cpl. Trotter, the fact that he had PTSD
2 and he came home about acquiring or having access to firearms.
3 Do you have any thoughts on military people and their
4 acquisition of firearms when they come back when they're sick?

5 **A.** Well, yeah. You know, myself, I think, you know,
6 anyone with any kind of knowledge knows, you know, it's kind of
7 a rhetorical question when you ... you know, you get diagnosed
8 for a mental health issue like PTSD and, you know, along with
9 other things as well. You know, I don't believe anyone should
10 be able to legally have a weapon. You know, it's pretty blunt.
11 You know, I, myself, have PTSD and I wouldn't expect me to be
12 able to maintain a firearm. Even though, you know, it's joyful
13 to go to the range because that's what we do. It's what we
14 know.

15 You know, there's obviously a disconnect, you know, and ...
16 you know, you ... the military wouldn't take, you know, a member
17 who has PTSD in the Forces because they'd be listed a liability.
18 So they protect themselves that way. So externally, I feel it
19 should be the same way, same thing for any, you know, RCMP
20 member or a firefighter. You know, if you are deemed, you know,
21 unfit to handle a weapon in the military and you have PTSD, just
22 alone in itself, I don't see why they would not transfer that

SHELDON BORDEN, Direct Examination

1 into, you know, the best interests of the public as well.

2 **THE COURT:** Mr. Macdonald, I'm just going to ask a
3 question.

4 So let me ask you this. When ... in your experience, were
5 there occasions when, within the ranks of someone in the
6 military would say, Okay, this individual can no longer possess
7 firearms.

8 **A.** Yes.

9 **THE COURT:** They can go about their job but not possess
10 firearms?

11 **A.** Yes.

12 **THE COURT:** Do you know how that comes about or who
13 makes that decision?

14 **A.** It's the doctor.

15 **THE COURT:** Doctor?

16 **A.** A doctor.

17 **THE COURT:** So it would be a doctor that would be
18 dealing with the individual member who would make a
19 recommendation or make a decision that that person, because of
20 their state of health, mental health, should not be possessing
21 firearms in the normal course of their duties within the
22 military structure?

SHELDON BORDEN, Direct Examination

1 **A.** Yes, Your Honour. Like, for ...

2 **THE COURT:** That's what happens?

3 **A.** ... an example, it would be, you know, when we can't
4 go to work because we're sick or something. You know, we have
5 to report to the MIR.

6 **THE COURT:** Mm-hmm.

7 **A.** The hospital. And they might say, you know ... you
8 know, sick chit for five days. Or they might say, you know,
9 because of a back ... you hurt your back or tweaked it, you
10 know, they put on your notes, you know, Unable to lift items
11 above 15 pounds. You know, no different than, you know, if
12 you're going through depression, anxiety, or ... you know, they
13 would usually put something like if you're ... if they see that,
14 they need to fix an issue, they would say, you know, Unable to
15 safely carry a weapon.

16 **(10:10)**

17 So then obviously, it affects your career because you can't
18 go to the range. You can't ... you know, you can't perform your
19 duties as a soldier until the issue is resolved with a solution.

20 **THE COURT:** And it usually starts with medical opinion.

21 **A.** Yeah. Yeah.

22 **THE COURT:** From the base hospital or one of the doctors

SHELDON BORDEN, Direct Examination

1 there.

2 **A.** Yes.

3 **THE COURT:** Correct?

4 **A.** Yeah.

5 **THE COURT:** Okay. Sorry, Mr. Macdonald.

6 **MR. MACDONALD:** No, that's fine, Your Honour. Thank you.

7 **THE COURT:** Thank you.

8 **MR. MACDONALD:** Sheldon, just before we move on. What was
9 your rank in the military at the time you were discharged?

10 **A.** I was a corporal.

11 **Q.** Okay. I want to move to your mom and dad.

12 **A.** Okay.

13 **Q.** And what can you tell Judge Zimmer and the Inquiry
14 about what you've noticed in them in terms of the effect of the
15 January 3rd terrible events that took place in their home?

16 **A.** Okay. Actually ... yeah. If I can ... this is me
17 speaking from my ... from what I see ...

18 **Q.** Yes.

19 **A.** ... in my endeavour with ... with my mom and dad. But
20 you know, it's ... it's clear that all Canadians, you know, are
21 aware of ... you know, that the government has ignored this
22 tragedy and, you know, in particular the people in this

SHELDON BORDEN, Direct Examination

1 community. You know, they continue to suffer as a result of
2 the, you know, indifference they had demonstrated toward my
3 parents. They have been sentenced to reliving ... you know,
4 relive this tragedy daily because they've been compelled to
5 remain in the same home and regrettably, you know, where this
6 incident took place. And you know, I would like to ask, you
7 know, who amongst us, you know, would want themselves, you know
8 - or their own parents to live in the home that something like
9 this took place.

