

CANADA

PROVINCE OF NOVA SCOTIA

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

**THE DESMOND FATALITY INQUIRY**

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**TRANSCRIPT**

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**HEARD BEFORE:** The Honourable Judge Paul B. Scovil

**PLACE HEARD:** Port Hawkesbury, Nova Scotia

**DATE HEARD:** September 12, 2023

**COUNSEL:** Allen Murray, KC, Inquiry Counsel

Lori Ward and Melissa Grant,  
Counsel for Attorney General of Canada

Glenn R. Anderson, KC, and Catherine Lunn,  
Counsel for Attorney General of Nova Scotia

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

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

Adam Rodgers, Esq.,  
Counsel for Estate of Lionel Desmond  
(Cassandra Desmond, Personal Representative)

Roderick (Rory) Rogers, KC, Karen Bennett-Clayton  
and Daniel MacKenzie,  
Counsel for Nova Scotia Health Authority

Stewart Hayne, Esq. and Amy MacGregor,  
Counsel for Dr. Faisal Rahman and Dr. Ian Slayter

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1           **COURT OPENED**      **(09:32 HRS.)**

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3           **THE COURT:**        Good morning, everyone.

4           **COUNSEL:**        Good morning, Your Honour.

5           **THE COURT:**        Just before we begin, and prior to counsel  
6 making their submissions, I would like to first extend my  
7 heartfelt sympathies to and condolences to the families who  
8 suffered from those tragic events that occurred on January 3rd,  
9 2017. My thoughts as well extend to the close-knit communities  
10 of Lincolnville and Big Tracadie and surrounding area, which  
11 were clearly shaken by what occurred with the passing of  
12 Aaliyah, Shanna, Brenda, and Lionel Desmond.

13           I was extremely touched by the testimony of Cassandra  
14 Desmond, who outlined the pride of their family and the military  
15 service that went back several generations and, as well, Lionel  
16 taking the oath and obtaining the rank of corporal. I noted  
17 that his oath of allegiance was hung in his grandparents' home  
18 and survived the fire that destroyed that home close to a year  
19 after the events of January the 3rd. Cassandra Desmond was a  
20 driving force to have this Inquiry to provide answers and  
21 recommendations to help heal and possibly ensure that events  
22 like this never take place again. Her efforts were extensive

**OPENING REMARKS**

1 and I'm sure exhausting and I personally thank her for her  
2 perseverance. And I also want to thank her for bringing home  
3 the personal background of this tragedy. The Desmond family  
4 were all affected by Lionel's arriving back from Afghanistan a  
5 broken man. An Inquiry like this needs to know the human face  
6 of the events that we're dealing with. Cassandra very much  
7 achieved that and I again thank her. It couldn't have been easy  
8 going through this.

9 I was also moved by Albert MacLellan aka Junior's  
10 testimony. Here is a man who himself suffered from PTSD taking  
11 the time to dig in and make sure the arrangements were made for  
12 the funerals of the deceased. The enormity of that task taken  
13 on by Mr. MacLellan is something that made a mark on me. How he  
14 was able to accomplish what he did is nothing short of a miracle  
15 and, as Canadians, we should be very appreciative of his work  
16 and active service in the military, as well as I said before,  
17 that of Lionel's and the number of family members that chose to  
18 serve our country.

19 The evidence of Chantel Desmond, Diane Desmond, Katlin  
20 Desmond, the affidavits of Richard and Thelma Borden, as well as  
21 the evidence of Sheldon Borden, Shonda Boparai Borden created a  
22 further and necessary picture of the human side of this tragedy.

**OPENING REMARKS**

1 I appreciate the frustration and difficulties the families  
2 faced, not only from the events of January 3rd but from working  
3 to try and get answers, the very trying effort of sitting  
4 through 59 days of testimony that ended up being spread over  
5 several years and now well being stuck with me. I know that  
6 everyone wants to know when this report might be done. It would  
7 be disingenuous of me to provide a date. What I can do is to  
8 undertake to complete this as quickly as I can and in the manner  
9 which brings in the recommendations that are useful and can  
10 assist in averting, if possible, this type of tragic incident  
11 from happening again.

12 Coming in from when I have, I have an appreciation of the  
13 enormous task that an Inquiry is. And I want to thank counsel  
14 who have put in a great deal of effort and, particularly,  
15 Inquiry Counsel, Mr. Murray, who has been very helpful to me.  
16 And support staff, who are always essential, and my hats are off  
17 to Ms. Acker and those who have assisted, including the Sheriffs  
18 who have been here throughout this process.

