

IN THE SUPREME COURT OF BRITISH COLUMBIA
(BEFORE THE HONOURABLE MR. JUSTICE VOITH and JURY)

Vancouver, BC
September 5, 2019

BETWEEN:

HIROKO D. CRAWFORD also known as DONNA CRAWFORD

Plaintiff

AND:

PROVIDENCE HEALTH CARE, DR. ANNA NAZIF

Defendants

AND:

NICHOLAS OSUTEYE, PROVIDENCE HEALTH CARE, DR. ANNA
NAZIF

Third Parties

PROCEEDINGS AT TRIAL
(Day 3)

COPY

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PROCEEDINGS AT TRIAL
SEPTEMBER 5, 2019
(DAY 3)

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September 5, 2019
Vancouver, BC

(Day 3)

(PROCEEDINGS COMMENCED AT 10:00 A.M.)

THE CLERK: Order in court. In the Supreme Court of British Columbia at Vancouver on this 5th day of September, 2019. Calling the matter of Crawford versus St. Paul's Hospital, My Lord.

THE COURT: Yes. Thank you.

THE BAILIFF: Are we ready for the jury, My Lord?

THE COURT: We are, yes. Thank you.

THE BAILIFF: The jury, My Lord.

(JURY IN)

MS. KOVACS: My Lord, the plaintiff is ready to call her next witness, and that is Mr. Nicholas Osuteye. I'll just ask Ms. Gill if she bring the witness in. And I'm going to ask questions from the podium. I just think it may be less distracting and open up the courtroom a bit more.

NICHOLAS ALEXANDER
NORTEY OSUTEYE, Third
Party, affirmed.

EXAMINATION IN CHIEF BY MS. KOVACS:

Q Mr. Osuteye, you are the named third party in this lawsuit?

A Yes, I am.

Q Your date of birth is June 22nd of 1977?

A Yes, that is correct.

Q That makes you how old today?

A I am 42 years old.

Q I understand you were born in Ghana, West Africa?

A I was born in Ghana, yes.

Q And how old were you when you moved to Canada?

A Oh, I think I was three and a half, four years old to the best I can remember. I was quite young.

Q I take it you're a Canadian citizen?

A Yes, I am.

Q How old were you -- sorry. When you moved to Canada, where did you settle?

A We settled in the south side of Edmonton by Sweet Grass Elementary School. It was just in the south -- in the south side by Heritage Mall.

Q All right. And if you could tell me a little bit about your family of origin; so your mom and dad. My dad's name is Nicholas, and my mom's name is Mercy, and they're both from Ghana. And I have two brothers, Brian and Michael.

Q And tell me a little bit about your dad. I understand he's now deceased?

A Yes, he passed away in 2008.

Q Was he an educated man?

A Yes, he was. He was a computer systems analyst.

Q Do you have any understanding of what his education level was, what degrees he had?

A I think he had a master's in computing sciences. I can't recall.

Q All right. And so he worked in computing sciences; is that right?

A Yes, he did.

Q Do you know who he worked for before retirement and before he passed away?

A He worked for AGT when he came to Canada. Alberta Government Telephones. That was the main telephone company. And after that -- what's it called -- after they privatized, they became Telus. He worked for IBM. And then he got lay -- lay -- he got laid off from IBM shortly after he got cancer. And he finally, before he passed away, he worked for a company in Hawaii. I don't remember the name.

Q Okay. And your mom, Mercy, she worked I believe for the University of Alberta. Can you tell me a little bit about your understanding of that.

A Yes. She worked for the U of A first in health services and then after, she moved to human resources.

Q So both your parents worked as you were growing up?

A Yes, they did. And my mother also worked part-time jobs for Lifeline and Good Samaritan.

Q All right. I understand when you were younger you did a bit of help selling Avon products, is that right, with your mom?

A Yes, that's accurate. I would take the Avon books around for my mom in our area. It is about a four-block area, about 100 houses, and when --

when -- when she was at the peak of her Avon and I would take the books to those houses, and if she was going to drop off orders, I would go with her and I would drop them off at the houses.

Q And so you have two brothers and -- sorry, their names again?

A Michael and Brian.

Q Okay. And are they older or younger?

A Michael is 41 this September, and Brian is, I think, 29 -- almost 30.

Q So they're both younger than you?

A Yes.

Q You're the big brother?

A Yes, I am.

Q All right. And so you mentioned Sweet Grass Elementary School was -- you lived nearby that school. Is that where you went to elementary?

A I went to elementary school at Sweet Grass Elementary School, yes.

Q How would you describe your childhood just generally?

A My childhood was very -- was nurtured. It was -- my parents always provi -- provi -- provided for us. We never went a day with -- with -- with -- without three meals a day. My father was strong on education. He would always tell -- he -- he -- he -- he would always tell us that these other kids were not as smart as us, that we had potential to do and become whatever we wanted -- if we wanted -- wanted to become a scientist, a doctor, a lawyer, anything.

Q All right. And what kind of activities did you enjoy as a child?

A As a child I enjoyed playing, with friends, soccer and basketball. I enjoyed going for bike rides. I was in Beavers and Boy Scouts. I also did a year of karate, and I also did figure skating.

Q Figure skating?

A Yes.

Q All right. And did you play any musical instruments?

A I played the trumpet in junior high.

Q And generally how were you academically when you were in school?

A I was -- I was I think an above-average student. Like, in courses like biology and social studies

-- and social I had high marks. And in courses like English and math I had average marks.

Q Now, I've noticed that you have a stutter, and that's already been discussed at some length in these proceedings, but can you tell me about when you first knew you had a stutter?

A I have been stuttering for pretty much my whole life. I began to see a speech pathologist in junior high -- what's it called -- in elementary school and I saw her for about I think from grade 2 to grade 6. And then I went for speech therapy at ISTAR when I was in -- in the summer of grade 7. And I went for three weeks and then after I didn't do much with it until I began at the U of A where I went on and off throughout my U of A.

Q So what is ISTAR?

A ISTAR is the Institute For Stuttering Treatment and Research.

Q So you went to them both in elementary school as well as while you were going to university?

A In junior high and university.

Q I see. Okay. And did you also do some volunteer work with them?

A Yes, I did. At ISTAR I did -- it wasn't motivational talking but it was more life experience talking. They would ask me to talk with the clients who were going through speech therapy about just my experience with speech therapy and being a stutterer and just things I did to maintain my speech fluency, the techniques I would use, the challenges I face. I would always tell them that despite -- when you're sitting in restaurants, it's a very comfortable environment, like, you have this natural speech fluency, but I would make sure to tell them that despite I sound absolutely fluent in front of you, that -- that every day I had to do my speech routines and that I would have moments where I would have bad speech and good days and bad days, but it was all part of the process to, I guess, control your speech and learn about yourself.

Q And I understand in high school you had a bad accident. Can you tell me about that.

A Yes. When I was 18, I was at a hall party with friends and we were play fighting as guys usually do. We were just play fighting. And I got picked up and I slipped through my friend's hands

5

1 and I landed right on the top of my head and I --
2 and my spine went from this to this. It jumped
3 out of its bones. Yeah.
4 Q And I just want to describe what you're doing for
5 the record there, just because we couldn't -- it
6 doesn't translate --
7 A Oh, it's just from this to this to -- to -- to --
8 to --
9 THE COURT: Mr. Osuteye, what your lawyer is
10 describing to you is all of this is being taped.
11 THE WITNESS: Oh.
12 THE COURT: And when you go "like this, this, this,"
13 that just shows up on the tape as "this, this,
14 this," and no one with that tape when the
15 transcript is reviewed at a later date would have
16 a sense of what that means. So often counsel
17 will describe for the record simply what you
18 physically are describing.
19 THE WITNESS: Okay.
20 THE COURT: And that happens with many witnesses
21 they're describing something physically that
22 occurred, "he held his hand like this," and that,
23 on the tape, is meaningless.
24 THE WITNESS: Oh.
25 THE COURT: So counsel will then say what I see is
26 some activity and everybody looks at that and
27 goes, yeah, that sort of roughly described it.
28 So --
29 THE WITNESS: Oh, okay.
30 THE COURT: -- in this case over to counsel who will
31 describe for us what you did.
32 MS. KOVACS:
33 Q I'll describe it for you and you can tell me if
34 you agree with my description, but what I see you
35 doing is sort of that your spine basically
36 fractured or broke in some way or dislodged; is
37 that right?
38 A Yes, that is accurate.
39 Q All right. And so in your C-spine, your cervical
40 spine, you actually had -- you broke your neck?
41 A That's essentially what I did.
42 Q All right. Okay. And so how did that affect
43 your high school graduation?
44 A It delayed it by a year in that I was in a neck
45 brace for about a year and I -- and it was like I
46 was in pain so I really couldn't fo -- focus on
47 my schoolwork, and it delayed it by a year.

6

1 Q Despite that delay in your high school
2 graduation, were you able to go on to any
3 post-secondary schooling?
4 A Yes, I was. I attended high school upgrading at
5 Alberta College where I redid my English and my
6 mathematics and chemistry. I was pretty -- I was
7 pretty successful in that in the high school
8 diploma exams I got one question wrong on my
9 chemistry exam. I got everything absolutely
10 100 percent but one question.
11 Q So you got 99 percent on that exam?
12 A I think it was 98 percent or 96, yes.
13 Q Now, so where did you go after upgrading at
14 Alberta College?
15 A After -- what's it called -- after Alberta
16 Coll -- Coll -- College, I went to the University
17 of Alberta, and I began a degree in chemistry,
18 and then I switched to environmen -- men -- men
19 -- mental conservation sizes.
20 Q Can you tell us roughly the time period so that
21 we can keep track of the chronology here? What
22 year did you go into University of Alberta?
23 A I began in September of 1999 and I finished in
24 April 2005.
25 Q And when you were in your undergraduate degree,
26 can you tell me a little bit about what you felt
27 about that or did you enjoy it?
28 A Oh, it was -- at first it was challenging. I was
29 having to study. I was doing five courses, and
30 it was challenging, but as time progressed, I was
31 able to get my study -- my study -- my study
32 habits down and I got into the routine, and it's,
33 like, in my final year of uni -- uni --
34 university, I was a straight A student.
35 Q All right. And what I'd like to do actually is
36 take you to your transcripts. And so you have a
37 binder in front of you that's marked Exhibit A?
38 A Yeah.
39 Q And so I'll have you turn to tab 3. And you'll
40 see there are five pages there, four pages of
41 what appear to be transcripts and then a sort of
42 index or a page that tells us what's what. Do
43 you have that before you?
44 A Yeah.
45 Q Okay. And so if we look at the last page first,
46 I understand the University of Alberta went
47 through a change in how they applied grades.

7

1 They went from a 9-point scale to a regular
2 letter grading system?
3 A They went from a 9-point scale to a 4 -- to a
4 4 -- to a 4 point -- to a 4-point scale, yes.
5 Q Right. And so just looking at the bottom half of
6 this fifth page, it sort of gives us some
7 acronyms and what they mean in the transcript; is
8 that right?
9 A Yes.
10 Q All right. So if we go back to the first page,
11 you started in the fall term of 1999 in a
12 bachelor of science general studies?
13 A Yes.
14 Q All right. And just to orient ourselves, that's
15 your name at the top there, Nicholas Alexander
16 Osuteye?
17 A Yes, it is.
18 Q And it's your home address of 2739 - 41st Street
19 Northwest?
20 A Yes, it is.
21 Q That's your family home?
22 A Yes.
23 Q Okay. And then looking down the page, I don't
24 want to try and decipher some of these marks
25 because I understand what when it says grade
26 remark, the third column over, that's still on
27 the 9-point scale; is that right?
28 A Yes, it is.
29 Q And you said some of it was challenging, so I
30 take it not all of your grades were fantastic in
31 the first couple of years?
32 A No, my grades weren't fantastic in the first few
33 years. And I had -- what's it called -- average
34 marks in chemistry and English, which in a way I
35 didn't like too well, but essentially my grades
36 were okay in math also.
37 Q You kept going?
38 A I kept going.
39 Q All right. And if we turn the page over to page
40 2 of the transcript, you can see that you
41 attended the winter term of 2001, fall term of
42 2001, and then you've got winter and fall of
43 2002, and there seems to be a general improvement
44 in your grades as you head on; is that right?
45 A That's accurate.
46 Q Okay. And if we look to the winter term of 2003,
47 in the third column, looks like you've taken some

8

1 economy classes?
2 A Yes.
3 Q And an environmental science class?
4 A Yes.
5 Q And it looks like you got a couple of 8s for the
6 first time?
7 A Yes, exactly.
8 Q An 8 out of 9, are you able to tell us what that
9 would correspond to as a letter grade?
10 A An 8 out of 9 on this record it shows -- oh, it's
11 not here. An 8 is about an A minus, I think.
12 Q Right. And if we were to look at page 5, it
13 explains the 9-point grading system, and an 8 it
14 says excellent; whereas a 9 is outstanding?
15 A Yes.
16 Q But you had received at least two excellent
17 grades by the winter term of 2003?
18 A Yes.
19 Q Now, things get a little bit easier to interpret
20 when we turn the page over to page 3, and the
21 university has switched to a letter grading
22 system. So if you look at the fall term of 2003,
23 can you tell me what courses you were taking by
24 then?
25 A I was taking mostly economics and agri -- and
26 agri -- and agricultural economics.
27 Q And it looks like you had three agricultural
28 economic courses and you got 2 Bs and an A?
29 A Yeah.
30 Q And then there's an economics class it looks
31 like -- I'm going to assume that's applied math
32 and there's a "W" there. What does that mean?
33 A That means that I withdrew from that course, yes.
34 Q And then it looks like you took a math course and
35 you didn't do so well in that one?
36 A Yeah. No, math was -- math is not my strongest
37 course in that I can teach myself math, I can do
38 the math, but it's doing it in a time-exam
39 fashion. I struggle with math. Like, I -- like
40 I said, I can pick up a calculus book and I can
41 teach my -- myself everything in the book. But
42 it's when I have to do it in three hours and it's
43 timed and you don't -- and it's down to the
44 crunch, I make a lot of mistakes, but I
45 understand the math.
46 Q Okay. So looking at the winter term of 2004,
47 you've done pretty well?