10 So you know, I ... I see every day it's ... no one will
11 really understand how we deal with it. It's more of, Okay, you
12 know, like, we're here today to talk about, you know, the
13 Desmond Fatality. But you know, it ... it defeats you. It
14 triggers you. It traumatizes you and, you know, like, I, myself
15 ... you know, I can only tell you it's ... it's hard enough to
16 come home and then to be in the house. It's almost like you got
17 to ignore every feeling in yourself because you're worried
18 about, you know, seeing your mom and dad happy.

19 So you know, I don't ... I don't look at myself like I'm in
20 a better situation. I just look at ... like, I'm not going to
21 stop coming home because ... you know, if my mom and dad are
22 forced to do it and this is only ... you know, this is the only

SHELDON BORDEN, Direct Examination

1 thing that we can do to kind of make this home again then, you
2 know, I'm going to do my best to be there for them, right?

3 So if it was up to me I'd love to have my mom and dad, you
4 know, up in Dartmouth with me somewhere not living in the home
5 where, you know ... like, your mind is ... you know, it's a good
6 thing but it can be a bad thing, right? So there's a lot of
7 good memories in the home but there's ... that one incident can
8 change everything.

9 **Q.** Sheldon, now I know ... and I know your family was
10 grateful there was bio-hazard cleanup of the home but do you
11 know whether your dad had to do any further cleanup even after
12 that?

13 **A.** Yeah, like, I, myself ... you know, I'm obviously ...
14 I was obviously there nonstop for my mom and dad when this ...
15 when this tragedy took place. And you know, I ... I, you know,
16 wasn't much of a painter but I tried to help my dad in the best
17 way possible, whether passing the paint or, you know ... or you
18 know, just get him things and, you know, try painting. But I'm
19 not as good at it as he is.

20 So we would come across, you know, where there's still
21 blood in places and there's still blood, you know, coming from
22 the ceiling. And it's ... that alone in itself, it's like you

SHELDON BORDEN, Direct Examination

1 just need to stop what you're doing and kind of just go for a
2 walk, right? Like, it's ... like I said, if it was up to me I
3 ... we can all say, like, I think confidently, you know, would
4 we want our parents to stay in that home if it was, you know ...
5 if we were in that situation?

6 You know, I know I don't want them to be in the home. So
7 most people would want their parents to be able to live, you
8 know, after something like this, and it's just not ... I
9 wouldn't call it living at this point. It's just trapped.

10 **Q.** Sheldon, did your parents have to take any security
11 steps after the incident around the home?

12 **A.** Yeah, you know, my dad went and, you know, got
13 security cameras just to try to make it a little more, you know,
14 tolerable. Even though that's kind of an understatement. But
15 you know, security cameras or, you know ... you know, just
16 trying to do their best to make sure that they can be protected,
17 you know?

18 **Q.** Sheldon, is there anything else you'd like Judge
19 Zimmer or the Inquiry to know before we end your evidence?

20 **A.** You know, I'm trying to hit a lot of points here but I
21 ... it's hard to kind of talk about all this. But I can see
22 that, you know, I don't think it's fair and a lot of the ... the

SHELDON BORDEN, Direct Examination

1 issues that we're talking about here. But ... you know, is ...
2 you know, Lionel experienced this and ... and that. And you
3 know, it's always good to talk about the issues.

4 But there has ... there has to be, you know, some talk
5 about the solutions as well. And that's how we can make change
6 and that's how we can make sure something like this doesn't
7 happen to someone else's parents or someone else's child, you
8 know?

9 So there's a lot of things that, you know, people in the
10 higher power can ... can make. But you know, it's almost like
11 you're ... you got to ask for mercy here. It's like ... you
12 know, I'm not the best with my words, but it's ... all we can do
13 is the best, right, that we can. And you know, I ... I just
14 want to apologize if I can't articulate everything to the best
15 of my ability. But I ... I definitely believe that with the
16 proper solutions that we can make a change in this and, you
17 know, I just thank you for the opportunity.

18 **Q.** Thank you, Sheldon, very much, and of course thank you
19 for your service.

20 Thank you, Your Honour.

21 **THE COURT:** Thank you, Mr. Macdonald. And Ms. Ward, do
22 you have any questions?

SHELDON BORDEN, Direct Examination

1 **MS. WARD:** No, Your Honour.

