

Court File No. CR-22-00000484

SUPERIOR COURT OF JUSTICE

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HIS MAJESTY THE KING

10

v.

JACK DENSMORE

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E X C E R P T        O F  
P R O C E E D I N G S     A T     T R I A L  
(Cross-Examination of [REDACTED])

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BEFORE THE HONOURABLE MR. JUSTICE J. KRAWCHENKO  
on April 16, 2024 at HAMILTON, Ontario

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SECTION 486.4 OF THE CRIMINAL CODE OF CANADA, BY  
ORDER MADE IN THE SUPERIOR COURT OF JUSTICE**

APPEARANCES:

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Counsel for the Crown

M. Fahmy

Counsel for Jack Densmore

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	<u>in-Ch.</u>	<u>exam.</u>	<u>exam.</u>

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Legend

*[sic]* indicates preceding word has been reproduced verbatim and is not a transcription error.

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(ph) indicates preceding word has been spelled phonetically

All spellings of names are transcribed as set out in the reporter's notes unless noted with a  
(ph)

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TUESDAY, APRIL 16, 2024

... COURT COMMENCES.

5 [REDACTED] : REMINDED OF AFFIRMATION

CROSS-EXAMINATION BY MR. FAHMY:

Q. Good morning.

A. Morning.

10 Q. So, my name is Mark. I'm Jack's lawyer.

We're just going to go over some of your evidence and, you know, just generally about the things that happened on the day in question, August the 5th, 2020, all right. And, you know, well, first of all, my friend had asked you and you said that you'd moved universities, you're at Waterloo now, correct?

15 A. Laurier.

Q. Laurier, sorry. And what it is- what is it that you're doing there?

20 A. I'm doing a Bachelor of Science in Psychology with a minor in Biology and Criminology.

Q. Okay. Wow. Interesting. All right. And this is your last year, you were saying?

A. It is, yeah.

25 Q. Okay. Any interest in going to law school later?

A. No.

Q. Okay. All right. So and I just wanted to kind of go over- I just want to get to one thing. That moment when you came back from the bathroom and you're back in his room 30 and he tells you that he's got an early morning. And while you say he said that, you know, he has an early morning and that you should go. Do you remember saying that?

A. Yeah.

Q. Okay. And you remember how it felt?

A. Yes.

Q. Didn't feel good?

5 A. No.

Q. Okay. And there's a lot of reasons in your own mind, right, that you had gone through, even at that moment or immediately about why he would do or say something like that after you just had sex, right?

10 A. Umm, yes.

Q. Okay. And you'd agree with me that, you know, some of those reasons are because he's an asshole, right?

A. No.

15 Q. No? Okay, any- you kind of hesitated there, is there a reason why?

A. I wouldn't say those few - I wouldn't say I had those thoughts in my head.

Q. Not during?

A. At that time, no.

20 Q. And not immediately after or a few days after?

A. Maybe a few days after.

Q. Yeah.

A. But in that moment, I wasn't thinking....

25 Q. Okay. I want to talk about that moment and all your kind of reactions to that because I'm assuming, something like this you've thought about several times, right? You've thought about it for, maybe till now, I don't know, right? You got to- sorry. I understand what you're saying when you're nodding your head, yes, and madam reporter is saying 30 thank you to me because what's happening is that she can't record you nodding your head.

A. Oh, my apologies. I didn't know if that was a

direct question or not.

Q. No need to apologize to me. Madam reporter is all good with that now.

A. Okay.

5 Q. All right. So you've definitely had occasion to think about that moment and all the reasons why he would do something like that, right?

A. Yes.

10 Q. And eventually, you came up to the fact or one of the things is that he was an asshole, right?

A. Yes.

Q. And that he had used and abused you basically, right?

A. In your words, yes.

15 Q. Well, what about in your words?

A. I wouldn't say he used and abused me but, yes.

Q. What would you say?

A. I guess, yeah, he- well, yes, he did it. He did assault me in my words, yeah.

20 Q. Okay. But before using that word "assault", I believe that your evidence at trial was that you had felt that he had made you feel that you were worthless?

A. Yes.

25 Q. Right? That - and - and I think you'd agree with me that, at some point, when you had an opportunity to write down your thoughts and feelings, you've mentioned that he had basically just used you for his own pleasure and entertainment?

A. Yes.

30 Q. Right? Okay. Anything else that I'm missing?

A. I don't think so.

Q. Okay. Now, can you think of and those are all

like- you'd agree that all of the reasons that I just stated to you, those are all reasons, bad reasons why he would do something like that?

A. Yes.

5 Q. Okay. Do you have, in your mind, any other reason why he would do something like that?

A. No.

Q. Not at all?

A. No.

10 Q. Okay. You- I'm going to suggest the reason.

I've spoken to my client, I have his side of the story. I'm sure he's going to sit where you are and tell the court. So I'm going to - I'm going to suggest something to you, okay?

A. Okay.

15 Q. You agree that throughout the time you were together that day, you'd mentioned he was a bit shy?

A. Yes.

Q. You'd mentioned, I believe you told your friends, hey, things are a little awkward between us?

20 A. Yes.

Q. Even told your friends he was shy?

A. Yeah.

Q. Like not like after, like, while you're at his house...

25 A. Mm-hmm.

Q. ...right? You've got to say "yes".

A. I don't recall.

Q. You don't recall?

A. Yeah.

30 Q. Okay. All right. I'll bring you back to that, all right? But is it possible that that's what you did that you....

A. Possible.

Q. Yeah. Okay. Now, back to the reason I'm going to suggest to you, ma'am,- don't worry about her, just focus with me. Don't worry about the reporter. This is important. My client's life is on the line here, okay?

A. I'm focused.

Q. All right. I'm going to suggest to you that when you guys were having sex, he came a little quicker than you thought he would, then he thought he would, and that when you kind of turned around, you gave him that look like, is that it? And that he- would you agree that you gave him that look first of all?

A. No.

Q. You don't agree with that? You don't think that that's possible that that's what happened here, that he got embarrassed that the sex didn't last as long as you'd hoped for, you gave him a look like that's it?

A. No.

Q. Not at all?

A. No.

Q. Okay. And when you came back to the room, you didn't give him that look at all?

A. Could I please get clarification what you mean by a look, like a look...

Q. Like...

A. by conveying - conveying what, sorry?

Q. Conveying that that's it?

A. Then, no.

Q. Okay. All right. Okay. And even without that look, even without you acknowledging it on your part, do you think that it's possible that that's what was going on for him at that moment?

A. It's possible that could have been going on for him.

Q. And you'd agree that, you know, he's kind of - actually, he's- after he comes, he's the one that takes the 5 paper towel and wipes your back first and then gives you some more paper towel, in case you needed it?

A. No.

Q. He didn't wipe your back?

A. No.

10 Q. Okay. All right. I'm going to ask you now about what it is that you were wearing...

A. Okay.

Q. ...that day, okay? And I mean, start off with something easy. Obviously, were - you were wearing shoes?

15 A. Yes.

Q. All right. And what kind of shoes were you wearing? Do you remember?

A. I believe there were sneakers.

20 Q. Sneakers, okay. And you'd mentioned that - and when you get to his house the first time, he gives you a tour of the house and I'm going to suggest you take your shoes off?