9		11	
1	A Yes.	1	between two courses which I had to TA; whereas
2	Q Five courses, full course load, looks like three	2	most of the grad students they had one course.
3	A minuses and two As?	3	So I was stretched quite thin.
4	A Yes.	4	Q So you were feeling tired you said?
5	Q Top of the class?	5	A Yes.
6	A Yeah.	6	Q And you had issues with your appetite?
7	Q Pretty happy with yourself at that point, I take	7	A Yes.
8	it?	8	Q Were you having trouble with sleep?
9	A Very happy.	9	A A little bit, yes.
10	Q All right. Now, heading on to fall term of 2004,	10	Q Stress?
11	you got a couple of decent grades again but looks	11	A I was pretty stressed out, yes.
12	like you got a C-minus in organic chemistry and a	12	Q And were you having any other symptoms at all
13	D-plus in applied math. So you were struggling	13	during this period of time?
14	again in those math-type courses; is that right?	14	A No.
15	A Yes.	15	Q So what happened in the winter term of 2006,
16	Q And then you keep going for winter term of 2005;	16	then? It says "maintaining registration" at the
17	you're only taking three courses, though?	17	top of page 4. What happened then? Because
18	A M'mm-hmm.	18	below, it says "voluntarily withdrew from
19	Q So that's when you graduated, after the winter	19	program." What happened, to your recollection?
20	term in 2005?	20	A I was just completely stressed out. I just
21	A Yes.	21	couldn't do the master's. I was -- I -- I -- I
22	Q You had enough credits to get your bachelor's	22	-- my supervisors had asked me to withdraw, so I
23	degree?	23	just voluntarily withdrew.
24	A Yeah.	24	Q They asked you to withdraw?
25	Q Did you attend a convocation ceremony?	25	A Yeah.
26	A Yes, I did, and it was really good.	26	Q How did that make you feel?
27	Q Full cap and gown?	27	A I felt dejected. I felt that -- I felt that I
28	A Full cap and gown. My mom was there and my dad	28	had put so much of myself and my goals into the
29	was there and it was fantastic.	29	master's that I really didn't know what to do
30	Q It's a strong accomplishment for you?	30	with myself.
31	A Oh, I was so ha -- happy when I walked on stage	31	Q So we're going to leave the transcript for a
32	that one of the professors who my mom knows and	32	little bit because it looks like winter term of
33	who my mom knows and I talk -- talk -- talked to	33	2006 and then there's a fall term of 2009, so you
34	him a few times in the hallway, I actually hugged	34	weren't involved at the university between
35	him on stage.	35	winter/spring of 2006 until 2009; is that right?
36	Q So then you applied for a master's program. You	36	A Yes.
37	weren't ready to be done with schooling; is that	37	Q So let's talk a little bit about that I'm going
38	right?	38	to call it the 2006/2009 gap years. What
39	A Yeah.	39	happened after you were asked to withdraw from
40	Q So tell me about your plans to go into a master's	40	the program? What did you do with yourself?
41	program.	41	A I tried to find work. I tried to find work just
42	A My plan to go into a master's program, when I was	42	to be employed. I was applying for jobs online
43	in what's called -- when -- I was in my	43	and I was also -- and I also worked for my
44	undergrad, I was -- I was a -- I was a	44	neighbour for a little bit. Not much. It was
45	research -- a research assistant for the	45	only a couple of jobs.
46	department chair, and I had done some re -- some	46	Q What kind of jobs were you doing for your
47	re -- re -- re -- some research for her and	47	neighbour?
10		12	
1	another prof, and my plan was to -- to focus on	1	A He did -- he did air conditioning and heating and
2	socially responsible products; so carbon pricing,	2	hot water tanks, so I helped him at his job -- at
3	organic environmentally friendly goods, fair	3	his job sites.
4	trade, things that had a social -- things that	4	Q So you went from doing --
5	had a so -- so -- a socially responsible aspect	5	A I was a labour helper.
6	to it.	6	Q Right. I was going to ask you that. So you went
7	Q So you were interested in sort of the ethical	7	from doing academia to being a labour helper for
8	angle of environmental economics?	8	an air-conditioning person?
9	A Yes, exactly, that's true.	9	A Yes. And then also I worked -- and also I worked
10	Q So you started in the fall term of 2005, and you	10	a little bit of re -- re -- re -- retail for
11	were working as a research associate as well, and	11	Canadian Tire and the Boutique of Leather, which
12	how did you find the master's program?	12	was a leather goods store in that they sold coats
13	A It was very challenging in that I was TAing	13	and boots, gloves, mo -- mo -- mo -- motorcycle
14	two -- in that I was a teaching assistant for two	14	apparel, yes.
15	courses, whereas most -- where -- where --	15	Q I understand you also worked for the Goodwill.
16	where -- where -- whereas everyone else as I knew	16	What is the Goodwill?
17	it was a TA for one course. Two professors, my	17	A The Goodwill is a charity. It's all over North
18	supervisors, had decided to split my time between	18	America I believe, and they spend -- and their
19	them. So instead of being a TA for one course, I	19	focus is adults with developmental disabilities;
20	was a TA for two courses. And I also had my	20	so basically adults who are lower functioning and
21	course load to do too, so I was stretched pretty	21	they just need assistance. So what they do is
22	thin.	22	they take second-hand clothes, they're like --
23	Q And did that affect your marks?	23	they're like Val -- they're like Value Village --
24	A Yeah -- yeah -- yes, it did, because each course	24	they take second-hand clothing and they resell
25	had about 20 students in it and it's like almost	25	them and how -- books and household items they
26	every other week I was grading assignments or --	26	resell them and the money goes to help adults
27	and every week I had to hold office hours, so I	27	with -- what's the -- with disabilities.
28	was holding probably about six to eight hours of	28	Q What exactly were you doing for the Goodwill?
29	office hours a week and spending about 20 hours a	29	A I was donations attendant in that I would help at
30	week, about -- about 20 physical hours a week	30	the site. When somebody brought in a do -- do --
31	where I would grade assignments on top of	31	a donation, I would receive that, and if they had
32	my -- my -- my master's work. So I was, like,	32	any questions about what the good -- good --
33	trying to hold down a part-time job and deal with	33	Goodwill did, I would answer them.
34	the master's.	34	Q And I understand after you left your master's
35	Q And if we look at the bottom of the page of your	35	program that you also worked for the Cameron
36	transcript at page 3 and over to page 4, it looks	36	Library which is on the U of A campus; is that
37	like you did two semesters in your master's	37	right?
38	degree; is that right? In the second semester it	38	A Yes, right after I left my master's in 2006, I
39	just says "maintaining registration." So was it	39	worked at the technology training centre. I was
40	really just one semester?	40	part of student business -- the student business
41	A Yeah, just one semester.	41	advisor program -- student -- student
42	Q And looks like you got a C-minus and a C-plus and	42	connections. And what that was it -- they
43	a D-5. How were you feeling physically during	43	train university students to teach courses in
44	this period of time?	44	internet use and optimization Google software
45	A I was stretched pretty thin. I was tired. I	45	like Word, Excel, and PowerPoint, things that
46	wasn't sleeping that well. My appetite had begun	46	businesses would use and also -- and also -- and
47	to go. I was -- I was basically being pulled	47	also those in the community life -- life of

13
1 seniors. I was just part of the whole part --
2 set up the program. I didn't actually teach
3 anything.
4 Q How long were you there?
5 A I was there for 10 months, from February 2006 to
6 October 2006.
7 Q Why did you leave that job?
8 A I had withdrawn from my master's and I didn't
9 want to be at the U of A campus. I had spent --
10 I had put so much of myself into my master's,
11 just my goals, it was just -- it depressed me
12 that I would walk around and see my old
13 classmates as they were moving ahead and seeing
14 everybody progress where -- where -- where --
15 where -- where -- whereas I had to leave my
16 mast -- leave, so I didn't want to be on the U of
17 A -- on the U of A campus. I actually left the
18 job right after I had signed a new contract.
19 They had asked me if I would sign a new contract,
20 and I signed a contract I think about a month
21 before I left the job.
22 Q Now, you mentioned you were feeling depressed. I
23 mean, were you feeling physical symptoms at that
24 time?
25 A No, it wasn't depression. It was just, like,
26 crest -- crest -- crestfallen, if that makes any
27 sense, but -- yeah.
28 Q Crestfallen. Now, I understand you lost your
29 father to lung cancer, and that was in February
30 of 2008?
31 A Yes, that is correct.
32 Q How did you handle his passing?
33 A It was devastating. It was devastating in that
34 some -- in that someone who had been such a rock
35 in my life was gone and I didn't know what to do.
36 Q Do you recall feeling unwell around that time?
37 A I didn't recall feeling unwell at that time but I
38 was depressed. I was -- I -- I was withdrawn. I
39 was withdrawn. I didn't talk to anybody, my
40 friends or anything. I just -- I didn't talk to
41 my own family. I isolated myself.
42 Q You were isolated?
43 A Yeah.
44 Q I understand your family, including your mom and
45 your brothers, went on a trip back to Ghana for a
46 memorial for your dad?
47 A Yes.

14
1 Q You didn't go?
2 A No, I didn't go.
3 Q Why not?
4 A I just couldn't handle it. I just didn't want to
5 remind -- a remind -- I didn't want -- what do
6 you call -- call -- call -- I didn't want another
7 remind -- reminder that he was gone. I just
8 wanted -- what it's called -- isolate my --
9 myself from everyone and everything.
10 Q All right. So now, later in 2008, I understand
11 things started to change for you in terms of how
12 you were feeling. Can you tell me about that?
13 A Yes. I wasn't sleeping. I wasn't eating that
14 much at all. I was depressed. I was moody. I
15 was agitated.
16 Q What do you mean by "agitated"?
17 A I would be short with -- with -- with -- with --
18 with other people. I think around that time I
19 began to hear in the house high-pitched noises.
20 I was starting to hear a high-pitched noise in
21 the house which I couldn't explain. I went to
22 the doctor and asked him about that, and he had
23 told me it was tinnitus, that -- that -- that
24 condition where you hear noise all the time,
25 yeah.
26 Q You were diagnosed with tinnitus when you went to
27 the doctor?
28 A Yes.
29 Q Now, I understand in Christmas 2008, or around
30 there, there was an event. Can you tell me about
31 that?
32 A Which event are you specifically --
33 Q Something about wanting to see a rabbi. What can
34 you tell me about that?
35 A I don't know. I just woke up on Christmas Day
36 and I was like, I have to see a rabbi.
37 Q Why?
38 A I don't know. I just had to see a -- what's
39 called -- a rabbi. So I asked my -- so my
40 brother -- what's it called -- to drive me to the
41 synagogue downtown. And we drove there and there
42 was nobody there. The synagogue was closed on
43 Christmas Day. And there was a rabbi -- a rabbi
44 -- I think he was, I assumed he was. I didn't
45 know if it was. It was just the house next to
46 the -- I was going to say -- to the -- to the
47 synagogue. And I rang the door -- door --

15
1 doorbell and there was nobody there, so I got
2 back in the car. And I couldn't understand why
3 there was nobody there.
4 Q You're not Jewish, are you?
5 A No.
6 Q And, in fact, you were raised in a Christian
7 faith; is that right?
8 A Yes.
9 Q What prompted you to want to go see a rabbi?
10 A I can't explain it. I just woke up that day and
11 was, like, I need to see a rabbi.
12 Q Were you hearing any voices at this point in
13 time?
14 A I was hearing the high pitch -- what's called --
15 the high-pitched noi -- noi -- noises, and at
16 that time I had begun to -- I had begun to talk
17 to myself periodically, and I'd walk around with
18 my hand on my ear like I had a cellphone and --
19 and people would ask me what are you doing, and
20 I'd be, like, I'm singing to myself, or I'd just
21 blow it off, like, oh, nothing.
22 Q So I just want to describe for the record what
23 you were just doing. You raised your left arm
24 and sort of the heel or the base of the palm of
25 your left hand you stuck against your ear with
26 your hand sort of in the air?
27 A Yes.
28 Q All right. So that's what you would do. Would
29 you tilt your hand as well like you did in the
30 stand?
31 A Yes.
32 Q All right. And when you held your hand to your
33 ear, were you talking or listening?
34 A I think I was trying to just either -- well, I
35 think I was trying to block out the noise or I'd
36 be talking to myself.
37 Q What were you saying to yourself? Do you know?
38 A It was un audible. Some -- some -- sometimes it
39 would be stuff like what's going on or who are
40 you or -- and things like -- like that, but it
41 wasn't a whole -- it wasn't a whole conversation.
42 Q Were there any voices talking to you when you had
43 your hand to your ear?
44 A Once in a while I might hear a voice, a child's
45 voice or else a woman's voice, but it was really
46 not all the time, once in a while.
47 Q So this is, at this stage, around Christmas 2008?