2 **THE COURT:** Thank you. Mr. Anderson?

3 **MR. ANDERSON:** No, no, Your Honour.

4 **THE COURT:** Thank you. Mr. Macdonald. Ms. Miller?

5 **MS. MILLER:** No questions, Your Honour. Thank you for
6 your service, Sheldon.

7 **THE COURT:** Thank you.

8 **A.** Thank you.

9 **THE COURT:** Mr. Rodgers?

10 **MR. RODGERS:** No, no questions, Your Honour.

11 **THE COURT:** Mr. MacKenzie?

12 **MR. MACKENZIE:** No questions, Your Honour. Thank you.

13 **THE COURT:** Mr. Murray?

14 **MR. MURRAY:** Thank you, Your Honour.

15

16 **CROSS-EXAMINATION BY MR. MURRAY**

17

18 **MR. MURRAY:** Sheldon, how are you?

19 **A.** I'm okay.

20 **Q.** Thank you for coming today. Appreciate it. And just
21 have a couple of questions for you.

22 Sheldon, you're ... just so I understand the age

SHELDON BORDEN, Direct Examination

1 differences here, you were a little bit younger than your sister
2 Shanna?

3 **A.** Mm-hmm.

4 **Q.** How much ... what's the age difference?

5 **A.** Well, I'm 31 now. So you know, I think she was, like,
6 four years older than me.

7 **Q.** Four years older. Okay, and your sister Shonda ...
8 are you twins or ...

9 **A.** Yes, we are.

10 **Q.** Okay. All right. So when you went to stay with them
11 in Oromocto was that your Grade 12 year that you went there?

12 **A.** Yeah, just ...

13 **Q.** Oh, okay. And so you're going to have to help me out
14 with math because I'm not very good. You were born in 1990? Is
15 that ...

16 **A.** (Nods "yes".)

17 **Q.** Okay, so that would have been ... you would have gone
18 to Oromocto around 2008 or so? Is that ...

19 **A.** Yes.

20 **Q.** Okay. All right. And you were there for one year?

21 **A.** Yeah, or half ... half a semester.

22 **Q.** Half a semester. Okay. And was it there that ... the

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 incident you described where you woke up and heard your sister
2 saying Lionel's name was that during the time that you stayed
3 there?

4 **A.** Yes, it was.

5 **Q.** Then. Okay. All right. So you had said what you
6 observed of Lionel when he came back from Afghanistan, that he
7 was a changed person. So you would have seen that while you
8 were living with them in Oromocto I would I think.

9 **A.** Mm-hmm. Yes.

10 **Q.** That ... okay. Were there other ... apart from that
11 incident that you described was there anything else that you
12 recall? Anything else, I guess, you'd observed while you were
13 staying there with them, about Shanna and Lionel's relationship
14 or any of his struggles?

15 **(10:20)**

16 **A.** Just not being able to sleep and stuff like that,
17 right? And, you know, just basically trying his best.

18 **Q.** Did you get a sense of why he had trouble sleeping?
19 Did he ever talk to you about that or did he keep that to
20 himself?

21 **A.** You know, Shanna and Lionel did a great job, you know,
22 not really involving me. You know, they looked at me as a ...

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 as a kid.

2 Q. Right.

3 A. And, you know, he was a soldier, right? And you know,
4 Shanna was very positive. So she didn't want me to have any
5 kind of involvement with that but from my own experiences, you
6 know, from training in the military, when you're doing training,
7 you know, there's this ... we call it a stand-to, right? Where
8 it's like ... kind of like a little bomb you throw and, you
9 know, it ... it starts to go quiet, louder, louder, louder,
10 louder, louder, louder and it goes boom. So it's like zzzmm and
11 you kind of ... everyone's kind of getting ready when you're
12 hearing that.

13 Q. Okay.

14 A. And for a lot of us, even me, myself, you know, there
15 was ... there's lots of times where you wake up and you hear
16 that sound and you're getting up out of bed, you know? And I
17 wasn't at war. So I can only ... I only can imagine that, you
18 know, when it's worse things it's going to be amplified.

19 Q. Right.

20 A. Along with, you know, when you're trying to report,
21 you know? You know, you would be reporting. You know, in that
22 instance I would have been ordinary Seaman Borden 201 supply

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 technician 00168. You know, waiting for your inspection,
2 Sergeant. Right? Like, it's ... and you start ... you find
3 yourself saying things at night possibly. Like, you know,
4 reporting or having dreams of ... of training.