19 I called counsel today to determine if they had any further  
20 representations that they wanted to make to me. I can indicate  
21 I have read all their written submissions. I have also either  
22 read or viewed or both, their final submissions to this Inquiry.

**OPENING REMARKS**

1 So it's not necessary for counsel to re-cover that type of  
2 ground. But, again, I'm here so that people can make those  
3 submissions that they want me to hear.

4 So, Mr. Murray, I am going to ask you to go first but, at  
5 the end, I will cycle back to you to see if you have any  
6 comments on what other people have said. So, Mr. Murray.

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**SUBMISSIONS BY MR. MURRAY**

**SUBMISSIONS BY MR. MURRAY**

1 (09:36)

2 **MR. MURRAY:** Thank you, your Honour. I will be brief.  
3 First of all, Your Honour, I would like to thank you for  
4 undertaking the task of overseeing and presiding over the final  
5 stages of the Desmond Fatality Inquiry and for agreeing to  
6 finalize the report that will ultimately be filed with the  
7 Provincial Court.

8 As Your Honour knows from having read the transcripts and  
9 having looked at the evidence, that we have been on a long  
10 journey here which has been, I think for counsel and for the  
11 parties involved, both a rewarding and a challenging one, not  
12 the least of which among those challenges was a global pandemic.  
13 But we are nearing the completion of this process and I think,  
14 ultimately, it will result in a report that will be of benefit  
15 to all of the people of Nova Scotia. Like you, I want to again  
16 express my condolences to the families and acknowledge their  
17 patience as we've worked through this process.

18 As Your Honour knows, and as those who have followed the  
19 Inquiry know, the Ministerial Order that created this Fatality  
20 Inquiry tasked us to look at a number of issues. Of course,  
21 among those was the date, time, place, cause, and manner of  
22 death of the deceased. But we have also been tasked to look at



**SUBMISSIONS BY MR. MURRAY**

1 such things as the provision of mental health services in the  
2 Province of Nova Scotia, including for occupational stress  
3 injuries, the acquisition and access to firearms, the access by  
4 provincial medical practitioners to federally held mental health  
5 records and health records, and the provision of domestic  
6 violence intervention services. The Inquiry has heard from a  
7 number of witnesses, as Your Honour has commented on over many  
8 days, and we've assembled a large body of evidence.

9 Certainly, the issues that we touched on in our submissions  
10 and in the evidence, those are issues that continue to be of  
11 import to the people of Nova Scotia and the work surrounding  
12 those issues is not static. Work has been done over the last  
13 year but those issues, including resourcing of treatment for  
14 mental health, access to firearms, and domestic violence  
15 intervention services continue to be of importance to the people  
16 of Nova Scotia.

17 As Your Honour has commented, all counsel made submissions  
18 last year based on the evidence that we heard. Inquiry Counsel  
19 made submissions and today, it's not my intention to expand upon  
20 those or to add to them. I would continue to rely on those.  
21 But, again, I just want to express my gratitude to you and the  
22 fact that I look forward to us ultimately completing this

**SUBMISSIONS BY MR. MURRAY**

1 process and filing a report with the Provincial Court that will  
2 be of benefit to the families and to all the people of Nova  
3 Scotia.

4 Those are my comments this morning, Your Honour.

5 **THE COURT:** Thank you. Now we're going to the Attorney  
6 General for Canada, which would be Ms. Ward, I believe.

7 **MR. WARD:** Good morning, Your Honour. I am here with my  
8 colleague, Melissa Grant, from the Atlantic Regional Office of  
9 Justice Canada. It is not our intent to make any further  
10 submissions unless something arises that we would like to  
11 respond to. So we would ask the Court for that opportunity, if  
12 it should arise.

13 **(09:40)**

14 **THE COURT:** Certainly. Thank you. The AG from Nova  
15 Scotia, Mr. Anderson?

16 **MR. ANDERSON:** Yes, good morning, thank you, Your Honour.  
17 Glen Anderson, here with Catherine Lunn, for the Province. We  
18 don't intend on making any additional submissions to those made.

19 **THE COURT:** Thank you. Moving on to Mr. Macdonald.

20 **MR. MACDONALD:** Good morning, Your Honour. We have no  
21 further submissions.