A. I believe so, yes.

25 Q. Yeah. He doesn't want you to- it's a clean house, as much as you can recall, right?

A. Yeah.

Q. Okay. And - and then when you leave to go to attempt to go for that hike, you put your shoes back on?

A. Yes.

30 Q. Okay. Hike doesn't work out. You go back to the house. You take your shoes off again?

A. Yes.

Q. Okay. And then when you leave, you put your shoes back on?

A. Yes.

Q. Okay. And is it those sneakers where you just kind of like kick them off or you got to like untie them, take them off. Do you remember?

A. I don't remember.

Q. Okay. And what about, if you recall, whether you had to like, sit down, take them off, when you were going in and out of the house?

A. No, I didn't have to sit down.

Q. Okay. Did you maybe bend down to like, unlace the tie in the knot, I guess. I'm assuming that, sorry, they're not Velcro?

A. Yeah, yeah.

Q. Okay.

A. They had — they had laces.

Q. All right, they got laces. But it's going to take you a second or two or whatever to, you know, take them off, put them back on, right?

A. Yes.

Q. Okay. And I believe you also mentioned that you were wearing- oh, sorry- and the shoes, I'm assuming, you would agree, actually, that you left them by the front door?

A. Yes.

Q. Okay. Jean jacket. You first come in, right, and it's August, so it's already, it's kind of hot, right?

A. Mm-hmm.

Q. Okay. But jean jacket, you said you were wearing?

A. Yes.

Q. Okay. When you first get to the house, I'm

going to suggest you, you take off your jacket and you hang it up, because there's like a little coat rack thing right by the door, right?

A. I don't believe I hung it up. I think I kept  
5 it on me.

Q. You believe you kept it on?

A. Yes.

Q. Okay. All right. And then the- when you get back to the house, after not being able to go for a hike, at  
10 that point, you put the jacket on the coat rack on the front entrance, right?

A. No, I believe I kept it with me the whole time.

Q. The whole time you were in his house?

15 A. Yes.

Q. Okay, like that means even going up to his room.

A. I don't believe I was wearing it, but I was carrying it.

20 Q. You were carrying it. Okay, so you took it off at some point...

A. Yes.

Q. ...the second time to come to his house?

A. At some point I took it off, yes.

25 Q. Okay. Well, where were you when you took it off?

A. I'm assuming at the house or in the car during the hike, or when we attempted to go on the hike.

30 Q. Okay. So you may have left your jacket in his car after, that's your evidence, and you may have left it somewhere in the house, right? So if it's in the house where do you recall perhaps you may have left it?

A. I would have taken it to the bedroom.

Q. You've taken it- so you could have taken it to the bedroom, or you could have left it in his car?

A. I didn't leave it in the car.

5 Q. But you just said that you might have left it in his car.

A. I might have taken it off in the car but I would have kept holding on to it.

10 Q. Oh, okay. So you might have taken it off in the car and then you were holding it, brought it into the house and then kept continuing to hold it all the way up to his bedroom?

A. Yes.

15 Q. When you're in his bedroom, what do you do with the jacket?

A. I put it on, I believe it was the chair with my purse.

Q. Okay. With your purse?

A. Mm-hmm.

20 Q. Okay. About your purse, what kind of a purse was it?

A. It was just a small like over the shoulder purse.

25 Q. Okay. Over the shoulder means that it had like a little strap, thin strap, I guess?

A. Yes.

Q. Okay. Small being like - like just bigger than a wallet, maybe. Something like that?

A. Yes.

30 Q. Okay. All right. And then you were wearing a t-shirt you'd said, right?

A. Yes.

Q. Okay. Do you remember- sorry, the - the- what kind of a t-shirt was it?

A. It was grey, a grey t-shirt...

Q. Okay.

5 A. ...and it had a wave on it?

Q. A wave?

A. Yes.

Q. Like a surf wave? Like what kind of a wave?

A. It was like a famous painting. I....

10 Q. By?

A. I can't remember the name.

Q. Okay. All right.

A. Cool waves.

15 Q. Okay. And is this a woman's t-shirt or men's t-shirt or....

A. A woman's t-shirt?

Q. Okay. All right. And like what size was that t-shirt?

A. Probably a smaller medium.

20 Q. Okay. And in terms of like, was it like a baggy t-shirt, or was it like a tight fitting t-shirt?

A. It wasn't form fitting.

Q. Okay.

A. It was a bit looser.

25 Q. A bit loose, okay. So it, you kind of had room, when you lifted up your arm, there'd be room underneath where the sleeve is?

A. Yes.

30 Q. Okay. And did it come all the way to your elbow, that t-shirt?

A. Yes, a little just over my shoulder.

Q. A little over....

A. Yeah.

Q. So it's like a little oversized...

A. Yes.

Q. ...t-shirt.

5 A. Yeah.

Q. Like it goes over your elbow- sorry. It goes over your elbow, right, a little bit?

A. I don't know that when all the way to my elbow, probably like mid....

10 Q. All right. I'm sorry, there's a screen in front of you.

A. Yeah. Mid-bicep.

Q. Do you mind standing - sorry?

A. Mid-bicep

15 Q. Oh, okay.

A. Yeah.

Q. So now it's up here?

A. Yeah.

Q. Okay. All right.

20 MR. FAHMY: So, just for the purposes of the record, the witness is motioning to half her- between her arm, or her shoulder and her elbow. Okay?

A. Yes.

25 Q. Fair enough? All right. And in terms of its length, I'm going to suggest to you that- and I guess you said you're also wearing a skirt underneath?

A. A dress, yeah.

30 Q. Or a dress underneath - sorry. And you would agree that the t-shirt and the dress were kind of at the same level or just a little bit, one was a little bit shorter than the other?

A. The shirt fell to probably my belly button

[area...]

Q. Oh.

A. ...and the dress went to about my knees.

Q. Okay. So the dress- I mean, the t-shirt is  
5 only going to your belly button?

A. Yes.

Q. Okay. And then you're wearing a dress that  
goes past that?

A. Yes.

10 Q. Okay, like the length of that dress goes past  
that?

A. Yes.

15 Q. Okay. And – and, in terms of that dress, in  
terms of its- you would agree that it was, you know, a tight  
fitting, form-fitting dress, correct?

A. Yes.

20 Q. Okay, and it's a, like a tube dress, and  
forgive me, I'm like, I'm such a guy/guy, like, I don't know how  
to, like, so like, I'm not trying to like, you know, say  
something or trying to trick you, I just don't know. But it's  
like a tube dress. Am I saying that right?

A. It had thin straps around the shoulders  
and....

Q. Yeah, and....

25 A. It was made out of like cotton.

Q. Okay.

A. Yeah.

30 Q. So it's made out of cotton, it's black, I  
believe you said, right, and it had the straps on, you're  
pointing, I guess, to your shoulder?

A. My shoulders, yes.

Q. So, it goes over your shoulder, connected to

the back?

A. Yes.

Q. Okay. And it's tight fitting, you said, or form-fitting, right?

5 A. Yes.

Q. Okay, and how do, like, you'd agree that in order to put that dress on, you'd put the whole dress kind of down on the floor, and you'd put your legs through and pull it up and put the straps over in order to put it on, right?