5 Q. Right.

6 A. Because they can be stressful situations, right?

7 Q. Sure. So I appreciate that they were trying to
8 protect you a bit because you were younger. So they ... you
9 didn't really get a sense of ... or didn't have conversations
10 with them about the details of his struggles. It's just what
11 you observed while you were there during that period of time?

12 A. Mmm. Yes.

13 Q. Okay. So you enlisted in 2009, then?

14 A. Yes.

15 Q. That was right after high school?

16 A. Yes.

17 Q. Okay. Was that in part because of Lionel or ...

18 A. Yeah. You know, he influenced me to join the Royal
19 Canadian, you know, army, air force, navy. You know, he had ...
20 he did had warned me, you know, that, you know, Don't join them
21 because, you know, they're racist and stuff.

22 And I kind of ... you know, my sister is so positive. You

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 know, that's the way my mom raised us. You know, did a great
2 job, her and my dad, you know? That I'm just kind of like, You
3 know. And Shanna's like, Oh, there's racism everywhere. You
4 know, just kind of, like, trying to put a Band-Aid on a ... on a
5 bigger wound.

6 So I thought I could kind of get past it but ... yeah,
7 like, you know, he was ... he was the reason why I joined and
8 ...

9 Q. And you told us where you were posted, various
10 postings.

11 A. Mm-hmm.

12 Q. As you moved around in your career did you ... would
13 you keep in touch with Lionel and Shanna or ...

14 A. Yeah.

15 Q. How would you do that? Would you talk by phone or
16 text or ...

17 A. Telephone and, you know, when they were going home I
18 would, you know, make my best effort to go home as well.

19 Q. Mm-hmm.

20 A. Bring my kids home and stuff. And I went to visit
21 them a lot in New Brunswick.

22 Q. Did you?

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 **A.** Yeah.

2 **Q.** Okay.

3 **A.** You know, like I said, me and ... me and Lionel's
4 relationship was ... you know, it was close, right? Like ...

5 **Q.** Mm-hmm.

6 **A.** ... I looked up to him. You know, he was a big
7 brother and, you know, he ... the military does a good job
8 keeping you busy when you're going through stress or trauma. In
9 some instances, you know, you can say, Yeah, and you can get by
10 like that. But for only so long, right? There will be a time
11 where things slow down and a perfect example is release. You
12 know, you no longer have that structure of getting up every day
13 at 6 o'clock in the morning and getting to work, you know, and
14 you ... you no longer have something to keep you busy, busy,
15 busy. So you know, getting out, I think, is probably ... most
16 of the times you see people struggling, because it's ... you
17 know, they're ... they're in their head now. They have no
18 chance but to be. Things are slowed down. So ...

19 **Q.** So that adjustment ... and I appreciate you are just
20 at that stage now, but that adjustment, leaving the military and
21 transitioning to civilian life, is that something that you've
22 seen members struggle with?

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 **A.** Yeah. I, myself, am out and, you know, I'm
2 struggling. But I got a pretty good team. My brother Rocky in
3 the back, my ... my father, and my mother. And, you know,
4 there's been many incidents where, you know, I wasn't the
5 pleasant ... the most pleasant person. But you know, when you
6 have a good team and, you know, that you ... you can come back
7 pretty much from anything I'd like to say.

8 **Q.** So over the years when you would visit them once you
9 were a little older and you were in the military yourself, did
10 you come to start to understand, maybe, what Lionel was dealing
11 with, what struggles he was having?

12 **A.** Yeah, just from my own experiences, right? You know,
13 like I said, it's ... it's no surprise, you know, that there ...
14 there is people affected by, you know, racism in the military.
15 Or there's no surprise that there is people affected by
16 deploying. You know, those are just ... you know, those are ...
17 are things within ... internally within the system. But when I
18 got a taste of it I could kind of understand it a little bit
19 more.

20 So I did see Lionel on taskings and stuff. Like, you
21 know, I did the Tattoo tasking and he was a drummer. So you
22 know, we got a picture together and I got to talk to him, went

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 to eat, and went to get a haircut. You know, like, but you
2 could ... you know, I just seen that he was ... he was defeated.
3 You know what I mean? At that time. And you know, they just
4 kind of ... the military did just kind of like a Band-Aid for a
5 bigger wound. They said, We'll put him in drums, you know, let
6 him ... let him be on his own, right?

7 Like, that's ... usually when you go on drums, you know,
8 like, I found out you don't usually ... it's not something you
9 come back, right? For an infantry soldier to go on drums, it's
10 not like a huge achievement. It's kind of like, This is where
11 you're at and this is where you're staying for the rest of your
12 career.

13 **Q.** Did he confide in you about his feelings about that at
14 all?