16
1 A Yes.
2 Q Now, I understand in January of 2009 there was an
3 incident at the airport. Can you tell me about
4 that?
5 A Yes. I woke up that day absolutely in agitated
6 state. My thoughts were racing. I was hyper --
7 I was -- I was walking around the house. I was
8 home by myself. And I just got this compulsion,
9 these voi -- voices in my head saying to leave
10 town, that there was a plane -- that you have to
11 go get the plane ticket at the airport and leave
12 town. So I think I jumped in a cab with --
13 with -- with a little bit -- bit of m -- m -- m
14 -- money I had and I went to the airport. I went
15 to the airport -- the airport counter and asked
16 them if they had a plane tick -- tick -- ticket
17 for me. I gave -- I gave -- I gave them my name.
18 They said there was no ticket, and I couldn't
19 understand why there was no plane ticket there.
20 Q So you thought there was a plane ticket waiting
21 for you at the airport?
22 A To go -- what's it called -- anywhere in the
23 world.
24 Q To go anywhere in the world?
25 A And I went to the airport with no bags or
26 anything, just -- just the clothes -- just the
27 clothes I had on, and I thought that there was a
28 plane ticket -- there was a plane ticket for --
29 what's it called -- anywhere in the world, yes.
30 Q All right. What happened next?
31 A I called my mother and I asked her if she would
32 get me a plane ticket; I was at the airport. And
33 she said, hold on, where are you? Just hold on;
34 let's talk about this. And I'm, like, no, I need
35 a plane ticket -- I need a plane ticket. And the
36 next thing I know my brother show -- show --
37 showed up at the airport. We got in the car and
38 I was talking to myself, I guess. I had my hand
39 on my ear and I was talking to myself, listening
40 to some voices. And he drove me to the U of A
41 hospital I think it was.
42 Q Do you remember talking to yourself on that ride?
43 A Yes.
44 Q And you remember being at the airport?
45 A Yes.
46 Q So you remember it all? You can think back and
47 say, I remember every single moment during that

17
 1 process?
 2 A I remember most of it, yes.
 3 Q And when you say "most of it," what do you mean
 4 by that?
 5 A There's -- there's parts which are gaps in that I
 6 remember I got to the U of A hospital and I was
 7 in the waiting room, in a hospital room, and next
 8 thing I know I'm at the Grey Nuns Hospital.
 9 MS. KOVACS: Now, My Lord, my apologies. I'm going to
 10 have you look at Exhibit A again. And so we were
 11 last on tab 3. And I'd like to mark that as an
 12 exhibit because I didn't do so when we were on
 13 it.
 14 THE COURT: Mr. Meadows, that's fine, is it?
 15 MR. MEADOWS: I have no objection.
 16 THE COURT: That's the next exhibit, then.
 17 THE CLERK: Exhibit 7, My Lord.
 18 THE COURT: Yes.

**EXHIBIT 7: Five pages of the University of
 Alberta transcript of academic record of
 Nicholas Alexander Osuteye, date of issue
 April 20, 2018; common book of documents tab
 3**

19
 20
 21
 22
 23
 24
 25
 26 MS. KOVACS:
 27 Q Mr. Osuteye, I want to turn to tab 4 now. And
 28 there's a set of records here. They are numbered
 29 1 through 10. Do you have that before you?
 30 A Yeah.
 31 Q And you'll see at the top of the first page it
 32 says -- and it says "scanned." It's stamped
 33 over, but it says "University of Alberta Hospital
 34 outpatient chart." Do you see that?
 35 A Yeah.
 36 Q Top left?
 37 A Yeah.
 38 Q And below that it says registration date and
 39 time, it says the 6th of January, 2009, at 2107
 40 hours. You see that?
 41 A Yeah.
 42 Q And I just want to turn to page 2. This is a
 43 very similar record. It's got the same logo for
 44 University of Alberta Hospital is at the top
 45 left?
 46 A Yeah.
 47 Q And you'll see the registration date and time is

18
 1 January 7th of 2009 at 2122. Do you see that?
 2 A Yeah.
 3 Q Now, if we turn back to the first page and we go
 4 down below the section that says "do not write in
 5 this area," my interpretation of what it says, it
 6 states:
 7
 8 Hasn't had a full night sleep times two
 9 weeks. States slept approximately four
 10 hours times two days ago. Appears very
 11 tired at this time. States hears a
 12 high-pitched noise in house and can't find
 13 same.
 14
 15 A M'mm-hmm.
 16 Q And if you go down to the -- well, there's --
 17 into the next section about five lines -- well,
 18 first line it says "past one month sleeping
 19 poorly." Do you see that?
 20 A M'mm-hmm. Yes, I do.
 21 Q And another four lines down from that, it says
 22 "feeling mildly depressed past few months."
 23 A Yeah.
 24 Q Was that accurate?
 25 THE COURT: Are you asking if that's what it says or
 26 does that accurately capture it?
 27 MS. KOVACS: I'll ask the latter.
 28 THE COURT: Please.
 29 MS. KOVACS:
 30 Q Does that accurately capture what you've reported
 31 on this report? Do you remember this visit?
 32 A I don't remember the physical visit, but if this
 33 is what's here, then yeah, that's what I said.
 34 Q You have no reason to disagree with the record?
 35 A No.
 36 Q And look at the very bottom, says "final
 37 diagnosis anxiety." Now, when we compare this
 38 first page to the second page, do you recall what
 39 date it was that you were at the airport and your
 40 brother took you to hospital?
 41 A I don't know the exact date, no.
 42 Q Do you recall going to hospital the day before?
 43 A No.
 44 Q You have no recollection of that?
 45 A No.
 46 Q But you have no reason to disagree with a record
 47 that shows you were there?

19
 1 A No, I don't.
 2 Q So if we turn over to page 2, then, the
 3 January 7th record, you'll see under the "do not
 4 write in this area," it says "patient brought in
 5 by mother." You were with your brother, though;
 6 right?
 7 A Yes.
 8 Q Did your mother somehow come along for the ride?
 9 A I think she was at the hospital when I got there.
 10 Q She met you there?
 11 A Pardon?
 12 Q She met you there?
 13 A I think so, yes.
 14 Q When you say "I think so," do you have a memory
 15 of that?
 16 A Not really, no.
 17 Q So is this part sort of hazy in your memory?
 18 A Yes.
 19 Q And it says, second line down:

Went to airport today to buy a ticket to
 Calgary to see a doctor.

20
 21
 22
 23
 24
 25
 26 Do you recall wanting to go to Calgary to see a
 27 doctor?
 28 A No, I don't.
 29 Q What do you recall of the admission to the
 30 University of Alberta Hospital?
 31 A I just recall being brought into the hospital. I
 32 was sitting in a room and then next thing I know
 33 I'm on a stretcher going to, I think, the Grey
 34 Nuns Hospital.
 35 Q So you were transferred to the Grey Nuns Hospital
 36 at some point?
 37 A If I recall, yes.
 38 Q So just before we head to those records, I just
 39 want to go through a couple of other entries that
 40 are in this package of documents before the
 41 break. So you'll see there are a number of pages
 42 up to page 10 beyond those two admission records?
 43 A Yes.
 44 Q The tenth page, though, if I could have you turn
 45 to that.
 46 THE COURT: Page what? I'm sorry.
 47 MS. KOVACS: Page 10.
 THE COURT: Yes. Thank you.
 MS. KOVACS:

20
 1 Q I can't really read the name there, but there's a
 2 physician Curtis -- maybe Rasuka. Do you recall
 3 seeing a Dr. Rasuka at the emergency at the
 4 University of Alberta Hospital?
 5 A I -- I -- I -- I recall I think I saw a
 6 doctor, yes, but I don't know his name.
 7 Q Do you recall being told that they were admitting
 8 you under a certificate of some kind?
 9 A I don't recall that, no.
 10 Q Now, I just briefly want to go through some of
 11 this section and we're going to jump around a
 12 little bit here, unfortunately, because of the
 13 records, but --
 14 A Okay.
 15 Q And we're going to get to the Grey Nuns bit in a
 16 moment after the break, but I just want to talk a
 17 little bit about this section. So after Grey
 18 Nuns -- and we'll talk about the details later,
 19 but after Grey Nuns I understand you had some
 20 contact with mental health providers at the
 21 University of Alberta; is that right?
 22 A Yes, at the U -- at the U -- at the U of A
 23 hospital.
 24 Q So now, my friends and I have agreed to these
 25 documents going under this tab, but there are a
 26 number of dates, but it's all from the U of A
 27 medical hospital, but I just want to look to some
 28 of the dates in here because they're post the
 29 Grey Nuns admission; okay? So if we look at
 30 page 3. Do you have page 3 in front of you?
 31 A Yes, I do.
 32 Q Do you recall seeing a Dean Brent Cave?
 33 A Dean Brent Cave?
 34 Q Dr. Cave?
 35 A No.
 36 Q Do you recall going to the clinic after your
 37 first admission to Grey Nuns and asking for
 38 risperidone?
 39 A Oh, what I recall about the U of A was I had gone
 40 to the U of A hospital prior -- I had gone to the
 41 U of A hospital and I had told -- told -- I can't
 42 remember what I told the doctor -- the hospital
 43 doctor, but he had said that I should go to the
 44 outpatient psych -- psych -- psych -- psych --
 45 psychiatry, and that's when I was put in contact
 46 with Murray Goodwin.
 47 Q Okay. And in fact, Murray Goodwin's name is

21
1 referenced in here under the second entry. It
2 says "psychiatrist Murray Goodwin" a few lines
3 down. Do you see that?
4 A Where is that?
5 Q If you just look under the next entry of
6 March 12th, 2010, with Dr. Burnadas?
7 A Yeah.
8 Q And if you go down a few lines, it says
9 "psychiatrist Dr. Murray Goodwin"?
10 A Yeah.
11 Q So you were under Dr. Goodwin's care?
12 A Yes.
13 Q Okay. But you would go into the outpatient
14 clinic at U of A and ask for risperidone; is that
15 right?
16 A Yes.
17 Q And just to briefly review some of these records,
18 when you -- and maybe you can speak from
19 memory -- when you asked for risperidone refills
20 in or around 2010, so a year after your admission
21 to Grey Nuns, why were you asking for refills?
22 A Because -- because I would be off and on
23 risperidone. I wasn't taking -- I wasn't
24 taking -- take -- I wasn't -- I wasn't taking --
25 I didn't take it regularly, but I would hear some
26 voices or I'd have ray -- ray -- racing thoughts
27 and I would take it for a bit until the voices
28 and thoughts went -- went away and then I'd stop
29 taking it, and then I'd take it for a bit and
30 stop taking it. So in the year after the Grey
31 Nuns Hospital, I think I also got risperidone
32 from the health clinic down the street from my
33 house where I would just go in and they'd ask me
34 what it's for and I would say things like I just
35 have anxiety or mild schizophrenia or something
36 like that.
37 Q Mild schizophrenia?
38 A Yeah, mild schizophrenia. That's how I -- that's
39 how I -- that's how I -- that's how I framed it
40 back then. Before I gained more insight, I would
41 frame it as mild schiz -- schiz -- schiz -- I'd
42 frame it as mild schizophrenia, when now I know
43 there's no such thing as mild schizophrenia.
44 It's like diabetes or -- what else is called --
45 HIV or AIDS where you don't have a mild case of
46 HIV; you don't have a mild case of diabetes. But
47 I would frame it to -- what's it called -- to

22
1 what somebody -- to what's called minimize, I
2 guess, the reality of it.
3 Q Why?
4 A I didn't want to be that stereotype. I
5 thought -- that one, I thought it was a
6 conspiracy against me the whole diagnosis, and I
7 didn't -- and I saw schizophrenia, just you hear
8 the term "schizophrenia" and you're like -- and
9 you think what you see on TV or dramatized in --
10 in -- in Hollywood somebody who's talking to
11 themselves who's -- who's -- who is completely
12 not there.
13 Q You didn't want to be that?
14 A No.
15 Q Just looking down the page, it says:
16
17 Last semester did not do too well and this
18 semester began better.
19
20 So we're now in March of 2010 and we talked about
21 that gap year, because you had left the master's
22 program in 2006; right?
23 A Yes.
24 Q So did you try to go back to school?
25 A Yes, I did try to go back to the U of A to
26 upgrade my marks because grad school my marks
27 were quite low, so I thought I would upgrade my
28 marks and then reapply for graduate school or law
29 school or some sort of -- some form of post
30 undergrad degree.
31 Q And in fact, actually, it says that in this entry
32 right below, "looking at grad or law school." So
33 you wanted to go to grad or law school?
34 A Yes.
35 Q And if we do flip back, and I want to keep our
36 hands here at page 4 of tab 3, which is the
37 transcript, of course it shows that you went back
38 in the fall term of 2009 in open studies?
39 A Yes.
40 Q And you took Elementary Calculus 2?
41 A Page 4?
42 Q Yeah, page 4.
43 A Page 4 of the transcripts? Yes.
44 Q And winter term of 2010, though, is what sort of
45 corresponds with this clinic entry. It looks
46 like you were taking a full course load?
47 A Yes.