10 A. Yes, yeah, or over my head.

Q. Or over your head?

A. Yes.

Q. Okay, all right. And you agree that there wasn't like a zipper or anything at the back, right?

15 A. No.

Q. Okay, all right. And in terms of the length of that dress, you would agree with me that it was above the knee?

A. Yes.

20 Q. And I'm just suggesting to you that it was about like midway between like your hip and knee, like it was like kind of on your thigh area, right?

A. Yes.

25 Q. Okay, all right. And you would agree with me that you also were not wearing a bra that day?

A. Yes.

Q. Okay. Now, so just like I kind of took you to the after, let's take you back to the kind of before, okay? And, you know, there is generally some, I guess, excitement on 30 your part, you know, meeting up with Jack. Would you agree with that?

A. Yes.

Q. All right. And, I guess you'd also mentioned that you had both matched on Tinder?

A. Yes.

Q. Yeah. And, you know, in order to match on 5 Tinder, he would have to see your profile and swipe right. You got to say, "yes".

A. Yes.

Q. Okay.

Q. Sorry. I didn't know if you were done with 10 the question.

Q. And then you'd have to see his profile and swipe right?

A. Yes.

Q. And then Tinder says, hey, match, and sends 15 you a notification, right?

A. Yes.

Q. And sends him a notification?

A. Yeah.

Q. All right. So, your evidence was that a 20 couple of days after that or a day after or something like that, he messages you on Instagram?

A. Yeah.

Q. All right. And, I'm going to suggest to you that the first message is- so I have some messages. I'll show 25 them to you. I'm not trying to, like, you know, hide anything from you. But before I do, like, just so, I mean, I don't really, I don't have Instagram, I don't really know how it like works exactly, but there is like you follow people on Instagram, right?

A. Yes.

Q. And then people can follow you back?

A. Yes.

Q. And by following somebody or them following you, they get access to certain content that you've uploaded yourself?

A. Yes.

5 Q. All right. And I mean, obviously, before you had met up, in August the 5th of 2020, you had followed him on Instagram?

A. No.

10 Q. He had - no?

A. Oh, sorry, before we met up, yes, yes. Sorry.

15 Q. Yeah. Okay. No, no, no worries. Did he follow you back?

A. Yes.

Q. Okay. And I guess when you're following somebody or they're following you, you can kind of like comment or "like" their kind of posts, correct?

A. Yes.

20 Q. All right. And you would agree with me that you had done that?

A. Liked and commented on his posts?

Q. Yeah?

25 A. I don't remember if I liked or commented on anything.

Q. No?

A. No.

Q. Okay. What about him? Do you remember if he liked or commented on anything?

A. No.

30 Q. He didn't, right?

A. I don't remember.

Q. Oh, okay. I mean, it was four years ago, so that's understandable. But again, you don't remember, but it

[REDACTED] could have happened, right, like....

A. It could have.

Q. Like usually when you add somebody on Instagram or you follow somebody, you kind of want to look at [REDACTED] their profile, look at stuff that they're doing and saying, right?

A. Yes.

Q. Okay. And- but earlier, when you were giving your evidence at trial, you said that Jack didn't share his age, [REDACTED] right?

A. Yes, he did.

Q. Okay. But you would agree with me, right, that on Tinder, your age is kind of a prominent feature on the profile, right?

A. Yes.

Q. Yeah. So I guess when you say he didn't share his age, you would agree with me that he actually did on Tinder, right?

A. Yes. He didn't explicitly tell me.

Q. Yeah.

A. Yeah.

Q. But the Instagram messages follow the fact that you both matched on Tinder?

A. Yes.

Q. So he knew how old you were and you knew how old he was?

A. Yes.

Q. And on Tinder, you can kind of set parameters like, you know, only show me people of a certain age, for [REDACTED] example, right?

A. Yes.

Q. Okay. And because the app matched you to

Jack, that means that that was an age range where you were kind of interested...

A. Yes.

Q. ...in meeting people, right?

5 A. Yes.

Q. Okay. And in terms of the messages, right, I mean, I think it starts off really funny. I'll post it up for you here, see if you can kind of recognize it.

10 MR. FAHMY: So this is going to be page two, Your Honour, of that exhibit book. All right, all right, so no, no just go back up there, okay.

MR. FAHMY: Q. So you see here that, it says at the top, you don't follow each other on Instagram, right?

A. Yes.

15 Q. But that's because you no longer follow each other on Instagram, right?

A. Yes.

20 Q. Okay. And actually, if we can just kind of scroll down a little bit, you recognize kind of the – the way that these messages kind of work?

A. Yes.

Q. All right. So on July the 24th, it says you replied to their story, right?

A. Yes.

25 Q. So you would now agree with me that you actually did reply to his story or something about him on that day?

A. I believe that's actually him messaging me.

30 Q. Oh, okay. All right. And then the – the blue is his messages, right, the ones on the right?

A. Yes.

Q. And the ones on the left are yours, obviously,

right?

A. Yeah.

Q. Okay, and he starts off by saying, "Totally just saw your cute mug on Tinder".

5 A. Yes.

Q. And then you respond, "Did you swipe right though is the real question", right? I mean you already knew but because he's, his response is "Allegedly", right?

A. Yes.

10 Q. And you're kind of being lighthearted, like you mentioned in your evidence about the back and forth between you on Instagram, right?

A. Yes.

15 Q. Okay. But then he says, "I'm making my slide on here though", right?

A. Yes.

Q. And then, you kind of laugh, "Hahaha, is that so?" What's it and then he says, "What's it look like", right, laughing, right? Okay. Now, moving on, he's kind of saying, what's it look like, and you're saying laugh out loud, right, "lol". "Okay, okay, I see you", right?

A. Yes.

20 Q. Now, I mean, at this point, what's going on through your mind?

25 A. I was just excited to talk to someone new.

Q. Right. Well, he's not just new. You mean, you kind of knew about him, right?

A. Yes.

30 Q. And you knew about him at least a year before this?

A. Yes.

Q. And I think elsewhere you mentioned somewhere

when you wrote it down that you know, he's a- he might take a little offence to this, that he's a semi-famous Youtuber guy, right?

A. Yes.

Q. And he has like hundreds of thousands of followers or whatever, right?

A. Yes.

Q. And just, in and around that time, I believe you told your friends, in a text message, O [REDACTED] and N [REDACTED], 10 that it was your dream to be on SNL, which is Saturday Night Live, right?

A. I don't recall.

Q. Okay. All right. But if I showed you that message, you would agree that that's something that you'd said, 15 right? Here, why don't I show you that? The computer's froze, sorry that.

MR. FAHMY: Page 47.

CLERK REGISTRAR: Forty-seven?

MR. FAHMY: Yeah, just zoom in maybe so she 20 can....

MR. FAHMY: Q. You can see that on your screen too, right?

A. I can, yes.

Q. All right. So, what I'm showing you are some 25 group messages between you, O [REDACTED] and N [REDACTED]. And this is actually sent by you on August the 5th of 2020...

A. Yes.

Q. ...which is the day of the date?

A. Yes.

Q. 30 And it says, "1905 UTC". But that, for your purposes, and there's not going to be any issues with this is that, it's really four hours behind in order to get Toronto time

[REDACTED] or sorry, Eastern time.

A. Okay.

Q. So it's about 14:05, which would make it 2:05 p.m. in the afternoon.

5 A. Okay.

Q. Just so that you're not confused about how these times work. It's because these were extracted from your phone. I think you recall doing that with the police and whatever, right?