15 **A.** He didn't want to go in drums, right? But they made
16 him, right? There was ... there was definitely bigger issues to
17 be resolved, you know? We could have been more ... like, there
18 could have been things that were ... were done more effectively
19 and focussed on his mental health as opposed to just keeping him
20 busy.

21 **Q.** Did he talk to you about any of his treatment over the
22 years or did he keep that to himself?

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 **A.** Yeah, he kept it to himself.

2 **Q.** Okay, so ... and you may not have had any, but were
3 there any conversations about any of the doctors he was seeing
4 or any of the treatments or medications he was taking? Would he
5 have talked to you about that or not?

6 **A.** No. No.

7 **Q.** Okay, and your ... and Shanna. Over the years did she
8 talk to you at all about their struggles or what she was dealing
9 with with Lionel?

10 **A.** You know, like, I can just reiterate she did a great
11 job kind of keeping things to herself and not letting me, as a
12 kid, in ... involve. And even though, you know, I was in the
13 military, you know, like, my sister is pretty strong. So she'd
14 still looked at me as her little brother. So I didn't ... you
15 know, I didn't even know his psychologist's name or, you know,
16 his doctor's name, right? So ...

17 **Q.** Right.

18 **A.** Yeah.

19 **Q.** Okay. And in 2016 did you have an opportunity to see
20 Lionel or talk to him, especially after he came back from
21 Quebec?

22 **A.** Yeah, yeah, I spent time with him, right? He was just

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 a busy, busy, busy person, right? Like, he ... you know, and
2 that's kind of like being home. In a way it was ... it was good
3 for him when he was working, like, and he'd work, work, work all
4 day. But when he had to slow down that's where, you know, you
5 would ... you know, you would see him, you know, in the house,
6 like, not sleeping or, you know, sweating or sleeping on the
7 concrete floor of an unfinished basement.

8 Like, he was ... there was issues that ... that he needed
9 help with, right, that were bigger than me, you, and you know,
10 lots of us.

11 **Q.** Can you say anything about ... especially, let's say,
12 over 2016. His mental health, as you saw it, did it seem fairly
13 consistent? Did you see changes or ...

14 **A.** You know, you could see it was deteriorating, but
15 because he was such a funny person, such a joyful kind of, like,
16 you know ... cut jokes, you know? It was hard ... it was hard
17 to see how serious he was when he would, you know, say threats
18 or he would, you know ... you know, go kind of off a little bit.
19 You know, just the fighting, right? Little disputes. You know,
20 taking the car and ... you know, just, like, little kind of
21 things. You could see that it wasn't the same, you know, jokey,
22 caring, loving, you know, brother that I knew.

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 (10:30)

2 It was ... you know, he was affected, and unfortunately,
3 you know, I ... if I could have, you know, took things a little
4 more seriously when Shanna ... like Shanna said to me, like,
5 when they were fighting, having a dispute in the house, you
6 know, something over so small. And she said ... you know, I was
7 like, Shanna, you know, you got to be more supportive for him,
8 like, you know, he ... he's broken a bit and this and this. And
9 she's like, Sheldon, let him go, you want him to come in here
10 and kill us all?

11 And I never took that serious. And it ... you know, I ...
12 I had signs. I had all these ... this evidence to see that, you
13 know, I could have ... I could have helped. But I ... you know,
14 I wasn't ... we were just ... like, the solution would have
15 been, Okay, like, get him treatment. Obviously, whoever let him
16 out of medical care, you know, they didn't take it serious. And
17 now we're here to deal with it. But you know, if I had have had
18 the knowledge or if you had have had someone, like, you know, to
19 help me and my advocate brother, Rocky, you know, then things, I
20 know, would have been different. But he just didn't have that,
21 that team atmosphere.

22 Q. That comment that your sister made that you just made

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 reference to, when was that?

2 **A.** I don't know exactly but I think it was the time ...
3 it was around the holiday time. And he would have been out of
4 the military at that time. And I just remember being in the
5 house, in the kitchen, and they were ... they were arguing and
6 ... you know, and he just ... he just said some things and he
7 walked down the hill and ended up walking, I believe, down to
8 ... from our house to a little bridge almost by Upper Big
9 Tracadie and then he just, you know, turned around. He did that
10 a lot, right? Walking, right?

11 **Q.** Okay. So was that like a number of years ago, a
12 number of years before his death?

13 **A.** Yeah, it probably would have been, maybe, like, a year
14 before.

15 **Q.** A year before. Okay.

16 **A.** Yeah.