23
1 Q And there's a "W" below the grade remark. What
2 does that mean?
3 A I withdrew.
4 Q Why?
5 A I was just having too much trouble trying to --
6 focus. I was hearing -- I was hearing voi --
7 voi -- voices. I would miss large parts of class
8 where I wouldn't go to class. I would just sit
9 in my room -- I was living back at the fraternity
10 house at that time because I was in school, and I
11 would just sit in my room for a week or just walk
12 around and I would talk to myself and -- and --
13 and then -- and then I was on and off the
14 risperidone.
15 Q And the frat house you had mentioned, you were
16 part of a fraternity at university; is that
17 right?
18 A Yes.
19 Q What --
20 A Phi Delta Theta.
21 Q Phi Delta Theta?
22 A Yes.
23 Q What is that? Can you just briefly describe it?
24 A Phi Delta -- Phi Delta Theta is the first
25 fraternity -- is the first fratern -- fra --
26 fraternity founded in the States, and it's a
27 men's group. And basically we do -- when I was
28 there, we would do -- so we -- we -- we did
29 what's called academics, so we'd have study
30 night. We did so -- we did so -- we did social
31 events with other sororities and we did charity
32 work. Our main philanthropy was ALS, Lou
33 Gehrig's Disease, because he was a Phi Delta.
34 Q So fraternity life was a big part of your
35 university experience; is that fair?
36 A Yes.
37 Q And just back now to tab 4, so we're back in
38 2010, and if we turn over to page 4, do you
39 recall seeing a Dr. Minion?
40 A Dr. Minion?
41 Q M'mm-hmm.
42 A Page 4 -- tab 4?
43 Q Tab 4, page 4.
44 A Okay.
45 THE COURT: I don't see that either.
46 MS. KOVACS: Oh.
47 THE COURT: So where on that page is that, please?

24
1 Oh, on the very first line?
2 MS. KOVACS: Yeah, very first line signed off
3 by Minion, Dr. Daurel.
4 Q I assume you don't remember this particular
5 visit, Mr. Osuteye?
6 A Dr. Daurel Minion. It may have been from either
7 the U of A hospital or a clinic, but I don't
8 remember now.
9 Q Right. Okay. And I don't want to read through
10 the entire entry, but this appears to be another
11 visit where you're trying to get more
12 risperidone, and it says "for trying to sleep,"
13 four lines down. Do you see that?
14 A Yes.
15 Q Is that why you were asking for the risperidone,
16 to help you sleep?
17 A That's what I told them, yes.
18 Q Was that your experience, that when you took
19 risperidone it helped you sleep?
20 A It would calm the voices. It would clear my
21 thoughts, because when I was -- when I was
22 having -- when I did have symptoms of coping with
23 my thoughts, my thoughts would race or I'd hear a
24 voice, and risperidone would just clear my head.
25 It's almost like if I'm going -- my thoughts are
26 going 100 miles an hour to where you just have a
27 clear head. But the thing with the risperidone
28 is that if I took too much, I would become
29 lethargic and drowsy and also my head felt too
30 clear. I didn't like the side -- the side -- the
31 side -- the side -- the side -- the side effects.
32 Q What were the side effects?
33 A Well, I felt like my head was so clear I couldn't
34 hear my thought. Like, if you sit and try to
35 think to yourself, my head would be completely
36 clear.
37 Q Did you have any physical side effects?
38 A Drowsiness and lethargy, yes.
39 Q Any stiffness or anything like that?
40 A Yes.
41 Q And what do you mean by that? If you can explain
42 it for me?
43 A The thing with risperidone is if a dosage is too
44 high, you get muscle -- you get muscle stiffness
45 and your muscles could actually seize up.
46 Q And you said earlier something about taking too
47 much. What did you mean by that?

25

1 A At that time I was taking risperidone, but
2 sometimes I would take two, sometimes I would
3 take three or five in a day. Like, I was -- I
4 wasn't on -- on a -- I didn't take the prescribed
5 dosage; I took what I felt I needed for the day.
6 Q So you were controlling your own dosages?
7 A Yes.
8 Q Were you taking it every day?
9 A Sometimes I take it every day for maybe a week,
10 five, ten days, and then I'd stop for two, three
11 weeks a month -- two or three days and then I'd
12 stop for three weeks a month.
13 Q So if you go to the next paragraph at page 4 now,
14 it says "currently taking five classes to bring
15 marks up." You already told us about that;
16 "trying to get into law school," you've already
17 told us about that. Okay. We can actually skip
18 now to the entry at the bottom appears to be, if
19 you look, admission January 8th of 2009, to a
20 discharge date of January 21st of 2009. So we've
21 gone back in time here now, this --
22 A Which -- which -- which page?
23 Q Bottom of page 4.
24 A Yeah.
25 Q You can see a Dr. Mills. Do you see that?
26 A Yes.
27 Q Who is Dr. Mills?
28 A He was the -- he was the doctor -- he was the
29 doctor from the Grey Nuns Hospital I think.
30 Q Okay. And the admission and discharge dates, can
31 you tell us what period of time -- what you were
32 doing during that time?
33 A In the Grey -- in the Grey -- Grey -- in the Grey
34 Nuns?
35 Q So these records appear to include a report from
36 Grey Nuns, it seems. And if we turn the page
37 over, page 5?
38 A M'mm-hmm.
39 Q If we read the page over, it looks like he's
40 summarizing -- or someone's summarizing that
41 you've gone to the emergency department at the
42 University of Alberta Hospital, was taken there
43 by family members because they had noted
44 increasingly bizarre and withdrawn behaviour, and
45 then it goes on to say his mother had received a
46 call from the airport. So this is the admission
47 after your brother picked you up at the airport;

26

1 is that right?
2 A M'mm-hmm.
3 Q That's a yes?
4 A Yes, it is.
5 Q Next paragraph:
6
7 The family described a decline in his
8 thinking over several months with paranoid
9 behaviour.
10
11 Do you recall having a decline in your thinking
12 in the lead-up to this admission to Grey Nuns?
13 A Yes.
14 Q And paranoia?
15 A Yes. I think it was one night I had -- I had
16 went to bed and I woke up and I started screaming
17 in the house, what did Bill Clinton do to me?
18 What did Bill Clinton do to me? You know what
19 Bill Clinton did to me. And my brother actually
20 punched me, like, he does it to -- to get me
21 back, and I went back to bed.
22 Q He punched you?
23 A Yeah.
24 Q So this is before the Grey Nuns admission?
25 A I think this was prior to -- yeah.
26 Q It looks like further down under "Treatment and
27 Progress," it says:
28
29 He was admitted to the closed unit for
30 further observation.
31
32 Do you remember that? Do you remember being
33 admitted to a closed unit or a locked unit?
34 A Yes. What had happened -- happened -- happened I
35 was sitting in the Grey Nuns shortly after I had
36 been admitted and I didn't understand why I was
37 there. I was paranoid. I thought this was all a
38 conspiracy against me, that people -- that people
39 were conspiring against me and that this was part
40 of their plan. So I had packed my bags and
41 walked to the door. And as soon as they had -- I
42 guess as soon as the staff had seen me walk to
43 the door, they locked the door and then they took
44 me to the closed unit.
45 Q All right. And if you look to the next line
46 under "Treatment and Progress," it says:
47

27

1 Olanzapine was discontinued and he was
2 commenced on risperidone M-tabs 2 milligrams
3 before bed.
4
5 Do you know what M-tabs are?
6 A No.
7 Q All right. And --
8 A I -- I -- I assume M -- M -- M-tabs are pills. I
9 assume they're pills.
10 Q You were given risperidone in pill form or some
11 kind?
12 A Yeah.
13 Q All right. So your admission then was for a
14 couple of weeks, then, to Grey Nuns; is that
15 right?
16 A Yes.
17 Q What do you recall of your discharge?
18 A I was just happy to be out. I was just -- I had
19 spent a few weeks locked up in the Grey Nuns. I
20 was happy to be out. I felt I had dodged the --
21 I had dodged the conspiracy against me, that they
22 had locked me up, they had -- that they had --
23 that they took me to the hospital -- what's
24 called hos -- the hos -- hos -- hos -- hospital,
25 they put me in a closed unit with steel doors,
26 and I had fought -- and I guess used my head to
27 fight my way out.
28 Q So you thought you had dodged the conspiracy is
29 what you said?
30 A Yes.
31 Q What conspiracy?
32 A I believed at that time that there was this
33 conspiracy to label me in having medicine.
34 Q And if you turn the page over, it appears,
35 unfortunately, that we have a duplication of the
36 discharge summary. And again, Dr. Phillip Mills
37 was your physician there?
38 A Yeah.
39 Q All right. And you were diagnosed as -- with
40 paranoid psychosis. And if we look to page 7,
41 sorry, under "Discharge Diagnosis Axis I," do you
42 recall being diagnosed with paranoid psychosis
43 and possible schizophrenia?
44 A Yes.
45 Q Is that the first time you'd heard the word
46 "schizophrenia" was at Grey Nuns?
47 A Yes.

28

1 And if we turn to page 9, so this is still part
2 of the Alberta -- University of Alberta records
3 or Alberta Health Services records, if you look
4 at the registration date and time at the top of
5 page 9, it says February 24th, 2010. Do you see
6 that? Sort of the fourth box in at the top,
7 February 24th, 2010?
8 A Yes.
9 Q All right. And below that it says "problem
10 anxiety"?
11 A Yes.
12 Q Generally do you recall going in and complaining
13 of anxiety?
14 A Yes, that's what I would say. I had anxiety or
15 mild schizophrenia.
16 Q And again, we've already referred to page 10
17 which is the certificate from January 7th, 2009.
18 MS. KOVACS: I think I'd just like to have this marked
19 as the next exhibit, University of Alberta
20 Hospital records.
21 MR. MEADOWS: No objection, My Lord.
22 THE COURT: All right. Tab 4 is the next exhibit.
23 THE CLERK: Exhibit 8, My Lord.
24 THE COURT: Yes, Exhibit 8.
25
26 **EXHIBIT 8: 10 pages of University of**
27 **Alberta Hospital outpatient chart for**
28 **Nicholas Osuteye, registration date and time**
29 **of January 6, 2009, at 2107; common book of**
30 **documents tab 4**
31
32 MS. KOVACS: Now, My Lord, I note the time. I wonder
33 if it's a good time for the break.
34 THE COURT: Let's do that.
35 MS. KOVACS: Thank you.
36 THE COURT: Mr. Osuteye, we break for about 15
37 minutes. You're welcome to walk around. Counsel
38 will -- you got to back though --
39 THE WITNESS: Yeah.
40 THE COURT: -- in about 10 or 15 minutes.
41 THE WITNESS: Yeah.
42 THE COURT: And we'll continue at that point. I'll
43 just talk to the lawyers if I can. Thank you,
44 sir.
45
46 **(JURY OUT)**
47

(WITNESS STOOD DOWN)

THE COURT: So counsel, I raise this only because I don't know what the witness at all -- and you have to assist me. So I don't have a sense at all of whether he gets fatigued in any way that's unusual. I'm not suggesting that's so, but I just don't know. And similarly whether over time if he's got to speak on an ongoing basis his stutter is more difficult for him or not. I'm not suggesting that, because it's not apparent to me. But I'm in your hands about what you think would work best.

MS. KOVACS: In terms of his evidence today?