22 **THE COURT:** Thank you, I appreciate that. From the Nova

**SUBMISSIONS BY MR. MURRAY**

1 Scotia Health Authority. I think I'm getting old, I can't see  
2 whose names are up there, but ...

3 **SUPPORT STAFF:** Daniel MacKenzie.

4 **THE COURT:** Mr. MacKenzie.

5 **MR. MACKENZIE:** Yes, good morning, Your Honour.

6 **THE COURT:** Good morning.

7 **MR. MACKENZIE:** Yes, I am here on behalf of the Nova  
8 Scotia Health Authority. We have no intent to make any further  
9 submissions at this time but thank you for the opportunity.

10 **THE COURT:** And give my best to Mr. Rogers, he'll know  
11 why I'm adding that. Thank you.

12 **MR. MACKENZIE:** Will do.

13 **THE COURT:** Ms. Miller.

14 **MS. MILLER:** Good morning, Your Honour. Thank you. On  
15 behalf of Chantel Desmond, my client, a personal representative  
16 for Brenda Desmond, and also co-sharing representation of  
17 Aaliyah Desmond, we rely on our submissions, written and oral,  
18 that were made in April of 2022.

19 Thank you for noting for the record that you have reviewed  
20 all of those submissions and, with that, we have no intention to  
21 make any further submissions at this point. Thank you, Your  
22 Honour.

**SUBMISSIONS BY MR. MURRAY**

1           **THE COURT:**       Thank you, Mr. Rodgers?

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**SUBMISSIONS BY MR. RODGERS**

**SUBMISSIONS BY MR. RODGERS**

1 (09:41)

2 **MR. RODGERS:** Thank you, Your Honour. Your Honour, Adam  
3 Rodgers, and I represent Cassandra Desmond, who is the personal  
4 representative of the late Cpl. Lionel Desmond. I do have some  
5 remarks.

6 I guess I want to acknowledge first the highly unusual  
7 nature of the situation in which we find ourselves. First,  
8 maybe the more unusual part of that situation is that you've  
9 given an opportunity to 10 or 12 lawyers to speak and, other  
10 than Inquiry counsel, I think I'm the only one that has taken  
11 advantage of that opportunity. I feel like I'm at a ballfield  
12 and I'm the only one that wants to take batting practice. I  
13 don't quite get it but that's fine. I don't mind taking a few  
14 extra swings.

15 **THE COURT:** I'm sure that they feel that their batting  
16 has been done and they're quite happy with what I have.

17 **MR. RODGERS:** Thank you, Your Honour.

18 The other, of course, unusual part is the fact that Judge  
19 Zimmer has been replaced by yourself in the role of Commissioner  
20 on the Inquiry and I've referenced the textbook by Professor Ed  
21 Ratushny a few times, sort of the leading book on inquiries, and  
22 looking across the country and the history of inquiries in

**SUBMISSIONS BY MR. RODGERS**

1 Canada, and I couldn't find any example of another situation or  
2 precedent where a judge or a commissioner has been replaced at  
3 this stage. And it's not a situation where a judge has died or  
4 become unavailable for health reasons but, rather, as the  
5 hearings drew to a close, Judge Zimmer reached the somewhat  
6 arbitrary mandatory retirement age of 75 and thus required  
7 extension by regulation of the Provincial Executive to continue  
8 in this role, which seemed to be a fairly routine matter to  
9 approve. And certainly when the Inquiry started, pre-pandemic,  
10 probably nobody was concerned that age 75 would become an issue.  
11 There were several short extensions of several months at a time  
12 granted and then, this June, the Province refused to grant any  
13 further extensions and so here we are.

14 But I have already spoken out publicly about the quality  
15 and impact of that decision and I do not intend to repeat what I  
16 have said here today and, while it would be easy perhaps and  
17 fair to be critical of the lack of consultation with the parties  
18 or to speculate on the potential motives on the part of the  
19 Justice Department, the decision is now a fact and my client is  
20 focussed on the future remaining hopeful that there will be high  
21 quality recommendations emerging from this process. And  
22 certainly, Your Honour, we are not here to be critical of you,

**SUBMISSIONS BY MR. RODGERS**

1 quite the opposite, in fact. It's to your great credit, I would  
2 say, that you've agreed to take on this unusual and difficult  
3 task and I suspect there was likely a limited pool of judges who  
4 had the capacity to take on the role and possibly there may have  
5 been some institutional or individual reluctance to be seen to  
6 be legitimizing in a sense a flawed process. So we do thank you  
7 for that.