17 **Q.** All right. And you commented on the supports that you
18 have, having left the military. Can you say anything about what
19 types of supports are, in your experience, are valuable for a
20 veteran who left the military, what kind of people helped and
21 what kind of supports?

22 **A.** Yeah, well, number one, a doctor, obviously. You

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 know, goes without saying. You know, a psychologist who ... and
2 only they can do so much because you see them, you know, maybe
3 three times a week. Which is a lot, you know? You would have a
4 case manager, you know, for Veteran Affairs. Sometimes you had
5 a good one. sometimes you have someone that is, you know ...
6 just does the bare minimum, right?

7 But for my case, you know, someone like, you know, Rubin
8 ... like Rocky who, you know, I could call at nighttime if I was
9 having a bad day. Or you know, call, you know, in the day if I,
10 you know, was having an issue or triggered or upset or, you
11 know, it's ... when someone can use their words and kind of ...
12 you know, they're not ... they don't have no agenda with you.
13 It's just always there. So, you know, I have ... anyone can
14 tell you I have ... I have two fathers back there, right? In
15 the stand. Which is ... you know, my dad, Richard Borden and,
16 you know, my other dad, which is Rocky. So ...

17 **Q.** The ability to call someone any time when you need to
18 just talk, that is something you see as valuable for veterans
19 ...

20 **A.** Absolutely. Absolutely, but not just to talk about
21 nonsense. Like, you want ... you want to talk. You know, you
22 want someone to guide you, like, to really help you through this

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 maze. Because we all know, like ... and if I can make it very
2 unequivocally clear that if ... you know, going through Veteran
3 Affairs and the military release process, it's like a maze.
4 It's ... you get lost in it, and if someone's not there really
5 helping you through the process and has your best interest,
6 well, you're just going to be like, Okay, see you, bye, and you
7 know, find everything on your own.

8 Q. Okay. Navigating some of the paperwork and things
9 like that can be a challenge for a veteran?

10 A. Oh, absolutely. Especially if you're ... you know, if
11 you're broken, right? Like, just logging on to something is
12 hard or ... you know, and ... you know, like, for someone even
13 having the strength to ... you know, it's ... we say fight,
14 right? But when someone's not broken, okay, well, that's as
15 simple as, you know, going on a computer and logging on to
16 Veteran Affairs and applying for this. But sometimes just doing
17 that alone is hard enough because you don't know how to fill it
18 out. You're not in the right mindset to fill it out.

19 You know, you're ... you're here battling a million things
20 and now someone's saying, Do this as well. Where it should just
21 kind of be, Okay, you know what, we see your file, we know your
22 file, we know what you're going through, you know, apply for

SHELDON BORDEN, Cross-Examination by Mr. Murray

1 this for you. And then ... and, Okay, you need help, you need
2 treatment. You know, give him treatment. Whereas it's like ...
3 it's up to the member's job to kind of ask for help but the
4 member is looking at a system that broke him and, Now I'm going
5 to go back to that almost same system and fight for things that,
6 you know, I'm entitled to. It's ... it's hard enough in itself,
7 right?

8 **Q.** Thank you, Mr. Borden. I appreciate it.

9 **THE COURT:** Mr. Macdonald, anything further?

10 **MR. MACDONALD:** Nothing further, Your Honour. Thank you.

11 **THE COURT:** Thank you. Mr. Borden, those are all the
12 questions that counsel have for you. I don't have any questions
13 for you, but I'd like to say that when you come here and you
14 tell us what you think it's all very important for us. And
15 appreciate that your words and your thoughts belong to you. No
16 need to ever apologize for that. And the fact that you're here
17 and you're prepared to share them with us is important because
18 then we can understand all of the background, all the
19 circumstances that, at the end of the day, you know, will
20 hopefully lead us to a point where we can consider what
21 recommendations might be made and hopefully we can make some
22 meaningful recommendations. So your time is appreciated and

DISCUSSION

1 your service is appreciated. Thank you.

2 **A.** Thank you, Your Honour.

3 **THE COURT:** Okay. Thank you. You can stand down. You
4 might want to put your mask on when you wander back down there.
5 Thank you, Mr. Borden.

6

7 **WITNESS WITHDREW (10:37 HRS.)**

8 **THE COURT:** I believe that we have ...

9 **CLERK:** I'm not sure if Kenny Greencorn is on and then
10 what ... at 11:30 we have Shonda Borden.

11 **THE COURT:** Okay. Mr. Rodgers, how did you make out
12 with Mr. Greencorn?

13 **MR. RODGERS:** Your Honour, no further update on the ...
14 Mr. Greencorn's situation from yesterday. So he's not expected
15 to be here today.