THE COURT: In terms of his evidence today or if you want to take an extra break at some point. Again, none of these things trouble me. It's important to get his evidence accurately in a way that's comfortable for him so we can -- you had suggested when we spoke yesterday that you thought his evidence would take the better part of the day but we might break. If you think we should hold off on his cross, I'm receptive to that. If you think he can go right into his cross, again I'm quite happy to proceed with that either. I'm just suggesting I don't know the gentleman and I don't know to what extent, if at all, his medications impact -- he talks about lethargy sometimes, if he's overmedicated. I'm not suggesting any of these things are the case, but I want to make clear that to the extent the plaintiff requires any accommodation in order for his evidence to be provided more fully and more accurately, I'm receptive to that, if that's what I'm told.

MS. KOVACS: Third party as well.

THE COURT: That's what I meant.

MS. KOVACS: The witness is not my client, but I will canvass how he's feeling at the break now. My assumption based on my preparations with this witness is that he will be able to do the day. I think he's actually doing okay right now.

THE COURT: I think so too.

MS. KOVACS: But I will -- I agree with you now that he can ask for a break if he is feeling tired or overwhelmed, and I'll also let him know that

that's something that he can do. But I think he'll be okay for the day.

THE COURT: Well, he seems fine.

MR. MEADOWS: My Lord, my experience with this witness, because I did go attend an examination for discovery of him for the entire day, is that towards the end he did fatigue. That's what I thought -- but I don't know -- witnesses do. So I didn't notice a thing, but he did --

THE COURT: Well, all witnesses do; exactly right.

MR. MEADOWS: -- he did suffer from some fatigue. And I know we went longer than we should have and we probably should have cut off earlier than we did. That was my thought.

MS. KOVACS: And we do have some room for potentially tomorrow if we have to go over. So we've left a lot of room for this witness and I think he'll be able to manage it.

THE COURT: All right.

THE CLERK: Order in court. Court is adjourned for the morning break.

**(PROCEEDINGS RECESSED AT 11:18 A.M.)
(PROCEEDINGS RECONVENED AT 11:40 A.M.)**

THE CLERK: Order in court.

THE BAILIFF: The jury, My Lord.

(JURY IN)

NICHOLAS OSUTEYE,
recalled.

EXAMINATION IN CHIEF BY MS. KOVACS:(Cont.)

Q Mr. Osuteye, before the break you were talking about your discharge from Grey Nuns Hospital in 2009, and you talked about dodging the conspiracy. And we talked a little bit about you taking your medication -- and I'm just paraphrasing here -- somewhat inconsistencies -- inconsistently. Sometimes you take a lot, sometimes you take a little, and sometimes you would take none; is that fair?

A That's accurate.

Q And you were living with your mom during bits and pieces of this time off and on; is that right?

A That's accurate.

Q Was your mom watching or monitoring your medication intake at all?

A I believe she was. So what I would do is I would put the pills in my mouth and I would go to the bathroom and I would put them in the sink -- down -- down the sink or flush them down the toilet. If I missed a few days of taking them, I would take the pill by -- I would take the pills and I would count out how many should be gone by that point in time and I would just need to wash them down the sink, in the toilet, or I would take the pills and I'd store them in my room and then -- and then I would flush them down the toilet.

Q Why?

A Because I truly believed at that time that there was a conspiracy against me, my family, my friends, the doctors, everybody was conspiring against me, to label me something I wasn't, to control me, to drug me up and -- yeah. That's -- that's what I believed at the time.

Q Now, you mentioned earlier that you would hear sometimes a child's voice or a woman's voice; is that right?

A That is accurate.

Q Did these voices say anything to you?

A They would say things like, everybody's against you; they're conspiring against you; you know what they did to you; you know what they want; they're coming after you. They would say -- they would -- they would say neg -- they would say negative things like, you're worthless; you're never going to get out of this; they're going to get you and you know it.

Q How did that make you feel?

A I was terrified. I didn't understand what was going on.

Q Now, earlier before the break we were sort of trying to look at the chronology sort of also post Grey Nuns and you were trying to go back to school in 2009 and 2010; right?

A M'mm-hmm.

Q And were you also -- did you end up trying to leave town at all during that period of time?

A Yes, I think during that time between 2009 and 2010, I left town twice. What had happened was I was on social assistance I think at the time, so

what I would do is I would just -- I -- I was waiting one -- one more -- I would wait -- way -- way -- I would wake up in the morning from 2:00, 3:00 A.M., and frantically pack my bags, like, a bag, and I would go to the Greyhound station at, like, 5:00, 6:00 A.M., and as soon -- like, catch the first bus, I would go to the Greyhound station at 5:00, 6:00 A.M. and I would buy a Greyhound -- bus -- bus -- bus -- a Greyhound bus to -- at the Greyhound station they'd ask where I want to go, and I'd ask them how far can I go.

And they told me you could buy a one-month Greyhound pass, whi -- whi -- which is like a bus pass for the Greyhounds, which you can take any Greyhound in North America or anywhere. So I would get a one-month pass and I would take a Greyhound to Vancouver or Ontario or -- yeah.

Q And I understand in 2009 you did go to Vancouver. Do you remember that?

A Yes, I do.

Q What can you tell me about that trip?

A I was hearing voices. I was -- I slept most of the way as much as I could, but I would be in and out of sleep. I sat in the chair. I had my hand to my ear. I was talking to myself. And when I arrived in Vancouver, I had no place to go.

Like, I didn't even Google Vancouver. I didn't look up anything in Vancouver. I arrived at the bus station and all I knew was that my fraternity had a house at UBC -- a chapter at UBC. So I went to the UBC cha -- the UBC house that I told them I was visiting on vacation and if I could stay -- if I could stay -- stay -- if I could stay there. So I stayed there.

Q So you stayed at the frat house at UBC?

A Yes.

Q All right. And what happened there?

A I just -- I just sat around; I ate there; I walked around the campus; I just kind of sat there. And then a member of my fraternity, Dr. Scott Ainsly [phonetic], he was a medical resident at the time but he's now a doctor. He came and picked me up and he took me to his place for a week. And I stayed at his place. And then two more fraternity members, Lucas Mitchell, who was at the time he had been at the U of A but he was going to University of Victoria, he came and

33

1 picked me up and we hung out. And then another
2 fraternity member who had been in BC at the time,
3 Josh Meechum [phonetic], he came and picked me up
4 and he took me back to Edmonton.
5 Q So one of your frat friends drove you back to
6 Edmonton?
7 A Yes, by plane.
8 Q Now, at that time were you taking risperidone?
9 A No.
10 Q I understand you did go back east in 2010. Can
11 you tell me about that?
12 A Yes. I once again did the same thing. I -- I
13 once again did the same thing. I went to the
14 Greyhound station at 6:00 in the morning, I got a
15 one-month greyhound pass, and I took a Greyhound
16 bus across the country to Ontario, and I ended up
17 in Kitchener, because somebody on the bus had
18 said that there was a shelter in Kitchener called
19 the house of friendship, I could stay there. And
20 I stayed in Kitchener for about a few weeks.
21 Q And what was it about just going to the Greyhound
22 station and getting on a bus? Like, what was
23 driving you to do that?
24 A It was this voice in my head that I had to get
25 out of town, that I just had to leave. I
26 couldn't stay in Edmonton, we just had to get out
27 as quickly as possible. It wasn't like a few
28 days of the voice. It was I would wake -- wake
29 up at 2:00, 3:00 in the morning and just
30 frantically pack a bag and just go to the
31 Greyhound station.
32 Q Now, I understand in 2010 you found yourself in
33 Ottawa and there was a run-in with the police.
34 Can you tell us about that?
35 A Yes. I was on -- I was in Ottawa on one of the
36 trips out east, and I was walking down by
37 Parliament Hill and I was talking to myself, I
38 was screaming and yelling, I was -- I was just in
39 a -- in a frantic state of mind, and I tipped
40 over a bench near par -- near par -- near
41 Parliament Hill. And maybe 20 seconds after I
42 tipped over the bench, the Parliament Hill
43 security and RCMP drove up and they told me to
44 sit on the bench. And they asked for my ID, I
45 gave them my ID, and next thing I know there's an
46 ambulance in -- the next thing I know, like,
47 three minutes later there's an ambulance right

34

1 there. And I got put in the ambulance and taken
2 to a hospital in Ottawa. And in the hospital in
3 Ottawa I was put in an observation room, and the
4 doctor was there and he just came in and sat
5 down, he didn't say anything. I started to yell
6 at him, why aren't you saying anything? Why am I
7 here? Why aren't you saying anything? Are
8 you -- are you part of this? Along those lines.
9 And he wasn't saying anything. He just kind of
10 sat there just like this, just -- just looking at
11 me. And I was ranting and raving, why aren't you
12 saying anything? And then I just got up and
13 walked out of the hospital.
14 Q Let's just back up because I want to understand a
15 couple of things that you just told us. First of
16 all, when you were on the grounds near or on
17 Parliament Hill before you knocked over the park
18 bench, you said you were screaming?
19 A Yes.
20 Q Do you remember what you were screaming?
21 A I was just ranting. I was just, like, what's
22 going on? Like, who are you? I was pointing to
23 people. I was just -- I was in a frantic state
24 of mind.
25 Q Why?
26 A I don't know.
27 Q And you knocked over a park bench?
28 A Yes.
29 Q Why?
30 A I just did.
31 Q What kind of park bench was it?
32 A It was the type of bench -- it wasn't a concrete
33 bench, it was like a wooden bench, and I just
34 knocked it over.
35 Q And you were taken to hospital when you walked
36 out?
37 A I walked out.
38 Q How did you walk out?
39 A I just grabbed my coat and I walked out of the
40 hospital.
41 Q No one stopped you?
42 A Nobody stopped me.
43 Q Where did you go?
44 A I went to the shelter in Ottawa, and then I sat
45 around I think for a day, and then I think that's
46 when I tried to make my way to the US border.
47 Q So tell me about that. You tried to go to the US

35

1 border?
2 A Yes. I had seen on the TV that Osama Bin Laden
3 had been killed in Afghanistan, and for some
4 reason I wanted to go to ground zero and pray for
5 some reason. So I jumped on the Greyhound bus,
6 because I had some time left on my Greyhound bus
7 pass I guess you could call it, and I went to
8 the -- I went to the border. At the border they
9 pulled me off the bus, asked me where I was
10 going, and I told them I was going to New York.
11 And after a bit they said I couldn't come to the
12 United States, so I jumped on the Greyhound bus
13 back to Toronto. And then a few -- and then
14 maybe two days later I tried to go back across
15 the border again and the US -- and the border
16 authorities stopped me again, and this time they
17 told me I was inadmissible to the United States
18 for six months. When I had my residency and life
19 figured out, I was welcome to come back. So I
20 took the Greyhound bus back to Montreal, and then
21 after that I think I took the Greyhound back to
22 Edmonton.
23 Q So you went back to Edmonton?
24 A Yes.
25 Q How long did you stay?
26 A A few months. I think a few months to a year.
27 Q And that's when you reenrolled in school?
28 A I think so, yes.
29 Q And did you actually go to school?
30 A No.
31 Q Did you leave town again?
32 A Yes.
33 Q Where did you go?
34 A Back to Ontario.
35 Q Tell me about that trip. And what year are we in
36 now? 2011?
37 A I think 2011, yes. If the time -- timing of the
38 dates is correct, 2011. I went to Ontario. This
39 time I went to Cambridge, Ontario. I don't know
40 why; I just went to Cambridge. And then I think
41 I went to Cambridge because Prince William and
42 his wife had -- were doing their visit to Canada.
43 And I thought the Duke and Duchess of Cambridge
44 will be in Cambridge, so I went to Cambridge.
45 And then I stayed in a shelter there. They --
46 about after a -- about a week or so they moved me
47 to this house called St. James Place where I

36

1 stayed for a little while.
2 Q So -- and you stayed in a few different shelters
3 between 2010 and 2011; is that right?
4 A Yes.
5 Q Okay. And I just want to take you to some tabs
6 in Exhibit A before you. Tab 7 in the letter
7 from the Region of Waterloo and it talks about in
8 the third paragraph -- and it's a letter recently
9 dated, but it suggests that there's been a review
10 of a historical database and it's written to you,
11 that's right, this letter?
12 A Yes.
13 Q And it confirms that you were temporarily living
14 at the House of Friendship and it looks like
15 from -- in 2011; is that right?
16 A Yes.
17 Q So you stayed there. Was that the Cambridge
18 shelter?
19 A No. That was the place in Kitchener.
20 Q All right. And then there was also -- look at
21 the tab before it. There is a letter from
22 Toronto Shelter, Support, and Housing
23 Administration addressed to whom it may concern,
24 dated May 31st of last year. And it says:
25
26 This letter is to confirm that client
27 Nicholas Osuteye was a resident staying
28 inside the hostel program at Seaton House
29 shelter.
30
31 And there are two sets of dates there: June 13th
32 to the 18th of 2010, and May 3rd to the 7th of
33 2011. Do you recall staying at Seaton House
34 during those dates?
35 A Yes, I do.
36 Q And Seaton House is where?
37 A That is downtown Toronto.
38 Q And that's a shelter?
39 A Yes, a shelter.
40 MS. KOVACS: All right. I wonder if we just might
41 have those two letters marked as the next two
42 exhibits.
43 MR. MEADOWS: No objection, My Lord.
44 THE COURT: All right. Should we do 7 as the next
45 exhibit?
46 MR. KOVACS: Sure. That's fine.
47 THE COURT: 6 -- it doesn't matter. 7 will be the

37

1 next exhibit, just in the order that you led
2 them.
3 MS. KOVACS: Sure.
4 THE CLERK: It's Exhibit 9, My Lord.
5 THE COURT: So that would be Exhibit 9, and tab 6 will
6 be Exhibit 10.