10 A. Yes.

Q. All right. And that's the - the UTC means universal time code or whatever, it's like....

A. Okay.

Q. Okay. So, just so that you understand that. 15 All right, and there it is, "I just realized my biggest dream in life is to intern at SNL, even though that will never happen because I don't have the skills or connections", right?

A. Yes.

Q. All right. So you're telling your friends 20 that this is like your biggest dream is to, you know, be on Saturday Night Live?

A. At the time, yes.

Q. At that time, of course, yes. I'm just saying at that time, yeah, right? Okay. And we'll get back to that, 25 but I want to go back now to the Instagram messages. We were on page three. Okay. Where am I here? Mm-hmm. And he says, you know, "It's been a minute. How you been?" Now, I mean, obviously it hasn't been a minute, but that's- you'd agree, that that's kind of like slang for like, hey, it's been a while?

30 A. Yes.

Q. All right. And you would agree with me that you took that to understand that he remembered you from that

encounter almost a year ago at that homecoming, right?

A. Okay.

Q. And actually, when you mentioned that you had, I mean, he didn't interview you himself, right?

5 A. No.

Q. But you had mentioned that a friend had told you, hey, you made it into his cut, like one of his YouTube videos that were like professionally edited, right?

A. Yes.

10 Q. Okay. And in fact, that homecoming, like the entire video is, whatever it is, an hour, hour and a half, whatever, however, whatever length it is. But when you go on YouTube there's like a cover screen for that video, right, and you're on the cover screen?

15 A. Yes.

Q. So anybody that wants to look at that video, the first thing they're going to- I mean it's not just you, right?

A. Yeah.

20 Q. It's like a whole bunch of people, Jack is kind of in the middle. It's like a bit of a cut and paste job, right?

A. Yeah.

25 Q. But you're there and you're prominent, you're kind of on the left side of him, right?

A. Yes.

Q. Okay. And he remembered you?

A. Yes.

30 Q. Okay. And you'd agree that that kind of made you feel special?

A. I don't know if "special" is the word I'd use, but it made me feel good.

Q. Okay. I'm going to insist on special and I'll tell you why. This guy meets thousands of people, right?

A. Yes.

Q. He- before this, he didn't know your name,  
5 right?

A. Yes.

Q. Before this, he had- didn't have your number, didn't know anything about where you work or hadn't seen you anywhere for almost a year, right?

10 A. Yes.

Q. And it's not like he stopped making videos,  
right?

A. Yes.

Q. He met probably thousands of people after  
15 that, right?

A. Yes.

Q. Okay. But even after all that, and you knew that, obviously, because you knew who he was, right?

A. Yes.

20 Q. But even after all of that, he still remembered who you were?

A. Yes.

Q. I know you're impressive. I think you're impressive. I think he thought you were impressive. And I'm 25 going to suggest to you that you thought the same, that you kind of made a mark on him, right?

A. Yes.

Q. Okay. And that's what made you special.  
That's what made you feel special, right?

30 A. That he remembered me, made me feel good, yes.

Q. Okay. But not just that he remembered you,  
but because of all those other reasons, right? Like, for

example, and I know you hesitated and I apologize. If you want to say something, you can. Can - or....

A. Please continue.

Q. Okay. It's not like you went to the gas station, you met this- the cashier, then you go back, you know, 5 a week later and the guy's like, oh, hey, I remembered you from last week or from whatever. And that would make you feel good, right?

A. Yeah.

Q. Okay. But you would agree with me that that's 10 not the same feeling that you'd have in that hypothetical scenario that you'd had with Jack, right?

A. I disagree. I wouldn't say it made me feel any more special.

Q. Even though you knew all those things that- 15 about him and how he came to know you, you still don't think that it made you feel just a little bit better than good?

A. No.

Q. Okay. Even though your biggest dream at that 20 time was to go on SNL, not even to be on, just to intern, right? That's what you said in your message?

A. Yes.

Q. That's your biggest dream, right?

A. Yeah.

Q. And here's Jack, who you're now saying- has 25 hundreds of thousands of followers, he's famous, and out of all the people that he'd met before and after, had no way of knowing how to get a hold of you, but he found you, right?

A. Yes.

Q. Okay. And he even showed you, you said, when 30 he gave you the tour of the house, he gave you a tour of the house, right?

A. Yes.

Q. He gave you a tour of the basement where he makes all his YouTube videos, you said, right?

A. Yes.

5 Q. Okay. And you talked about it with him, right?

A. The YouTube videos?

Q. Yes.

A. Yes.

10 Q. And you talked about like the process, editing, right?

A. I don't recall what the specifics were of what we talked about.

15 Q. I'm not saying specifics though, but you'd agree that you talked to him about some of the process of how to make these videos?

A. I believe so.

20 Q. Yeah. That's fine. It's- this isn't, you know, you talked about the process, like, you know, oh, you were - you were interested in him doing that, right, as a profession?

A. Yes.

Q. Right? And the reason is because, at that time, you kind of wanted to get in the biz or whatever?

A. No.

25 Q. But you just said that your biggest dream was to be an intern at SNL.

A. I think I was being hyperbolic when I said that was my biggest dream.

30 Q. But you just told us that at that time it was your biggest dream. Now you're saying something else. Now you're saying it's just hyperbole?

A. It was a big dream of mine, yes. Would it be

my biggest dream? No.

Q. Okay. So then it's fair to say that you just kind of say things you don't mean or text things you don't mean, right?

5 A. No.

Q. Okay. Well, was it your biggest dream or was it not your biggest dream?

A. It was a dream, yes.

Q. But it wasn't the biggest dream anymore?

10 A. When I sent that message, it was something I wanted to do.

Q. On August the 5th?

A. Yes.

Q. 2020?

15 A. Yes.

Q. Okay. How about we just stick to that day, right?

A. Okay.

Q. That was your biggest dream that day?

20 A. Sure, yeah.

Q. Okay. And then you go to the basement, right?

A. Yes.

25 Q. And you're genuinely interested, like, not because you think, well, I'm sure you thought it was cool, right?

A. Yes.

Q. Had you ever been to like a studio before?

A. Yes.

Q. Which one?

30 A. I had visited the Saturday Night Live set before.

Q. Oh, okay. So, but- so you've been to the set?

A. Yes.

Q. How long ago did you - well, I mean, it was COVID then, so I'm assuming before 2020?

A. Yes.

5 Q. When did you go?

A. 2019.

Q. Okay. So you kind of caught the bug. I mean, you go somewhere, you'd agree that you kind of caught the bug back then, right?

10 A. I had been interested in it prior, yes.

Q. Even prior to that?

A. I've been interested in Saturday Night Live, yes.

15 Q. Okay. All right. But it- I mean, I don't mean you're interested, like you were- when you say interested, you don't mean like as a fan, like as just to watch the show, right?

A. No, that is what I mean.

20 Q. Okay. But what I'm asking you, though, is you're interested in being on the show, whether as an intern or maybe one day as a cast member, or something like that, right? That was your biggest dream on August the 5th of 2020, we agreed, right? And how long prior to that, did that dream start to kind of like pick up some steam?