16 **THE COURT:** All right. Thank you. Well, please keep me
17 updated in that regard ...

18 **MR. RODGERS:** I certainly will ...

19 **THE COURT:** ... and counsel.

20 **MR. RODGERS:** ... Your Honour. Thank you.

21 **THE COURT:** Thank you. All right, Counsel, we're going
22 to adjourn till ... maybe 11:25 or thereabouts. I think we have

DISCUSSION

1 a scheduled link with Shonda at 11:30, and in the interim I
2 think Mr. Russell and/or Mr. Murray may have some documents for
3 you to have a look at that were received last night, early this
4 morning.

5 All right. Thank you. We'll stand down for now. Thank
6 you.

7 **COURT RECESSED (10:39 HRS.)**

8 **COURT RESUMED (12:03 HRS.)**

9 **THE COURT:** Good afternoon. Or I guess it's good
10 morning?

11 **MS. BOPARAI:** Good morning.

12 **THE COURT:** Good morning. Mr. Russell, go ahead,
13 please. Thank you.

14 **MR. RUSSELL:** Thank you, Your Honour. We worked out the
15 technical difficulties, hopefully. We changed locations. So
16 good morning, Ms. Borden.

17 **MS. BOPARAI:** Good morning.

18 **MR. RUSSELL:** So I'm going to ask you a few questions this
19 morning. If at any point, like I had indicated earlier, if we
20 break up just maybe speak up and say, I can't hear you or
21 there's a break in the live feed. So I understand ...

22 **MS. BOPARAI:** Okay.

DISCUSSION

1 **MR. RUSSELL:** ... you're in Regina, Saskatchewan, right
2 now?

3 Okay. I think ...

4 **MS. BOPARAI:** Yeah.

5 **MR. RUSSELL:** Yes?

6 **MS. BOPARAI:** Yes.

7 **MR. RUSSELL:** And what's it like in Saskatchewan? Is it
8 cold, warm? Sunny?

9 **MS. BOPARAI:** It's very cold.

10 **MR. RUSSELL:** So I wonder if you could just say your full
11 name for the Court.

12 **MS. BOPARAI:** Shonda Rachelle Borden.

13 **MR. RUSSELL:** And how old are you, Shonda?

14 **MS. BOPARAI:** 31.

15 **MR. RUSSELL:** I understand you have a twin brother.

16 **MS. BOPARAI:** Yes.

17 **MR. RUSSELL:** And what's your ...

18 **MS. BOPARAI:** Sheldon.

19 **MR. RUSSELL:** Sheldon?

20 **THE COURT:** Mr. Russell, I'm going to stop you just for
21 a second.

22 Ms. Borden, normally in these proceedings somebody who's

1 giving evidence, testimony, of course, would be sworn, and we
2 have not yet sworn you as a witness. So ... but that's just a
3 little technicality at the moment. So we're going to ask. One
4 of the court clerks is going to just ask you some questions
5 about an oath. Okay?

6 **MS. BOPARAI:** Sure.

7 **THE COURT:** Thank you.

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1 **SHONDA BOPARAI, sworn, testified:**

2 **THE COURT:** Thank you. Thank you, Mr. Russell. You can
3 continue.

4 **MR. RUSSELL:** Thank you, Your Honour.

5

6

DIRECT EXAMINATION

7

8 **MR. RUSSELL:** So Shonda, how many years have you lived in
9 Saskatchewan?

10 **A.** Seven.

11 **Q.** And I take it you weren't born in Saskatchewan
12 normally.

13 **A.** No, I was born in Halifax.

14 **Q.** Okay, and you lived in Guysborough for a period of
15 time with your family. How long did you spend in Guysborough?

16 **A.** We moved in Guys- ... to Guysborough ... well, we
17 lived in Toronto and then we moved to Guysborough in Grade
18 (audio cuts out) and then all the way up to graduation.

19 **Q.** All right, and so where did you live when you were in
20 Guysborough?

21 **A.** Monastery.

22 **Q.** And who lived in the family home growing up?

SHONDA BOPARAI, Direct Examination

1 **A.** Myself, my brother Sheldon, my mother Thelma, my
2 father Ricky, and my sister Shanna.

3 **Q.** So it was a big household.

4 **A.** Yeah. Not too big but it was big.

5 **Q.** Yeah, and how were things growing up in the household?

6 **A.** Great. It was fun. Very family dyn- ... (audio
7 disruption)

8 **Q.** Were you ...

9 **A.** Family dynamic.

10 **Q.** You, Sheldon, and Shanna all got along perfectly?