7
8 **EXHIBIT 9: One-page letter from Region of**
9 **Waterloo, Social Services Employment &**
10 **Income Support to Nicholas Osuteye, request**
11 **for information, dated August 2, 2018;**
12 **common book of documents tab 7**

13
14 **EXHIBIT 10: One-page letter from Toronto**
15 **Shelter, Support, and Housing Administration**
16 **hostel services, Seaton House, dated May 31,**
17 **2018; common book of documents tab 6**

18
19 MS. KOVACS:
20 Q Now, Mr. Osuteye, did you have a cellphone on you
21 during these trips?

22 A Yes, I did.
23 Q All right. If I could get you to turn to tab 5.

24 And I believe this was already marked as an
25 exhibit yesterday.

26 MS. KOVACS: Perhaps, Madam Registrar, you can --
27 THE COURT: It's Exhibit 3.

28 MS. KOVACS: Thank you.

29 Q This appears to be a Rogers cellphone set of
30 billing records?

31 A Yes.

32 Q And it's got your name at the top?

33 A Yeah.

34 Q There's a number there, 780-951-9736?

35 A Yeah.

36 Q Is that your cellphone number?

37 A Yes, it is.

38 Q Who paid for these bills?

39 A My -- my -- my -- my mom at the time.

40 Q Now, there's a set of records and they're sort of
41 intermingled here, but they appear to be from
42 2011. If you look at the top right corner, this
43 one has September to October 2011?

44 A Yeah.

45 Q And if we turn over to page 2, there's a number
46 of calls that have been registered from
47 Kitchener. Do you see that?

38

1 A Yeah.
2 Q So you were making calls from your phone at the
3 time?

4 A Yes.

5 Q Who were you calling?

6 A Pardon?

7 Q Who were you calling?

8 A In Kitchener?

9 Q M'mm-hmm?

10 A Just pee -- just pee -- pee -- just people that I
11 met dow -- dow -- down there.

12 Q Do you recall ever making phone calls to the
13 JP Morgan Chase Bank? Do you remember that?

14 A Yes, I do.

15 Q What was that about?

16 A I had called the JP Mor -- Mor -- Mor -- Mor -- I
17 called the JP Morgan Chase Bank, and I had told
18 them I think my name was JP -- JP Morgan and I
19 needed to talk to somebody.

20 Q Why?

21 A I was under the delusion that I was -- that my
22 real name was JP Morgan Chase.

23 Q And did you understand it was a delusion at the
24 time you were making that call?

25 A I felt it was real, and then after I had made the
26 call I came to the realization that it wasn't
27 real.

28 Q I understand you also made a call to Al Gore's
29 office.

30 A Yes.

31 Q Do you remember that?

32 A Yes.

33 Q What can you tell me about that?

34 A I had believed that I had been in the White House
35 and I had warned Al Gore and Bill Clinton about
36 September 11th, and I wanted to talk to Al Gore.

37 Q That call was made, though, when you were back in
38 Edmonton; is that right?

39 A I think so. I don't recall the specific place
40 the call was made.

41 Q At some point, you were in Toronto and I
42 understand you went to the police?

43 A Yes.

44 Q What can you tell me about that?

45 A I went to the -- I woke up one day at the shelter
46 and I walked to the Toronto police station. And
47 I walked in and I said to them, my name is

39

1 Nicholas Osuteye and I think I'm missing. And
2 the officer said, you can't be missing, you are
3 right here. And I said, well, no, I'm missing.
4 And he -- and then he just said, look, you just
5 wait. Three officers showed up. They put me in
6 a police car and they drove me to a health
7 centre, a community psychiatric health centre. I
8 sat there for a little while. I was seen by a
9 doctor and then I was released to the shelter
10 with a prescription for risperidone.

11 Q And if you turn to tab 8 of Exhibit A, you see
12 there's a one-page document there entitled
13 "Community Inquiry Report number 201192755"?

14 A Yeah.

15 Q All right. And it looks like on the 6th of May
16 of 2011, that's the date in the middle, and it
17 says "800"?

18 A Yeah.

19 Q Is that early in the morning that you went there?

20 A Yes, it was.

21 Q And it says, "Location: 40 College Street,
22 Toronto." Was that the location of the police
23 station you went to?

24 A I think so, yes.

25 Q And below it says:

26
27 Circumstances: Male showed up at HQ --

28
29 Headquarters.

30
31 -- to report that he is missing. He does
32 not know where he is missing from. Male
33 agreed to go to hospital voluntarily.

34 Transported male to CAMH.

35
36 Whatever that is. You went voluntarily, though?

37 A Yes.

38 Q Why?

39 A They -- they had -- they just asked me to go --
40 go to -- go with them, and I just went with them.

41 Q You didn't fuss about that?

42 A No.

43 Q It says you didn't know where you were missing
44 from. What can you tell me about that?

45 A Well, the officer asked me, well, where -- the
46 officer in the police station asked me, so where
47 are you missing from? And I was, like, I don't

40

1 know, I'm missing. And he's like, well -- and I
2 think he asked me where I'm from. I'm like, I
3 don't know. I'm just missing. I -- I'm missing.

4 And he's like, okay.

5 Q So you remember having that conversation?

6 A Yes.

7 Q Do you remember what you were thinking in the
8 moment? Did you truly believe you were missing?

9 A I thought I was missing, yes. I thought I was a
10 missing person.

11 Q At the time, you didn't remember that you were
12 from Edmonton?

13 A I don't think so, no.

14 Q Do you remember what your name was?

15 A Yes.

16 Q So you knew that much?

17 A Yeah.

18 Q Did you know where you were?

19 A I knew I was in Toronto, yes.

20 MS. KOVACS: My Lord, if I can have that marked as the
21 next exhibit, please.

22 MR. MEADOWS: No objection.

23 THE COURT: Yes. We're at 11, please.

24 THE CLERK: Exhibit 11, My Lord.

25 THE COURT: Yes, thank you.

26
27 **EXHIBIT 11: One-page community inquiry**
28 **report 201192755, dated 2011/05/06; common**
29 **book of documents tab 8**

30
31 MS. KOVACS:

32 Q Mr. Osuteye, I'd like to have you turn over to
33 tab 9, please. You'll see this is also a
34 one-page document and it says "Grand River
35 Hospital" at the top?

36 A Yes.

37 Q And it appears to have an arrival date, three
38 boxes down, of August 11th -- sorry, 2011,
39 August 26th?

40 A Yes.

41 Q Where is Grand River Hospital?

42 A I think that's a -- I think, if I recall, that's
43 a hospital in Kitchener.

44 Q Right. And in fact, if we look below, it says
45 there's an address there, in Kitchener, on
46 Victoria Street. Is that where you were staying
47 at the time?

41
 1 A Yes.
 2 Q And if you look over to the right, fourth box
 3 down, it says "next of kin Mercy Osuteye," and a
 4 phone number?
 5 A Yes.
 6 Q Did you provide your mother as the next of kin?
 7 A Yes.
 8 Q Why?
 9 A They asked me emergency contact.
 10 Q And what do you -- do you recall this visit?
 11 A Yes. I had -- I -- I was without my risperidone
 12 and I was hearing the -- the voices and racing
 13 thoughts. So when -- so when the -- when the
 14 thoughts and the -- was voi -- voi -- voi --
 15 voices would come back, I would often go to a
 16 health clinic or a -- or a -- or -- or a hospital
 17 and get risperidone. And I'd take it for a few
 18 days until it was gone and then I would stop
 19 taking it. So I had why -- why -- so I had went
 20 there and I had -- to the emergency room and I
 21 had told the doctor that I needed risperidone.
 22 And he asked me what it was for and I think I
 23 said mild schizophrenia. I didn't say
 24 schizophrenia. I just said mild. I always put
 25 mild in front of -- what's it called -- whenever
 26 it says schiz -- schiz -- schiz -- schizophrenia.
 27 Q And of course, the handwriting appears somewhat
 28 illegible in my view, but if you look at the
 29 bottom corner, there's a square that says
 30 "diagnosis," and it appears to me to say "PTSD."
 31 Do you recall any discussion about PTSD on this
 32 visit?
 33 A No.
 34 MS. KOVACS: If I could have that marked as the next
 35 exhibit number.
 36 THE COURT: Sure. I'm just looking for the PTSD
 37 reference, and could you direct me to that,
 38 please.
 39 MS. KOVACS: Sure, My Lord. It's the bottom left
 40 corner. It says "diagnosis" --
 41 THE COURT: I see that, yes. Thank you.
 42 MS. KOVACS: -- and there's the handwriting "PTSD."
 43 THE COURT: All right. Can that be Exhibit 12.
 44 THE CLERK: Exhibit 12, My Lord.
 45 THE COURT: Yes.
 46
 47 **EXHIBIT 12: One-page Grand River Hospital**

42
 1 **emergency record, prescription request for**
 2 **Nicholas Osuteye, dated August 26, 2011;**
 3 **common book of documents tab 9**
 4
 5 MS. KOVACS:
 6 Q Now, Mr. Osuteye, I understand you made a phone
 7 call to an ex-girlfriend or something. Can you
 8 tell me about that?
 9 A Yeah, I had -- I had just called her and she had
 10 asked me, where are you? And I told her I was in
 11 Ontario. And she asked me, where -- where --
 12 where in Ontario? And I told her I was in
 13 Toronto at Seaton House. And she had said, okay,
 14 hold on; I'll call you right back. And then she
 15 said -- and then she called back and said her
 16 uncle was going to come pick me up. So her uncle
 17 came and picked me up and he took me for lunch,
 18 and then he drove me to the airport and put me on
 19 a plane back to Edmonton.
 20 Q Who was this ex-girlfriend?
 21 A Lindsay Moffett [phonetic].
 22 Q Lindsay Moffett?
 23 A Yeah.
 24 Q What was her mom's name?
 25 A Ricky Gulick [phonetic].
 26 Q Do you remember the uncle's name?
 27 A Steven Gulick [phonetic].
 28 Q Had you met him before?
 29 A Yes, I met him a couple of times at her house.
 30 Q So he came and picked you up?
 31 A Yes.
 32 Q And took you for lunch?
 33 A Yes.
 34 Q Were you having any symptoms at this time?
 35 A I can't remember. I don't -- I may have been; I
 36 may not have been.
 37 Q And he took you to the airport?
 38 A Yes.
 39 Q And put you on a flight back to Edmonton?
 40 A That's accurate.
 41 Q Who paid for that flight?
 42 A He did.
 43 Q And when you went back to Edmonton, where did you
 44 stay?
 45 A I think I stayed at my mom's place.
 46 Q Do you recall ever staying at Lindsay's mom's
 47 place?