25 A. I'd been a fan of the show as I watched it with my parents for years before that.

Q. Okay. We're not talking about a fan of the show anymore. I'm a - I'm a huge fan of the show. I like it. I love it. I'm sure there's lots of fans of the show. Talking 30 about going from fan to being a member of the show or an intern or working in production or editing or whatever in terms of getting, as an intern, you know, they might make you just get

coffee from the coffee shop down the street, right?

A. Yes.

Q. Okay. But you'd be doing it for Saturday Night Live.

5 A. Yes.

Q. And even your biggest dream to be an intern, lowest rung of the ladder in that business, you understood, right, that that's kind of your way to get your foot in the door. I mean, you'd agree that being an intern wasn't where 10 you'd want to stop at SNL, right?

A. I hadn't thought any farther.

Q. You hadn't thought any farther?

A. No.

15 Q. Okay, all right, sorry. All right, fair enough. So in terms of your interest in that, right, you would agree on August the 5th that it was your biggest dream and you would agree that when Jack was showing you the production and all that stuff in the basement, right, that you were showing a genuine interest because of that dream, right?

20 A. No. I was showing a genuine interest because I was trying to get to know him.

Q. Trying to get to know him.

A. Yes.

25 Q. But in your message you said that even though that'll never happen, because I don't have the talent or the connections, right?

A. Yes.

30 Q. Okay. And I'm going to suggest to you that, you know, when you say the talent, that's because you wanted to go beyond being an intern and actually being on the show, right?

A. Possibly.

Q. Okay. And when you say that you didn't have

the connections, it's because you were- you didn't go to any other - sorry- did you go to any other studio besides the SNL studio?

A. Not that I remember.

5 Q. Okay. Did you do like media marketing or did you try to do any of that kind of stuff at all?

A. No.

10 Q. No? Okay. So Jack is as close as it got to some kind of a way in into doing something online or doing something that like professionally produced, right?

A. I didn't see him in that way, as a connection to get to SNL.

Q. But you just messaged your friends that hours before you were going to meet up with him?

15 A. Yes.

Q. Why would you tell them, just before you're meeting up with Jack, the famous guy, the one who does professional videos, that your biggest dream in life is to be an SNL intern, but you don't think it'll- I don't think it'll ever happen because I don't have the talent or the connections?

A. I was just expressing how I felt at that time, completely unrelated to me seeing him later that day.

25 Q. So now you're saying that that message is unrelated to anything to do with him seeing - anything - anything to do with seeing him that day?

A. Yes.

Q. You sure about that?

A. Yes.

Q. Okay.

30 A. Yes.

Q. Brooklyn Nine-Nine, great show, right?

A. I haven't seen the whole series, but yeah.

Q. You haven't seen the whole series, but you don't need to see the whole series to say that it's a good show?

A. Yes.

Q. It's hilarious, right?

5 A. It's funny, yes.

Q. Okay, not only is it funny but a lot of the actors that are in Brooklyn Nine-Nine are also either on Saturday Night Live or used to be on Saturday Night Live, right?

10 A. I don't know. I'm not familiar with the cast of the show.

Q. Come on. Adam Sandberg?

A. Yes, I know who Adam Sandberg is.

Q. Okay, and he was on Saturday Night Live?

A. I believe so, yes.

15 Q. For years, right?

A. That might have been before my time watching it.

Q. Oh, come on. That wasn't that long ago. But he's the main character on Brooklyn Nine-Nine.

20 A. Yes.

Q. Right? And the reason why - and - and you guys watched Brooklyn Nine-Nine, right?

A. We started, yes.

25 Q. Yeah, and the reason why Jack put Brooklyn Nine-Nine on the TV is because you told him that like one of your favorite shows is Saturday Night Live, right?

A. I don't remember telling him that.

Q. You don't remember telling him that?

A. No.

30 Q. Okay. But do you agree with me that that's probably the reason why out of- I mean, it was on Netflix, right?

A. I believe so.

Q. Yeah. There's like hundreds, maybe thousands of shows, right?

A. Yes.

5 Q. Okay, and you don't- I'm going to suggest to you that the reason why he picked it - sorry- he's the one that picked it. I just want to confirm that, right?

A. Yes.

10 Q. Okay. And do you recall if he asked you what you wanted to watch?

A. I don't recall.

15 Q. No? Okay. And I guess your answer is, you don't remember if he asked you, hey Brooklyn Nine-Nine has a lot of the cast members from Saturday Night Live. You don't remember having that conversation?

A. No.

20 Q. Okay. And you never told them once, throughout the whole time you guys were together that day anything about Saturday Night Live?

A. Not that I remember.

25 Q. Okay. Even though you don't remember it, you could have, right?

A. Possibly.

30 Q. Okay. It kind of makes sense that, you know, he put on Brooklyn Nine-Nine because you- Saturday Night Live is not on Netflix, right?

A. Yes.

Q. Okay. And so he was trying to get you like the next best thing, right, by putting on Brooklyn Nine-Nine, right?

A. He could have.

Q. Yeah, okay, that's fair enough. All right.

Back to these Instagram messages, okay? He's asking you, "How you been?" You're saying, "I'm not bad. How about you?", right, that's what that means, okay? And I got to say out loud the- what you mean, and if I say it incorrectly, just let me know.

5

A. Okay.

Q. And he says, "Good, what's up?" And you're saying, "Just at work. How about you?" Right?

10

A. Yes.

Q. Okay. Now, this is all on the same day of July the 24th and - 2020?

15

A. Yes.

Q. I - were - where- so where were you working at that time?

20

A. I was working at the Oakville Hospital.

Q. Working at the Oakville Hospital?

A. Yes.

Q. Okay. What were you doing there?

A. I was a COVID screener.

25

Q. A what?

A. COVID screener.

30

Q. Oh, okay. All right. And he responds, "Same. About to run some errands", right? And then you kind of take your conversation outside of the day-to-day by saying, "Okay, nice. Do you have any plans for this summer?" He says, "Yeah, a bunch. HBY"? H-B-Y, but he was probably trying to say H-B-U, which means how about you, right?

A. Yes.

35

Q. Okay. And then you say, "Literally nothing,

"lol". I'm trying to work a lot to save money because I'm planning on backpacking Europe next year. And he responds, "That's dope. I was headed to Italy in April and then COVID

happened". And you say, and then you respond, "Fuck, really? Italy is like the number one place I want to visit". Is that true back then?

A. Probably.

5 Q. How about, was it true that day?

A. Sorry?

Q. Was it true that day?

A. Yes.

10 Q. Okay. And then he responds with like a heart emoji saying that he loves that about – about what you just said, right?

A. Yes.

15 Q. Okay. And then he responds, "Haha. Yeah, so now just making plans locally". And then you say, "Yeah, literally the same". And he asks, "You're in Hamilton"? You say, "Oakville". And then he says, "I was there earlier td", which means today, right?

A. Yes.

20 Q. And he's got the googly eyes, right?

A. Yes.

Q. And that's kind of his way of being kind of funny by saying, oh, I was there today like, you know, I got eyes on you kind of a thing, right?

A. Maybe.

25 Q. Oh. What did you take it to mean?

A. I didn't really take it to mean anything.

Q. Oh, okay. But, I mean, you laughed. You say, "Haha, no way"...

A. Yes.

30 Q. ...right? And I guess that was kind of like your response to him saying what a coincidence, like, you know, we're – we were kind of in the same city at the same time,

right?