8 But I do just want to mention a few points. The Inquiry  
9 began hearings on January 27th of 2020. This was over three  
10 years after the shootings. It was a year before Minister Feury  
11 called the Inquiry and it took 15 months to locate and prepare  
12 the venue in Guysborough. Then, of course, the COVID pandemic  
13 hit and we lost a year, much of which was used to renovate the  
14 Port Hawkesbury courthouse, where we find ourselves today, after  
15 the Guysborough Municipal Building site was deemed to be no  
16 longer COVID compliant. Although, if you ask people at the  
17 Municipality, they will tell you that they were not asked  
18 whether the existing site could be COVID compliant.

19 From the last day of submissions in April of 2022 to June  
20 was 14 months and Judge Zimmer sending correspondence that we  
21 have seen that he expected to have been done the report in  
22 August. So it would have been 16 months total. And, as you

SUBMISSIONS BY MR. RODGERS

1 pointed out this morning, Your Honour, and Judge Zimmer points  
2 out, the Inquiry held 56 days of hearings, heard from 70  
3 witnesses, had 9,000 plus pages of exhibits from a database of  
4 nearly 60,000 documents. And unlike the Mass Casualty  
5 Commission, this is a judicial inquiry and so there was no staff  
6 assistance in digesting or filtering the material or in writing  
7 any portions of the final report.

8       So it's like, in a sense, writing a well-researched  
9 academic book, which professors who are dedicated to that kind  
10 of tasks and sometimes take years to do. In a justice system,  
11 months can seemingly go by fairly quickly at times waiting for  
12 decisions on much less complex matters. I recently waited five  
13 months for a routine decision on a half day Chambers' matter.  
14 The average time for a Supreme Court of Canada decision, average  
15 time, is five months. **Gladue** reports can sometimes take three  
16 or four months on a sentencing situation. And the Mass Casualty  
17 Commission took six months to deliver their report with a  
18 similar volume of material, three commissioners, and dozens of  
19 staff helping out.

20       Something else Judge Zimmer mentioned in his letter to  
21 counsel is that he had requested a response from the Department  
22 of Justice about a key recommendation from the Mass Casualty



**SUBMISSIONS BY MR. RODGERS**

1 Commission on the established policy regarding how domestic  
2 violence cases are dealt with in Nova Scotia. He wanted to know  
3 what the Province was planning to do with the Mass Casualty  
4 Commission recommendation to replace the mandatory arrest and  
5 charging policies for intimate partner violence. Those were  
6 good recommendations. I think most who followed the Mass  
7 Casualty Commission would agree and, if adopted, would certainly  
8 affect the recommendations out of this Inquiry as to whether  
9 Cpl. Desmond and his family had access to appropriate domestic  
10 violence intervention services.

11       Apparently now, according to Judge Zimmer's letter, the  
12 Province has not responded to Judge Zimmer with a formulated  
13 position on the issue and the Attorney General has chosen not to  
14 make remarks here today. So, unfortunately, Your Honour, you  
15 are left perhaps to speculate as to what that response might be  
16 and how it might affect your report.

17       So certainly while anxious for the report to come and be  
18 released publicly, the timeframe was not unreasonable but, as  
19 I've said, I want to focus more on the forthcoming report from  
20 Your Honour.

21       So, yes, it's very unusual to replace a judge in an  
22 inquiry, really at any stage let alone during the writing of the

**SUBMISSIONS BY MR. RODGERS**

1 report, but it's not as unusual in other kinds of court  
2 proceedings and, in fact, there's a provision in the **Criminal**  
3 **Code**, s. 669.2, which talks about what happens when a judge  
4 needs to be replaced in a criminal trial and it's all sort of  
5 under the rubric of s. 11(d) of the **Charter**, which is the right  
6 to a fair trial. S. 669 talks about replacing a judge and it  
7 really focusses on whether adjudication of the matter has been  
8 made. So, in a criminal trial, if the adjudication has been  
9 made and the person has been found guilty of something and a  
10 judge needs to be brought in for sentencing, well, that's okay.  
11 If it's in the middle of a trial, then you need to start the  
12 trial over, unless it's a jury trial because the jury in that  
13 case is making the adjudication. But sometimes when you get  
14 partway through a trial and have to start over with a new judge,  
15 then you might use transcripts, the parties may agree to use  
16 transcripts of the existing trial when starting over to shorten  
17 the new trial. And so there's a distinction whether there's a  
18 judge alone or a judge and jury, depending on who the trier of  
19 fact is. And the consensual introduction of transcripts is  
20 similar to an agreed statement of facts and it's very useful.