11 **A.** Not (audio disruption) but most of the time.

12 **Q.** And I understand ... so Shanna was married to Lionel.
13 So when did you first ...

14 **A.** Yeah.

15 **Q.** ... come to know Lionel?

16 **A.** We met Lionel in school. We noticed that him and
17 Shanna (audio disruption) they were always sitting together on
18 the bus so we figured it was a thing that was (audio disruption)
19 between.

20 **Q.** I'm wondering if we could just stop there for a
21 moment, Your Honour. I notice it seems to be breaking up.

22 **THE COURT:** Ms. Borden, the audio that's coming through

SHONDA BOPARAI, Direct Examination

1 to us is ... it's a bit choppy. The proceedings that we have
2 here are recorded. We also have made arrangements for there to
3 be a livestream of your evidence so that the public and
4 generally even family and those that are interested in following
5 the proceedings are able to watch. We also need to be able to
6 record and to produce a record and when the transmission is
7 choppy it becomes ...

8 **A.** Difficult.

9 **THE COURT:** ... diff- ... yes, it becomes difficult for
10 us to be able to follow your evidence. So for instance, I could
11 tell you that when you said that you moved at ... you said grade
12 and then it cut out. So we don't know what grade you were
13 talking about, but I could tell by watching from your lips that
14 you said Grade 5. So that ... I think you said Grade 5. But
15 ... so that's the problem that we're having right now and I know
16 that ...

17 **A.** Okay.

18 **THE COURT:** I know that Mr. Russell has spent time ...
19 Mr. Russell and Mr. Murray have spent time with you and I know
20 that today was the day that you had prepared to deal with the
21 ... with your life, the life and times that you had with your
22 other family members and as it related to Mr. Desmond. But I am

SHONDA BOPARAI, Direct Examination

1 reluctant to continue today given the quality of the audio that
2 we have from your location.

3 **(12:10)**

4 So I'm going to apologize to you for not being able to move
5 forward today. We're going to make some other arrangements. I
6 understand that there had been a previous kind of a test run
7 when you were, I think, at home on ... and I don't know whether
8 it was a Teams call or ...

9 **THE CLERK:** We connected with their IT personnel.

10 **THE COURT:** Mm-hmm.

11 **THE CLERK:** And we were under the understanding where we
12 tested that's where the matter was going to be held but
13 unfortunately, she's in just another room.

14 **THE COURT:** All right, so the audio transmission from
15 there is really not acceptable. We're going to have to make
16 some other arrangements. We'll find a time that's convenient to
17 you, or most convenient to you, and again, I apologize for the
18 inconvenience that this causes to you. I know it's not a
19 pleasant time to kind of put yourself in the right frame of mind
20 to deal with these issues. And I'm reluctant to have you do it
21 twice. But the importance of being able to have your evidence
22 clearly received and understood is very, very important to us.

SHONDA BOPARAI, Direct Examination

1 **A.** I agree.

2 **THE COURT:** All right, so I thank you for your time.
3 We'll be back in touch with you and see if we can't make some
4 better arrangements as soon as possible.

5 **A.** Okay.

6 **THE COURT:** All right.

7 **A.** All right.

8 **THE COURT:** Thank you again.

9 **A.** Have a good one.

10 **THE COURT:** Thank you.

11 **WITNESS STEPS DOWN (12:12 HRS.)**

12 **THE COURT:** So I'm inclined to make a little editorial
13 comment such as even though there's lots of effort about moving
14 courts into an electronic future you can see how easily it
15 breaks down, and the amount of planning, cooperation, and
16 coordination that's required for us to seamlessly move from in-
17 person testimony to virtual testimony can break down in a
18 heartbeat and it becomes unacceptable.

19 So we will continue to strive to have the best connections
20 that we can have. That's why we need information in advance
21 from where witnesses are located, where counsel are located, so
22 that we can test and then we are somewhat at the mercy of

1 whatever the equipment facilities are at the other end. So
2 again, I apologize for the delay. We'll just need to work to
3 get this one straightened out.

4 So we will adjourn for the day. We'll be back Tuesday
5 morning at 9:30. Thank you.

6 **COURT CLOSED (12:13 HRS.)**

7

CERTIFICATE OF COURT TRANSCRIBER

I, Margaret Livingstone, Court Transcriber, hereby certify that the foregoing is a true and accurate transcript of the evidence given in this matter, **re Desmond Fatality Inquiry**, taken by way of electronic digital recording.



Margaret Livingstone

(Registration No. 2006-16)

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DARTMOUTH, NOVA SCOTIA

March 3, 2021