A. Yes.

Q. Okay. And there's a voice note. I can't - we've tried, we can't get it to - I don't know how but it, no longer available. But he says something to you and it's about 5 29 seconds - the recording is 29 seconds long, you don't know what he said or whatever but then you say, whatever he said, "Honestly, that sounds great. You definitely gotta let me know when you're free", right?

10 A. Yes.

Q. I'm going to suggest to you, even though I can't play it, but I know what he - I know what my client is going to say he said, but I'm going to suggest to you that he's sending you a voice note along the lines of, hey, there's this 15 place we can go take a hike and then we can go for drinks later. How does that, you know, love for you to join me, kind of a thing. It's an invitation, right?

A. Yes.

Q. Okay.

20 A. Yes.

Q. And you're enthusiastic about it...

A. Yes.

Q. ...right? You're saying, honestly, that's great. And then, you're asking him to let you know whenever 25 he's free?

A. Yes.

Q. And you got to let me know. It's not like - it's not ambivalent, you're - you really want this to happen, right?

30 A. Yes.

Q. Okay. Three days later, on the 27th, he messages you and says, "What days work for you this week?", and

then you respond by saying, "I work 6:00 a.m. to 6:00 p.m., and then it's a little blacked but I believe it says when - you work 6:00 a.m. to 6:00 p.m. Wednesday and Friday, but other than that I'm free. Is that about right?

5 A. Yes.

Q. Okay. And then he responds by saying - oh, there it is, "I work on 6:00 a.m. to 6:00 p.m. on Wednesday and Friday but other than that I'm free". And then the following day, he responds saying, "Hey, I can do Thursday or Friday".

10 A. Yes.

Q. Right? And then you respond by saying, "Thursday's good", right?

A. Yes.

Q. Okay. And then the following day, he responds by saying, "Cool". We'll do a hike and if we don't fall off a cliff and die, we'll get drinks after", right?

A. Yes.

Q. Okay. And - oops. And then you respond the same day saying, "Yeah, sounds good. Do you have a time in mind"? And then he says, "I'll be done work and showered by 7". And then moving on - sorry - it kind of goes into the next set of messages. But then, actually, on July the 30th, which is the following day, right?

A. Yes.

25 Q. You respond by saying, "Hey, I'm really sorry, but I don't think I could make it tonight. I haven't been feeling the best the past few days, and I woke up today, and I feel worse, so I think I need to go to the doctor. I'm sorry", right? And that's at 12:22...

30 A. Yes.

Q. ...on that day, right?

A. Yes.

Q. That's kind of the first time you lie to him, right? Because - right?

A. Yes, that I lied.

Q. Okay. Yeah.

5 A. Yes.

Q. Right? Well, I said the first time. Did you lie to him before that, too, or....

A. No, I just meant that was one time, yeah.

Q. Okay.

10 A. I lied that time.

Q. All right. Because your evidence is, is that you actually wanted to go see your grandmother that day?

A. Yes.

Q. Okay.

15 A. I just didn't want to get into the personal details with him.

Q. How's that a personal detail about other plans, instead of the plans you guys made?

A. Just pertaining to my grandmother.

20 Q. Okay. Visiting your grandmother. You - so your evidence is, is that telling him that I got to visit my grandmother is less personal than telling him I haven't been feeling the best the past few days. I woke up today. I feel worse. I think I need to go to the doctor. Isn't that more 25 personal than just saying, hey, I just got to go see my grandma today?

A. I don't know. I guess at that time, that's what I thought was best to say.

30 Q. Yeah, and that's fine. That's okay. People lie. People make up stuff to get out of things all the time, right?

A. Sure.

Q. It's - but that's what you told them, right?

A. Yes.

Q. Instead of telling him the truth?

A. Yes.

5 Q. All right. A little bit later, he says, "Hey, if you're sick, don't worry about it. Drinks on you next time though", right?

A. Yes.

10 Q. Okay. And you responded with a heart and a heart, like you basically liked or loved to that comment, right?

A. Yes.

15 Q. Okay. So, you know, even though you weren't actually sick, you were just going to go see your grandmother, he was genuinely concerned, right, and said hey, don't worry about it, right?

A. Yes.

20 Q. Okay. And then to add a little bit of you jest to the situation to kind of keep things, you know a little bit lighter. He says, hey, drinks on you next time though, right?

A. Yes.

25 Q. Okay. And then you respond with, "Okay, deal". Right?

A. Yes.

Q. So you - you agree. You say, listen buddy, fine, I'll get the drinks next time, right?

A. Yes.

30 Q. "Just let me know when you're free next and I'll be there", right?

A. Yes.

Q. Okay. And you would agree with me that there's no more cancellations?

A. Yes.

Q. That you actually, when you make a plan to meet with him, you actually go and meet with him?

A. Yes.

5 Q. Okay. And, I mean, you'd agree with me that up until this point, you're the one that's pushing to make this date happen, right?

A. I wouldn't say I was pushing.

Q. Okay. All right. What would you say?

10 A. I would say I was in agreement of going on a date.

Q. In an agreement? Okay. But let's just look at that last message because that's the last message you send before you guys actually pick a date and you commit to that 15 date, right?

A. Yes.

Q. Okay. So you're telling him the last message right there, "Okay, deal. Let me know when you're free next", right?

20 A. Yes.

Q. So you're asking him, whenever your schedule is free, right?

A. Yes.

Q. And that you're going to be there?

25 A. Yes.

Q. Let's go back up a little bit. I'm going to go right up to that page four, honestly. "Honestly, that sounds great. You definitely gotta let me know when you're free", that's what you say to him the first time about meeting up, 30 right?

A. Yes.

Q. So the first time you meet up, this is what

you say and we just heard what you said the last time before you actually met up, right?

A. Yes.

Q. Okay. So, again whatever he's proposed to do,  
5 you're saying that sounds great and you definitely gotta let me know when you're free, right?

A. Yes.

Q. So all he's asking is what days work for you.  
10 You tell him, you both pick a date, and then you ask - when it goes to the 29th. I'm just kind of scrolling down, page five, you're asking him, "What time?"

A. Yes.

Q. Right? Okay. And, you know, when you gave your evidence at trial, you kind of told us that when we made  
15 plans, I didn't go because I had to see my grandmother, right?

A. Yes.

Q. So you didn't tell us about this little lie that you told him, right?

A. I didn't remember that that's what I said.

20 Q. All right. But then you also said that he was being persistent?

A. Yes.

Q. You did say that, right?

A. Yes.

25 Q. But when you look at these messages, you think he was being persistent?

A. Persistent in wanting to go on a date.

Q. Okay.

A. He did want to go on the date.

30 Q. He did want to go on a date, is one thing.

A. Yes.

Q. But then persistence, you would agree, is

something else, right?

A. Yes.

Q. It's not like you ever told him no, and he persisted?

5 A. Yes.

Q. Okay. So you'd agree with me that when you say that he was persistent in wanting to go on this date, he wasn't persistent, right? And in fact, you were the one who was also saying definitely, we gotta do this. I'd love to do this.

10 Let me know when you're free. What time? Right?

A. Yes, I was looking forward to the date.

Q. Okay. And there was never a time when you were not looking forward to the date, except for the time, when you lied to him about being sick?