21 **(09:50)**

22 So here in this situation, in the Inquiry situation, which

**SUBMISSIONS BY MR. RODGERS**

1 is different but not entirely so, adjudication has not yet been  
2 made but the process of adjudication has started and it appears  
3 to be fairly far along. Judge Zimmer said in June that he had  
4 approximately 200 pages written, which had gone through a  
5 preliminary proofreading process with additional edits to  
6 follow. He said that those edits and additions would guide the  
7 final portion of the report including discussions and  
8 recommendations.

9 So, Your Honour, it seems that you have two options before  
10 you to consider as you complete your report. You can review all  
11 the evidence and start from scratch, or you can take what Judge  
12 Zimmer has already written and complete that report from sort of  
13 a hybrid perspective considering both his and your views.

14 In either case, it would seem that you would be taking and  
15 adopting the transcripts and exhibits as a collective agreed  
16 statement of facts in a sense, although no such consent has been  
17 sought, although I'm sure if it was sought, it would be  
18 forthcoming from all parties.

19 So of those two basic options before you, Your Honour, my  
20 client urges you to adopt the latter of those two approaches.  
21 Judge Zimmer has engendered credibility with the parties and  
22 with the public throughout the Inquiry process. Again, compared

**SUBMISSIONS BY MR. RODGERS**

1 to the Mass Casualty Commissioners, who seem to say very little  
2 during proceedings, other than these highly scripted  
3 introductions and thank yous, Judge Zimmer often had pointed  
4 lines of questioning for certain witnesses or else empathetic  
5 and understanding acknowledgements of the difficult testimony  
6 many of the witnesses provided. He also demonstrated an  
7 appropriate degree of judicial independence, which gave the  
8 parties confidence that he would not pull any punches in his  
9 recommendatoin, although that may have been what ultimately led  
10 to his inappropriate removal.

11 So, again, unlike the MCC commissioners, I would say that  
12 Judge Zimmer had built up credibility in advance of his report,  
13 the kind of credibility that would make implementation of his  
14 recommendations more likely.

15 All of that is to say that it will be important, Your  
16 Honour, for you to explain at some point, probably not today,  
17 but at some point in your report or somewhere, how you intend to  
18 proceed. The question is whether you would be essentially copy  
19 editing Judge Zimmer's draft report or will you be making your  
20 own wholly original conclusions? And I would suggest that it  
21 would be important for you to be explicit as to when or if you  
22 disagree with anything Judge Zimmer has concluded from the

**SUBMISSIONS BY MR. RODGERS**

1 evidence or formulated as a responding recommendation. And, by  
2 the way, I say all this about Judge Zimmer without knowing  
3 whether he has agreed with all or any of my submissions.

4       There are important areas of policy and process covered in  
5 the Inquiry. Certainly management of health records between the  
6 federal and provincial governments seemed almost nonexistent and  
7 so soldiers coming home to provincial health practitioners and  
8 facilities, they were coming home as unknown entities despite  
9 having extensive treatment histories in some cases, as was the  
10 case with Cpl. Desmond. We learned that there were many gaps in  
11 the firearms licensing and enforcement systems,  
12 interprovincially, among agencies and where mental health issues  
13 arose. And there were racial barriers to accessing health  
14 services in Nova Scotia. Though despite these barriers, Cpl.  
15 Desmond sought help again and again and again. And the biggest  
16 issue perhaps is the treatment of post traumatic stress  
17 disorder, which still requires significant study.

18       The most important factual conclusions from the perspective  
19 of the family and conclusions I guess which you are urged to  
20 adopt, Your Honour, is that Cpl. Desmond was almost certainly in  
21 a disassociative state at the time of the shootings. There are  
22 many examples of future oriented behaviour and concern for

**SUBMISSIONS BY MR. RODGERS**

1 personal health and appearance, as well as just details from the  
2 day of the shooting, which I have overed in my closing remarks,  
3 I won't repeat here, that were inconsistent with suicidal  
4 ideation or homicidal intent. Multiple treatment providers  
5 testified that they have either witnessed Cpl. Desmond in  
6 disassociative states or episodes or have commented on his  
7 actions to that effect. So it seems, Your Honour, like an area  
8 that needs much more study. We heard from the experts that it's  
9 not a well understood phenomenon and so finding that  
10 dissociation played a role here would have far reaching  
11 reverberation for all those suffering with or studying post  
12 traumatic stress disorder.