43
 1 A Yes, I did. Yes. Okay. When I went back to
 2 Edmonton, Lindsay's mom met me at the airport. I
 3 guess she had been on a business trip or
 4 something. She met me at the airport and I
 5 stayed at Lindsay's house for a few days.
 6 Q This ex-girlfriend Lindsay, she was an
 7 ex-girlfriend at the time?
 8 A Yes, at the time, yes.
 9 Q When did you date her?
 10 A In university, I think, between 2003 and 2006.
 11 Q So some years before?
 12 A Yeah.
 13 Q At least five years before this?
 14 A Yes.
 15 Q So you remained friends?
 16 A Yes. I guess we didn't talk a lot. We didn't
 17 talk at all that much. But yeah, she did come to
 18 my father's funeral -- what's it called -- the
 19 gat -- the gat -- the gat -- the gathering after
 20 my dad's funeral, she came to that.
 21 Q Did she ever visit you when you were in the
 22 hospital?
 23 A She visited me in the Grey Nuns Hospital, I
 24 believe.
 25 Q You're still friends with her today?
 26 A I haven't had contact with -- with her in years.
 27 Q At this point in time it had been a few years
 28 since you'd broken up, but you were still in
 29 contact?
 30 A Yes.
 31 Q And her mom put you up?
 32 A Yes.
 33 Q Why did you stay with her mom?
 34 A It was -- they just took me to their -- to their
 35 place and I felt safe there, I guess.
 36 Q Why did you feel safe there?
 37 A I don't know. I just felt safe there. It was --
 38 it was -- it was -- was -- was -- it was --
 39 was -- was -- was a familiar place.
 40 Q Now, home with your mom is a familiar place?
 41 A Yes.
 42 Q Did you not feel safe there?
 43 A I didn't feel safe at my mom's because, once
 44 again, I thought there was a conspiracy against
 45 me. I thought that there was this conspiracy of
 46 my family, my friends, the doctors, everybody was
 47 conspiring to have me medicated, to have me, I

44
 1 guess, docile for some purpose. I don't know
 2 what it was, but I felt that they were all in on
 3 it, like, even my teachers at the University of
 4 Alberta were in on it, that everybody was trying
 5 to herd me somewhere to something.
 6 Q So now we're into late 2011 and you come home.
 7 You've stayed with Lindsay's mom for a while.
 8 Did you eventually go home?
 9 A Yes, I did.
 10 Q And tell me about that time period; so through
 11 late 2011 into 2012.
 12 A I just -- things -- things, I guess, returned to
 13 I guess you could say to normal. I was on and
 14 off the risperidone. I'd take it for a week; I'd
 15 stop for a couple of weeks; I'd take it for a
 16 week; I'd stop for a month. And then -- and then
 17 -- and then -- and then after that things just
 18 began to really fall -- fall -- fall apart with
 19 my mental health and that I was hearing voices
 20 more and more. But the dosage of risperidone I
 21 took, I take some days 1 milligram; some days I
 22 take five pills; some days I take three pills,
 23 and then I'd stop. Yeah.
 24 Q When you say you'd stop, some days you'd take
 25 none?
 26 A None, yes.
 27 Q I understand in June of 2012 there was an
 28 incident at home.
 29 A Yes.
 30 Q Can you tell me about that?
 31 A I was -- my mom had went out and I was sitting at
 32 home and I was, like, I have to make a phone
 33 call. And I grabbed the cord -- I grabbed the
 34 cordless phone, and I thought the house was
 35 bugged and everybody was listening in on
 36 everything I could say. So I walked down the
 37 street in my jogging pants and sweat top, with my
 38 bare feet, with a cordless phone in my hand, and
 39 I walked about a block away from my house. I
 40 tried to use the cordless phone from the house,
 41 but it didn't work. Just then, my mom had drove
 42 by and had asked me what I was doing. So she
 43 drove to the house, so I walked into the house.
 44 And then when I walked in the house, for some
 45 reason I looked at her and said, when I ask for
 46 money, you better give me money. I want my \$40
 47 million. I know you're keeping \$40 million

45

1 from -- from -- from -- from me. And I said --
 2 excuse my lang -- excuse my language, My Lord,
 3 and the jury -- I said, you nigger bitch, give me
 4 my \$40 million or I'm going to kill you.
 5 Q "Or I'm going to kill you?"
 6 A Yes.
 7 Q You remember saying that?
 8 A Yes.
 9 Q Why did you say that?
 10 A I don't know. I was in a state of absolute
 11 delusion at the time. I was talking to myself.
 12 I had my hand on my ear. I was walking down the
 13 street in bare feet. I was not in touch with
 14 reality.
 15 Q You said you were walking down the street in bare
 16 feet. Do you remember what you were wearing?
 17 A My -- my jogging pants and jogging top.
 18 Q And bare feet?
 19 A And bare feet.
 20 Q So after you said, "I'm going to kill you," to
 21 your mother, what happened next?
 22 A She ran out of the house, and it was just me in
 23 the house by myself, so I went downstairs and I
 24 went to use the bathroom. And then my brother
 25 Michael came and I was screaming and yelling at
 26 him, I am Sorrel and you will kneel before me,
 27 kneel before me and serve me, and I was screaming
 28 and yelling and yelling. I --
 29 Q You remember this?
 30 A Yes. I punched a hole in the -- in the dry -- in
 31 the drywall of the bathroom, I smashed my shaving
 32 with a razor like -- what's called -- the what's
 33 called the electrical -- what's called the --
 34 what's it called -- the electrical razor and I
 35 took the shower door and I ripped it off its
 36 hinges and I threw it into the family room at the
 37 stereo.
 38 Q What was the shower door made of?
 39 A It was, like, a plastic glass.
 40 Q Was it heavy?
 41 A Not for me at the time, no.
 42 Q When you punched the drywall, did your hand go
 43 right through?
 44 A Yes, it did.
 45 Q Did it hurt?
 46 A No.
 47 Q And you said it wasn't heavy for you, the shower

46

1 door wasn't heavy for you?
 2 A No.
 3 Q What do you mean by that?
 4 A It's a light shower door. It's not -- the shower
 5 door is, like, the kind you find on most showers.
 6 It's the kind you find on most walk-in showers.
 7 It just swings open and it has -- and it has a
 8 magnet to hold it in place. And I just ripped it
 9 off and threw it in the -- in the -- in the
 10 living room. My brother Mike came downstairs and
 11 restrained me. He tied my legs and feet -- he
 12 tied my feet, he tied my hands with some shirts.
 13 I got my hands free and I jumped upstairs and I
 14 went to grab a knife to just cut my feet free,
 15 and he pinned me down. And next thing I know the
 16 police are there and they handcuffed me and put
 17 me in an ambulance and took me to the
 18 Misericordia Hospital.
 19 Q Why did you rip the shower door off?
 20 A I was out of control. I was --
 21 Q What do you mean by that?
 22 A I was not in control of myself. I was lashing
 23 out at anything and everything around me.
 24 Q What were you feeling at the time?
 25 A I was completely confused and delusional. I
 26 didn't know what was going on. I -- I was just
 27 not in a -- in a -- in a lucid state of mind.
 28 Q So you weren't in a state of mind but you
 29 remember all this?
 30 A Yes.
 31 Q And you said you -- you said something about
 32 Sorrel. What was that about?
 33 A Yes. I don't know. It was just a name that
 34 popped in my head and I said my name was Sorrel.
 35 Q And did that have any meaning for you?
 36 A No.
 37 Q So your brother restrains you?
 38 A Yes.
 39 Q Did your brother ever have to restrain you
 40 before?
 41 A No.
 42 Q Has he ever had to restrain you since?
 43 A No.
 44 Q Do you have a good relationship with your
 45 brother?
 46 A We have a fairly good relationship, like, when he
 47 was working or when he wasn't working, I'd lend

47

1 him money. We talk -- we talk once in a while.
 2 We have a -- we have a -- we have a fit -- we
 3 have a fairly good relation -- relationship now,
 4 yes.
 5 Q And had you ever been in a physical fight with
 6 your brother before this incident?
 7 A Maybe when we were very young, like, fighting
 8 over a Transformer or something.
 9 Q Not in your adult years?
 10 A No.
 11 Q Back when you called your mom the N word -- and
 12 I'll use that -- did you say it just once?
 13 A No, I said it I think once or twice and I think I
 14 even called her a gorilla. Pardon my language.
 15 Q Do you remember why you said that?
 16 A I was angry that I didn't have this \$40 million I
 17 thought was owed to me by somebody that was put
 18 in a bank account for -- that was put in a bank
 19 account for me and she was keeping it from --
 20 from -- from -- from -- from me, but there was no
 21 money.
 22 Q Had you ever called your mother the N word before
 23 this?
 24 A No.
 25 Q Have you ever called her the N word since?
 26 A No.
 27 Q So you were taken to the Misericordia Hospital?
 28 A Yes.
 29 Q By police?
 30 A Yes.
 31 Q Were you restrained?
 32 A I think so, yes.
 33 Q You remember that?
 34 A No. I think I may not have been restrained, I
 35 may not have been restrained. I just remember
 36 while I was in the hospital I was yelling and
 37 screaming. I was screaming stuff like, you
 38 people know what you did to me; I was a child sex
 39 slave; you made me have sex with animals; I'm
 40 going to get you people; I'm going to kill you
 41 people; you'll all pay for this. But none of
 42 that was true.
 43 Q You remember saying all that?
 44 A Yes.
 45 Q And when you were saying all this at the
 46 hospital, can you describe your behaviour at the
 47 time?

48

1 A Completely erratic.
 2 Q Completely erratic. Were you yelling?
 3 A Yelling, screaming, just not in touch with
 4 reality whatsoever.
 5 Q Now, you stayed in the Misericordia for quite
 6 some time; is that right?
 7 A Yes.
 8 Q Do you remember the dates that you were admitted?
 9 A I don't remember the specific dates, no. I think
 10 it was in June till July.
 11 Q June till July of 2012 now?
 12 A Yes.
 13 Q All right. How long in total? Do you know?
 14 A Three weeks to a month. I think a month.
 15 Q If I said to you it was five weeks, you wouldn't
 16 have any reason to disagree with that?
 17 A No, I wouldn't.
 18 Q Around a month?
 19 A Yes.
 20 Q Do you recall being in the care of Dr. John
 21 Dewart?
 22 A Yes, I recall being under his care and I didn't
 23 want to be there. So when I was in the hospital,
 24 one of the -- one of the nurses had took me aside
 25 and she had said, well, we have to -- what's
 26 called -- into a meeting room and she said,
 27 well -- what's called -- under the *Mental Health*
 28 *Act* we have to infor -- for -- for -- inform you
 29 of your rights. If you don't believe you should
 30 be here, you can request a mental health review
 31 board in which they can determine to -- to -- to
 32 certify you. So I filled out the form because I
 33 didn't want to be there. I thought this was part
 34 of the conspiracy against me they were closing in
 35 on me and I had to use my head to fight my way
 36 out. So I filled out the form for the mental
 37 health review board and I got a lawyer.
 38 Q During your hospitalization at Misericordia, do
 39 you recall being medicated?
 40 A Yes.
 41 Q What kind of medication were you getting?
 42 A Risperidone quick dissolve.
 43 Q What's a quick dissolve?
 44 A It's a small -- it's a small what's called pill
 45 wafer almost that as soon as it comes in -- as
 46 soon as you put it in your mouth and it comes in
 47 contact with -- what's it called -- any moisture,

49

1 it just dissolves right -- it just dissolves
2 right -- right -- right away so you can't spit it
3 out or flush it.
4 Q So does it look different than the pills you were
5 taking before?
6 A Yes. The pills I had before were small white
7 pills. This was some sort of a square wafer.
8 Q So it was a different shape?
9 A Yeah.
10 Q At some point you said you got a lawyer. Did you
11 understand that you were there against your will?
12 A Yes. I -- I had understood that I was certified
13 under the *Mental Health Act* and the lawyer -- and
14 I could request review board to get me out, and
15 that when I was in the Grey Nuns Hospital, they
16 didn't tell me about my rights under the *Mental*
17 *Health Act*, but I had spent a couple of days
18 where I was calling -- was calling -- calling
19 law -- law -- law -- law firms trying to get a
20 lawyer. But when I was in the Misericordia
21 Hospital, they had to inform me under the *Mental*
22 *Health Act* of my rights under the *Mental Health*
23 *Act*. So I called the lawyer and I got a lawyer.
24 Q And I understand Dr. Dewart actually cancelled
25 your certificate at some point in time?
26 A Yes, he did.
27 Q All right. And so you weren't there against your
28 will?
29 A No.
30 Q Do you recall when that was?
31 A Late June.
32 Q Did you stay?
33 A Yes.
34 Q Why?
35 A I -- because I was free to go. I stayed because
36 I thought I had gotten a lawyer, I had -- he had
37 gotten me out of it so I was free -- so I was
38 free to walk out at any time, and I was just sort
39 of trying to just plan what I was going to do
40 next because I didn't know where I was going.
41 Q So you stayed on for a while?
42 A Yeah.
43 Q Now, at some point some discharge planning
44 started; is that right?
45 A Yes.
46 Q And that was a process I take it?
47 A Yes, it was.

50

1 Q There were some meetings that happened?
2 A Yes.
3 Q Who did those meetings involve?
4 A My mom and my brother.
5 Q Did you want them there?
6 A Yes, I did.
7 Q Why?
8 A Oh, well, he had asked me if you want your mom or
9 brother there. I said, I don't care if they're
10 here; that's fine.
11 Q So what -- and I understand your mom was going
12 away right around the time you were getting
13 discharged from the Misericordia?
14 A M'mm-hmm.
15 Q That's yes?
16 A Yes.
17 Q And there was a plan in place in terms of what
18 was going to happen and where you were going to
19 stay?
20 A Yes.
21 Q What was that plan?
22 A Dr. Dewart had planned that I was going to stay
23 at my mom's townhome that my bro -- that my
24 brother rents out from her, and I was going to
25 stay there while she was gone. And he had also
26 discussed me being an outpatient at Alberta -- at
27 Alberta hospital and also going on a muscular
28 injection -- injection of risperidone.
29 Q What was your response to those suggestions?
30 A No.
31 Q To the injectable or to the others?
32 A Both.
33 Q Why was it no?
34 A Because at that point in my mind it was like hah
35 hah, this is their plan all along to have me
36 injected full of drugs to control me; this is --
37 I finally figured out what the conspiracy's
38 about. They want to inject me full of drugs and
39 control my mind and control me.
40 Q This was like an aha moment for you that --
41 A Yes.
42 Q -- oh, I finally figured out what they want to do
43 with me?
44 A Yes.
45 Q So I take it you didn't agree to the injectables?
46 A No, I didn't.
47 Q Did you go stay with Michael?