15 A. Yes.

Q. Or were you disappointed that you had to see your grandmother instead and made up an excuse?

A. No, I made the decision to see my grandmother.

Q. You made that decision?

20 A. Yes.

Q. Okay. So, you also mentioned that in the messages in your evidence at trial that he seemed confident and self-assured, right? You used...

A. Yes.

25 Q. ...those words, right? But then, like right after, you said, "He was quite personable, more relaxed than I expected, maybe a bit more shy".

A. Yes.

Q. Okay. So, how could he be self-assured and  
30 quite confident but then shy?

A. I believe - I believe you can be both. He was just more quiet than I expected.

Q. On the messages? This is in the messages. Here, I'll bring it up for you. Okay, just about the messages, right?

A. Okay.

5 Q. Just the messages.

A. Okay.

Q. How would you describe, because my friend had asked you, how would you describe him in the messages; his tone, his....

10 A. How would I describe him in the messages?

Q. Yeah?

A. Yeah, he seemed, I think, confident and personable. I think I meant more shy as when we met in person.

15 Q. Okay. Okay, page 221. Okay. So, here, you'll see at the third line up, where it says, "Crown, B. Sosa"...

A. Hmm.

Q. ...that's Mr. Sosa here to my right.

A. Yes.

20 Q. He asked you and he said, "And in your conversations with him on Instagram, what did you learn about him?" And you say, "I learned that he seemed more very quite personable, more relaxed than I expected, maybe a bit more shy", right?

25 A. Yes.

Q. So, now you're saying that you didn't think that from the Instagram messages.

A. I - I think I got confused in that question. I was just speaking about...

30 Q. Okay.

A. ...my general opinions that I got on him when we met, not just through the Instagram messages.

Q. Okay. So, generally, your impression of him was that he was self-assured - oh, and the self-assured part here, again, sorry page 220, the bottom of the page right there. So this is about the light conversation, going back and forth, some flirting, nothing too deep or personal. When the Crown asked you, "What was your impression of him?" You say, "He was very confident and self-assured".

A. Yes.

Q. Right?

10 A. Yes.

Q. Okay. So, your overall impression now of Jack, you're telling this court is he is quite personable, more relaxed, a bit more shy, confident and self-assured?

15 A. Yes. I was - I thought he was more shy after we met in person.

Q. Okay. And that kind of surprised you a little bit, right?

A. Yes.

Q. And you even told your friends?

20 A. Yes.

Q. And they were surprised too?

A. I can't recall if they were surprised or not.

Q. Okay. We'll go through that. All right, let's do that.

25 ... RECESS DISCUSSIONS - NOT REQUIRED.

R E C E S S

U P O N R E S U M I N G:

30 ... DISCUSSIONS - NOT REQUIRED.

5

MR. FAHMY: Sorry, Your Honour, I just realized that, because I put the page numbers at the top right of the page, and I believe some of the, like, there's been some redactions. So where there's black, you won't see the page number at the top.

10

MR. FAHMY: Q. I'm going to go to page 49 next. Okay, [REDACTED] can you see those messages clearly or do you want them a little bit more zoomed in or....

A. Maybe just slightly zoomed in more.

Q. Okay, sure. How about that?

A. That's great, yeah.

15

Q. Okay, all right. So kind of where we left off was you said you didn't recall if you told your friends that he was being shy?

A. Yes.

Q. Are you okay?

A. Yes. Yes, I'm good.

Q. You look like you've been crying.

20

A. I'm okay.

Q. Are you sure?

A. Yes.

Q. Have you been crying?

A. Yes.

25

Q. Okay, do you need a minute?

A. No, I'm good.

Q. Okay. Anytime you need a minute, you can ask His Honour, okay?

A. Yes.

30

Q. All right. Is there something I've said or something that's upset you about what's happening?

A. It's just an upsetting process.

Q. Okay, all right. I mean, you've never testified before, right?

A. No.

Q. Okay. I mean, just, I guess you obviously know like His Honour is here if there's anything that I'm doing wrong or whatever, the - and the Crown can object. I'm just trying to be fair to you.

A. Yes.

Q. Okay? You - you - so far we're okay?

A. Yes. Yeah.

Q. All right. Okay. So here you are.

A. Yes.

Q. Okay. This is the group chat with Nicole and - sorry - N [REDACTED] and C [REDACTED]?

A. Yes.

Q. Do you ever call them Nicole, it's just both of them together?

A. No.

Q. All right. So here you are. And again, the UTC says, "0035", which is in like our time 8:35 p.m., right?

A. Yes.

Q. And you're messaging them saying "I'm here". And then shortly after, "I went inside", okay?

A. Yes.

Q. So at this point, you'd agree 8:35 and 35 seconds, you're inside of his house?

A. Yes.

Q. And then literally, as two seconds later, you message them again saying, "It's awake are" but I'm going to suggest to you that you're saying it's awkward?

A. I believe - I'm - I'm not sure what I was trying to say.

Q. Okay, I'm just suggesting to you though...

A. Okay.

Q. ...that, that - when you do auto-correct,  
right....

5 A. It's possible.

Q. Yeah.

A. I could have been saying, "awkward" yes.

Q. Okay. And right after that you're saying,  
"He's kind of shy"?

10 A. Yes.

Q. Right? So you told your friends he's kind of  
shy?

A. Yes.

15 Q. Okay. And then in caps, in bold, "Also very  
much 26"?

A. Yes.

Q. Okay. even though he hadn't told you his age,  
you knew he was 26, right?

A. Yes.

20 Q. And that's because of the Tinder, right?

There's no secret, like nobody's - that's how you knew the - he  
didn't tell you, right?

A. Yes.

25 Q. But you knew that through the Tinder app,  
right?

A. Yes, I...

Q. Okay.

A. ...believe so.

30 Q. And then C [REDACTED] - and - and, hold on, before we  
go down, you're sending - sorry - this is Amin(ph). She's  
helping me with this case, to kind of do all this stuff, take  
notes, and she's doing great, but just so you know what's

[REDACTED] happening here, okay?

A. Okay.

Q. All right. And you're actually sending these messages while you're with him?

5 A. Yes.

Q. Right? Okay. And that's why it's kind of awkward, maybe. You're supposed to be like at his house, getting a tour, like do you recall where you were on the tour when you were able to send these messages?

10 A. No.

Q. Okay. Do you recall if he was getting something or looking at something or do you recall?

A. I don't remember.

Q. Okay. Do you remember if he was on his phone 15 while he was in the house?

A. I don't remember.

Q. Okay. All right. All right, let's see what your friends say. So, C [REDACTED], "lol, well, yeah". And then, "Wait, he's shy? Huh, didn't expect that", right?

20 A. Yes.

Q. So now you agree with me that, you know, even your friends didn't expect him to be shy.

A. Yes.

Q. Okay.

25 A. And you didn't expect him to be shy?

Q. Yes.

A. Okay.

Q. But he was kind of shy?

A. Yes.

30 Q. Right? Okay. And - okay. Going back to the Instagram messages, I believe - actually, just before, and like, you know, let's just get one thing kind of straightened out

between us, okay?