13       So, Your Honour, thank you for inviting the parties to make  
14 these further submissions. My client's main concern when this  
15 change was announced was that it might undermine the credibility  
16 of any resulting recommendations and further erode public  
17 interest in the proceedings, which in the passage of time has  
18 seemingly taken place. And that's all important when it comes  
19 to implementation of forthcoming recommendations but, actually,  
20 I'm hopeful that the very unusual nature of this situation will  
21 have the effect of increasing public interest in the final  
22 product. This is important work which will have national

**SUBMISSIONS BY MR. RODGERS**

1 implications and so I urge you to undertake your role in this  
2 process with all of that in mind.

3 Thank you, your Honour, those are my comments.

4 **THE COURT:** I just want to say it is my Inquiry. I've  
5 had the advantage of not only transcripts that I've reviewed  
6 extensively, the exhibits that are there, as well the webcasts.  
7 So I've been able to, particularly with the families, that made  
8 a real impact in watching them. So all that is before me and I  
9 will certainly make a report that's going to be fresh in my mind  
10 and will address those concerns that you have gone through. But  
11 make no mistake, this is highly important work. It's highly  
12 important that I get things right and I'll do that.

13 **MR. RODGERS:** Thank you, Your Honour, and I know the  
14 family will appreciate your comments from earlier as well.  
15 Thank you.

16 **THE COURT:** Thank you. Stewart Hayne, or MacGregor,  
17 sorry. Ms. MacGregor.

18 **MS. MACGREGOR:** Good morning, Your Honour.

19 **THE COURT:** I apologize. I can't see the names on the  
20 screen that's a bit far off. So that's my fault. So I wasn't  
21 sure who would be speaking. So, go ahead, my apologies.

22 **MS. MACGREGOR:** That's no problem, Your Honour. We have

**SUBMISSIONS BY MR. RODGERS**

1 no further submissions to make. Thank you.

2 **THE COURT:** Thank you. So I think that circles back to  
3 Mr. Murray, if there's anything you wish to say?

4 **MR. MURRAY:** No, Your Honour.

5 **THE COURT:** Anything further from any of the other  
6 counsel that might want to say anything further?

7 **MR. ANDERSON:** Nothing, Your Honour.

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**SUBMISSIONS BY MR. MACDONALD**



SUBMISSIONS BY MR. MACDONALD

1 (09:58)

2 MR. MACDONALD: It's Tom Macdonald, Your Honour.

3 THE COURT: Yes, Mr. Macdonald.

4 MR. MACDONALD: Thank you. As you know, I represent the  
5 Borden family.

6 THE COURT: Did I miss you?

7 MR. MACDONALD: No, not at the beginning, no. Your  
8 Honour, just one comment with respect to Mr. Rodgers'  
9 submission, and I know you've said you basically, it would seem  
10 to me, you've looked at everything.

11 He mentioned a moment ago that it was, and I'm  
12 paraphrasing, that it was clear, or some language to that  
13 effect, that Mr. Desmond was in a disassociative state at the  
14 time of the incident. And I would commend to you, Dr.  
15 Theriault's report, he was the expert psychiatrist retained by  
16 the Inquiry, by Judge Zimmer, and my clear understanding is that  
17 Dr. Theriault was of the view that Mr. Desmond knew what he was  
18 doing at the time. And so I wanted to point that out and it's  
19 really Dr. Theriault's evidence and the cross-examinations that  
20 might be helpful in determining the disassociative state or not  
21 issue.

22 Thank you, your Honour.

**SUBMISSIONS BY MR. MACDONALD**

1           **THE COURT:**       Thank you, Mr. Macdonald. I think that  
2 might be it. Again, expressing my sympathies for the family and  
3 the community and also my great appreciation for everyone who  
4 worked on this Inquiry and the efforts that they put in. It's  
5 certainly something that gives you a good eye for what goes on  
6 when you come in at the stage that I did and I fully understand  
7 the work that's gone on and I'm utilizing it in all its entirety  
8 to make my report.

9           So again, thank you, everyone.

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12 **COURT CLOSED**     (10:00 hrs.)

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**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)

Verbatim Inc.

**DARTMOUTH, NOVA SCOTIA**

**September 18, 2023**