

**AFFIDAVIT OF JAMES T. CAIRNS**  
(sworn February 7, 2008)

I, James T. Cairns, of the city of Brampton, in the regional municipality of Peel MAKE  
OATH AND SAY:

1. X was born on [REDACTED], 1993. He died on [REDACTED], 1996, at the age of two years, [REDACTED] months.
2. The history indicated that at approximately [REDACTED] hours on [REDACTED], 1996, X suffered a fall while under the care of a caregiver at a registered day care facility. [REDACTED]  
[REDACTED]  
[REDACTED] The caregiver contacted her neighbour, a registered nurse, who was similarly unable to awaken X and recommended calling an ambulance. A call for an ambulance was made at approximately [REDACTED] hours. The ambulance arrived at approximately [REDACTED] hours.

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

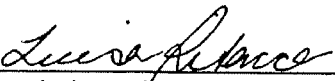
7. To the best of my recollection, I was contacted by X's mother before her meeting with Dr. Smith. She inquired about the results of the post mortem examination. It was not

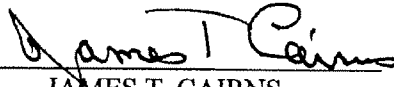
unusual for parents of deceased children to contact me about findings concerning the deaths of their children. The practice of the Office of the Chief Coroner was and is not to provide reports of the post mortem examination to family members in written form where there is an ongoing criminal investigation, whether or not the family is implicated in the death, unless permission is granted by the Crown or the pathology evidence has become part of the court record. However, the results of the post mortem examination can, and has been, orally communicated to family members on a number of occasions in the midst of a criminal investigation, with any sensitive or controversial information filtered from the conversation. When X's mother contacted me (almost six months after X's death), the case was still considered open, and the report had therefore not been forwarded to her.

8. At the time that X's mother contacted me, I was aware that both she and the caregiver were people of interest in the ongoing police investigation into X's case. [REDACTED]
9. X's mother requested that Dr. Smith meet with her at her home to explain the results of the post mortem examination.
10. Because of the medical complexities involved in this case, I felt I was unable to adequately explain the results of the post mortem examination to X's mother. This situation did occur from time to time in medically complicated cases. As a considerable amount of time had passed since the death of X, and as the mother had little, if any, information about the results of the post mortem examination, I felt that her request was not unreasonable. On compassionate grounds, I agreed to the mother's request.
11. I contacted Dr. Smith and requested that he meet with X's mother for the sole purpose of explaining the results of the autopsy. Dr. Smith agreed to this request and did not express any reluctance to participate in this meeting and did not voice any concerns about its appropriateness.
12. At the time that I requested Dr. Smith to meet with X's mother, I was not aware of any interception of her telephone calls by the police, nor was I aware of the existence of a listening device in her home. I only learned of this sometime after Dr. Smith's initial telephone conversation with X's mother, either from Dr. Smith himself, or from the police. To the best of my recollection and having refreshed my memory by reference to the Affidavit of Mark Holden (sworn January 28, 2008), I became aware of the listening device on September 4, 1996, the day before the meeting between X's mother and Dr. Smith.
13. At no time in the course of these events was I attempting to assist the police in any way. It was, and continues to be, my understanding that Dr. Smith met with X's mother solely to convey information concerning the results of the post mortem examination. To the best of my recollection, Dr. Smith conveyed the same to me at some point after his meeting with X's mother.
14. In hindsight, I now feel that with knowledge of the listening device in the mother's home, it would have been preferable to have arranged for Dr. Smith to speak with X's mother in an environment that was not known to be under police surveillance. At the time,

however, I did not have the impression that the meeting would interfere with or assist the police investigation in any way.

SWORN BEFORE ME at the city of  
Toronto, Ontario on February 7, 2008.

  
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Commissioner for Taking Affidavits  
*Luisa Ritacca*

  
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JAMES T. CAIRNS