A. Okay.

Q. My friend, when I say, "my friend", I mean Mr. Sosa, okay?

5 A. Yes.

Q. He kept asking you about a dinner, a dinner, hike and a dinner, dinner in a hike, right?

A. Yes.

10 Q. But you agree with me that it was always hike and drinks, right?

A. No, we discussed drinks or dinner, yes.

Q. Sorry, drinks or dinner?

A. Or drinks and dinner. It was used kind of dinner/drinks.

15 Q. Okay. Where does the dinner word - where is dinner used?

A. I believe that we had said that to each other in the communication.

20 Q. Okay. But in your evidence, you said that you hadn't spoken over the phone, right? Because you didn't have each other's phone numbers?

A. No.

Q. And you would agree with me that you didn't communicate on any other kind of messaging app, right?

25 A. Yes.

Q. And you would agree with me that the only communication that you had was over Instagram, right?

A. Yes.

Q. Okay. And when we look....

30 MR. FAHMY: Let's go back to the Instagram. That's page two. Start from there. So okay, keep going down. Keep going down. Keep going down.

Oh, wait. Keep going down. Sorry, sorry. Okay.

MR. FAHMY: Q. Do you know where that word "dinner" is used at all? I'm going to suggest to you, ma'am, that it's not anywhere in the Instagram messages.

A. Yes, I'm not seeing it in these messages.

Q. Okay.

A. It may have been in the voice memo.

Q. Oh, it may have been in the voice memo?

A. Yeah.

Q. Oh, okay. All right. But even still, that was at the very beginning, right?

A. Yes.

Q. And it's always drinks that keeps coming up in the next few communications, right?

A. I'm seeing drinks here, yes.

Q. Okay. And you would agree with me that it's not just one time about the plan for drinks. It's if we don't fall a cliff[sic], we'll get drinks?

A. Yes.

Q. Okay. And then when you cancel on him, right, he says, drinks on you next time?

A. Yes.

Q. Okay. And there's no - even after that voicemail, there's no mention of dinner from him or from you?

Yes. Okay. So I'm just going to suggest to you that, you know, maybe you're just like, I guess your evidence is that you kind of used them interchangeably dinner/drinks, right, that's what you tried to say?

A. Yes.

Q. Okay. But it's fair to say that from what we just saw in his own mind, right, or from what's been communicated between the two of you, that it's really drinks and

a - or hike and then drinks after, if you don't fall off a cliff, right?

A. Yes.

Q. Okay, all right. Thank you. And then, do you 5 recall at trial - do you recall that my friend asked you, "And did you discuss where the hike and dinner would be?", and then you said "No", and then he asks, "Was that eventually discussed at some point?" And then your response was, "When I got there at the day of, yes". "Okay". And then my friend asks, "Okay, 10 so tell us then, when you say, when I got there, what are you referring to?" And you say, "When I got to his house the day of the date". Do you recall those questions and that answers?

A. Yes.

Q. Okay.

15 A. And they're accurate?

Q. Yes.

A. Okay.

Q. But, actually, if we look at, I'm going to page 11, the very bottom, you'd asked him, "Like, what time?" 20 He says, "8:00 p.m.", and you say, "Sure. Where?" And he says - gives the address, which is his home address, right?

A. Yes.

Q. Okay. And then you say, "Sounds good". And then you ask, "Still doing a hike?", right?

25 A. Yes.

Q. Okay. And we got to kind of go a bit down, and he says, "It's more of a glorified walk along the escarpment, but yeah", right?

A. Yes.

30 Q. And then you respond, "lol, okay, sounds good", right?

A. Yes.

Q. Okay. So, you'd agree with me, that actually he told you where you were going to go for the hike on the escarpment, right?

A. Yes.

5 Q. Okay. And, obviously, this was before you got to his house?

A. Yes.

Q. Okay. All right. And, I mean, you would agree with me that we can just scroll a little bit down, okay.  
10 That's kind of the last messages between the two of you. That's noted at August the 5th, 6:38, right?

A. Yes.

15 Q. Okay. And, now that we've looked at all, well, not all of them, because there was some, we can and we will, but I'm going to ask you first; you'd agree with me that you never asked him where you would go for drinks?

A. No.

20 Q. Okay. Or dinner, for that matter, right?

A. No.

Q. Okay. And, even throughout your time together, when you got to his house, till the time you left, you never asked him either of those questions, right?

A. No.

25 Q. Okay. All right. And, I believe, in your evidence, you'd said, the Crown had - like carrying on from that kind of question and answer from the two of you - the Crown had asked you and said:

QUESTION: Okay, take us a few steps back.

30 How did you know where to go?

ANSWER: I had asked for the address.

QUESTION: And was there anything else

discussed prior to you attending his address?

ANSWER: No, he had just said that we would meet at his house before going out.

5 And then do you recall those answers and those questions being asked to you at trial?

A. Yes.

Q. Okay. And those are accurate?

A. Yes.

10 Q. Okay. But when you look at the messages, so you — you get the time, right?

A. Yes.

Q. And then you ask them where to meet and he gives you an address.

15 A. Yes.

Q. And then you ask, "Sounds good. Still doing a hike?", and he says, "It's more of a glorified walk along the escarpment, but yeah", right?

A. Yes.

20 Q. Okay. So that's how you understood, right?

That you'd go to [REDACTED]

A. Yes.

Q. And then you'd go out for the hike after?

A. Yes.

25 Q. Okay. All right. Now he sends you that address and it's kind of like, you can see that it's blue and then he wrote "Hamilton" after, right?

A. Yes.

30 Q. Now, is that because it was a link that you can just kind of touch on your phone and it'll show you a map like, or like where it is?

A. I believe so, yes.

Q. Okay. All right. And you did that, right?

A. Yes.

Q. And then you - so you knew that it was his house? You - or you assumed, 'cause it was, the address popped up, right?

A. Yes.

Q. And you actually send that link to your...

A. Yes.

Q. ...friends you'd said in your - in your evidence, right? But he's the one that provided it for you?

A. Yes.

Q. Okay. All right. Now, well, where we stopped looking at the Instagram messages was just right after you made - where he'd said, "Drinks on you." "Okay, deal. Just let me know [where] when you're free next, I'll be there". And that's up page seven. And so that was July the 30th. He responds, you know, the next day says, "Monday, Wednesday" and then you respond the following day, I'm free Wednesday after six. The following day, he sends you a text saying, "Good girl"...

A. Yes.

Q. ...right? Okay.

... OBJECTION BY MR. SOSA.

... SUBMISSIONS BY COUNSEL.

25

R E C E S S

U P O N   R E S U M I N G:

... LEGAL ARGUMENTS - NOT REQUIRED.

30

... WHEREUPON THE MATTER IS ADJOURNED.

52.  
Certificate

FORM 3

ELECTRONIC CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

***Evidence Act***

5

I, Janet Smith, certify that this document is a true and accurate transcript to the best of my skill and ability (and the quality of the copy of the recording and annotations therein) of the recording of Rex v. James Densmore in the Superior Court of Justice at HAMILTON, ON, taken from Recording No: 4799 608 20240416 093445 10 KRAWCHJ.dcr which has been certified in Form 1.

15

20

May 21, 2024

Date



Signature of Authorized Person  
Janet Smith  
ACT # 2474492821  
Signed in Ontario, Canada

25

A certificate in Form 3 is admissible in evidence and is proof, in the absence of evidence to the contrary, that the transcript is a transcript of the certified recording of evidence and proceedings in the proceeding that is identified in the certificate.

30