51

1 A No, I stayed at my -- at my mom -- mom's house in
2 Mill Woods.
3 Q Was your mom there?
4 A No. She was out of town.
5 Q What happened in the discharge period of time?
6 What happened after that?
7 A I stayed at my mom's for a bit. I stopped taking
8 the risperidone because I realized I had figured
9 out in my head I thought -- I figured out their
10 ultimate conspiracy against me. I thought I
11 finally put all the lie -- after years and years
12 I finally put everything together and this was
13 their goal, to pump me full of drugs and control
14 my mind. The conspiracy was now revealed, so I
15 just stopped taking -- I stopped taking the
16 risperidone and --
17 Q Can I just stop you there for a moment.
18 A Yeah.
19 Q The risperidone that you stopped taking, where
20 did you get that from?
21 A From the hospital.
22 Q From Dr. Dewart?
23 A Yes.
24 Q What kind of risperidone was it?
25 A Quick dissolve.
26 Q Do you know what the strength was and the dose?
27 A I think it was 2 milligrams.
28 Q And I want to take you to a record that we looked
29 at with Dr. Dewart yesterday, and I'll have you
30 turn to tab 10, page 12.
31 A M'mm-hmm. Page 12?
32 Q You see it's a discharge summary from
33 Misericordia Hospital, it's page 2 of 3 on -- it
34 says page 12?
35 A Page 2 of 3?
36 Q And it should say "12" at the bottom.
37 A Okay. I got it.
38 Q Okay. Second-to-last line, medications at time
39 of discharge include risperidone M-tabs. Are
40 those the quick dissolves you were talking about?
41 A Yes.
42 Q And it says 4 milligrams at bedtime?
43 A Where does it say that?
44 Q "M-tabs 4 MG at bedtime." Do you see that?
45 A Where on the page is that?
46 Q Right at the bottom, second-to-last line.
47 A Yes.

52

1 Q Do you have any reason to disagree with that
2 record?
3 A No.
4 MS. KOVACS: My Lord, I note the time. I'm going to
5 have to go over into the afternoon with this
6 witness in direct.
7 THE COURT: Of course. Break now, then. Thank you.
8
9 (JURY OUT)
10
11 (STOOD DOWN)
12
13 THE CLERK: Order in court. Court is adjourned until
14 2:00 P.M.
15
16 (PROCEEDINGS RECESSED AT 12:31 P.M.)
17 (PROCEEDINGS RECONVENED AT 2:04 P.M.)
18
19 THE CLERK: Order in court.
20 MS. KOVACS: Just two quick points. Given the
21 schedule and the fact we're going to be going
22 well into the afternoon, we have a 37-minute
23 audio of Mr. Osuteye's arrest that we'll be
24 playing, so I wanted to prepare the court for
25 that. It is lengthy, but we can't edit it down;
26 it needs to be played. So that will come
27 probably 20 minutes, half an hour into my
28 continuation here. But, you know, given its
29 length, we may go over into the -- sort of past
30 the normal break time.
31 THE COURT: That's just fine.
32 MS. KOVACS: Okay. The other thing is I have a
33 student just organizing some papers at the back
34 there, if that's all right. Ms. Mally is sitting
35 in front of the bar.
36 THE COURT: Happy to have her with us.
37 MS. KOVACS: Wonderful. Thank you.
38 THE COURT: And just one thing. In terms of this
39 audio tape, what facilities are there that ensure
40 the jury will hear this properly?
41 MS. KOVACS: Mr. Reid has kindly brought his Bluetooth
42 speaker, and it's very big and blue. And I have
43 my phone.
44 THE COURT: What does that tell us about Mr. Reid that
45 we didn't know before?
46 THE BAILIFF: The jury, My Lord.
47

(JURY IN)

NICHOLAS OSUTEYE,
recalled.

EXAMINATION IN CHIEF BY MS. KOVACS:(Cont.)

- 1 Q Mr. Osuteye, just before the break, we had left
2 off we were discussing your -- the period of time
3 just after your discharge from Misericordia and
4 your mother was gone to Ghana and you were
5 supposed to stay with your brother Michael. And
6 you didn't end up staying with him; is that
7 right?
8 A That's accurate.
9 Q Okay. And so tell me what happened from that
10 point on.
11 A Well, I stayed at my mom's for a couple of days.
12 And then a friend called me up and asked me if we
13 wished to hang out, so -- so -- so it's called --
14 I went over to his house and we hung out, played
15 some video games, relaxed, and then I slept at
16 his house. The next day I had a voicemail on my
17 cellphone from my brother, don't come home if
18 you're going to stay out all night. So I asked
19 my friend to drive me back to my place. And we
20 had just had, about a month and a half earlier,
21 the confrontation at my place, so I had called
22 the police to go meet us there because I didn't
23 know if we'd get into a physical confron --
24 confrontation. The police were there when we --
25 when my friend and I arrived and they asked me if
26 I lived there. I was, like, yeah. And so my
27 brother had my bag packed and he gave me my bag,
28 I gave him that. He -- he -- he said you're not
29 welcome here or something along that line. And I
30 took my bag, and my friend dropped me off at the
31 bus stop, and I called up a friend and stayed at
32 his place.
33 Q When you said you were afraid or worried about
34 having another confrontation with your brother, I
35 mean, you'd never had a conflict, a physical
36 conflict, like you'd had in June of 2012, before;
37 right?
38 A That is true.
39 Q What were you thinking about your brother at this
40 point in time?
41 A I was thinking, well, if we have a physical

- 1 confrontation, all the cards are stacked against
2 me right now, I'm going to end up back in the
3 hospital, so I might as well just leave and then
4 avoid that.
5 Q Did you still think he was part of this
6 conspiracy that you were talking about?
7 A Yes, I did.
8 Q So you went and stayed with a friend?
9 A Yes.
10 Q And then what?
11 A And then -- and then my friend moved out of the
12 place he was staying and I didn't know the people
13 there, so I went and stayed at the fraternity --
14 at the fraternity house for a few days. A police
15 officer showed up and asked me if I would contact
16 my family. I told him no. I think -- excuse my
17 language, My Lord, I think my words were I don't
18 want anything to do with those niggers. And
19 the -- and then he just said, well, think --
20 well, think -- well, think about contact your
21 family. And then -- and then a friend of mine
22 was going to Calgary for work or grad school. I
23 was a member of the fraternity -- was going to
24 Calgary for work or grad school. He gave me a
25 ride to the bus station. I took a Greyhound bus
26 to Calgary and then I stayed at the shelter down
27 there for about a week and a half, two weeks, and
28 then I stayed at the Salvation Army in Calgary.
29 Q How long were you in Calgary?
30 A About a month and a half, a month and a half,
31 about a month and a half, seven weeks, I think.
32 Q So you were discharged from Misericordia in July
33 of 2012. So where are we in the calendar year
34 now in 2012?
35 A In Calgary we're in October. In
36 September/October.
37 Q September/October. All right. And what happens
38 next?
39 A Well, then it -- well, then it was -- it was
40 beginning to get cold. I still had some
41 risperidone from the Misericordia -- from the
42 Misericordia on me. I remember this because I
43 wasn't taking it but I had to turn in all pills
44 to the Salvation Army because they don't allow
45 you to have drug -- pill -- pill -- pill --
46 pill -- pill -- pills on you. And it was getting
47 cold, it was almost into November, and I figured

- 1 I might as well try to make a fresh start in BC,
2 because it was coming to winter and it was cold,
3 and I thought, well, I'll make a fresh start in
4 BC or else at least ride out the -- that was
5 winter in Vancouver.
6 Q So the risperidone you said you still had some
7 from Misericordia. Do you recall roughly how
8 many were left?
9 A I don't know. I have no clue.
10 Q But you hadn't been taking it?
11 A No.
12 Q Did you take any when you were in Calgary?
13 A No.
14 Q So you take a bus to Vancouver?
15 A Yes.
16 Q What did you take with you?
17 A I had some -- I had some what's called winter
18 boots from the Salvation Army, because they were
19 giving away boots. I had winter boots. I had a
20 light jacket, my hoodie, a couple of bags of
21 clothes, and some food I got -- and some food I
22 got from the food bank in Calgary.
23 Q How many bags in total did you have?
24 A Probably about four bags and a box.
25 Q So you get on a bus and you head out to
26 Vancouver?
27 A Yes.
28 Q What happens when you arrive?
29 A When I -- when I was there -- when I arrived, I
30 asked if there were any shelters in Vancouver,
31 and the person at the Greyhound station told me
32 to call the shelter hotline. I called the
33 shelter hotline and got a hold of the Salvation
34 Army. They had a bed, so I told them I'd be
35 right down. And I got a bed at the Salvation --
36 at the Salvation Army in Vancouver.
37 Q Do you remember which Salvation Army shelter?
38 A The Beacon shelter.
39 Q Where is that?
40 A That's just off of East Hastings.
41 Q Is it on Hastings or --
42 A It's just off of East Hastings, like, one street
43 away.
44 Q So maybe Cordova. Is that what you mean?
45 A Yes, yes.
46 Q So you'd never been to the shelter before?
47 A No.

- 1 Q So you get to the shelter and what happens?
2 A They did an intake. They took my clothes and
3 washed all my clothes. They told -- they told --
4 they told me I couldn't bring in my food, and
5 then they gave me a bed.
6 Q If I could have you turn to tab 11 in Exhibit A
7 there. You'll see that page 1 appears to be an
8 email from a Grant Gayman at Harbour Light BC,
9 and the subject line is "Salvation Army Vancouver
10 Harbour Light." Had you heard of the Beacon
11 being called the Harbour Light?
12 A Yes.
13 Q All right. And it looks as though there's --
14 it's enclosing a copy of some records, and it's
15 addressed to you, Mr. Osuteye?
16 A Yes.
17 Q And it says:
18
19 Relating to your stay in our emergency
20 shelters in the fall of 2012.
21
22 And if you turn to page 2, it's entitled "Client
23 Care Notes," and it says "client Nicholas
24 Osuteye"?
25 A Yes.
26 Q All right. And it looks as though there's a
27 series of dates on that day and it looks like on
28 November 5th of 2012, it says, "Outreach intake,
29 Nicholas came from Edmonton." Does that accord
30 with your recollection of when you arrived in
31 Vancouver?
32 A Yes, it does.
33 Q And it says:
34
35 He has mild schizophrenia --
36
37 Is that something you told them?
38 A Yes.
39 Q And we've discussed why you used the word "mild."
40
41 -- and takes risperidone. He has a degree
42 in environmental economics and policy. He
43 would like to continue his schooling to
44 complete his PhD at UBC.
45
46 Was that your goal when you came to Vancouver?
47 A That was just one idea I thought of to get a

57

1 fresh start; like, after I got settled to maybe
2 try and attend school again.
3 Q Of course you hadn't even finished your master's
4 at this stage; is that right?
5 A That's true.
6 Q It says:
7
8 Nicholas was referred to the nurses clinic
9 today by outreach.
10
11 Where is the nurses clinic?
12 A I can't remember. I think it's in the place next
13 to the shelter.
14 Q Did you go?
15 A I think so. I can't remember.
16 Q Looking down, it's nine days later,
17 November 14th, 2012, it says:
18
19 Caseworker left note on bed to contact
20 caseworker. Nicholas called and left a
21 message.
22
23 Do you recall getting a note on your bed?
24 A No, but if that's what it says here, then yes,
25 that happened.
26 Q Who do you understand a caseworker to be?
27 A Like a social worker.
28 Q So they -- do you recall that you were contacted
29 by the social worker or did you contact the
30 social worker?
31 A I think I was contacted by them.
32 Q Okay. And November 15th, it says:
33
34 Nicholas attended nurses clinic. Caseworker
35 met Nicholas and did intake assessment.
36 Nicholas has appointment with welfare on the
37 20th, and he wants to find housing.
38
39 Do you recall that meeting?
40 A Not particularly. It was quite a long time ago.
41 Q Now, I want to back up a moment here before we
42 move on in this chronology. Do you recall having
43 an incident on November 13th of 2012?
44 A Was that the one at the train station?
45 Q Yeah, that's what I want you to explain to us.
46 Do you recall having an incident at the train
47 station?

58

1 A Yes.
2 Q Tell me a little bit about that event.
3 A That day I had smoked pot and I had smoked a
4 little bit too much pot, and when I was in the
5 train station I was passed out on the floor.
6 Q All right. And we're going to come back to the
7 shelter, so if you could just hold your finger
8 there but turn to tab 14. You can see page 2 of
9 tab 14 -- first of all, page 1 appears to be
10 Providence Health Care and below that it says
11 Mount Saint Joseph Hospital or St. Paul's
12 Hospital either of which is checked. There's a
13 date of November 13th, 2012, under "Emergency
14 Physician Assessment." Do you see that?
15 A Yes.
16 Q And to the right it has your name?
17 A Which -- which -- which page? Page 2 or page 1?
18 Q I'm at page 1. Sorry.
19 A Page 1?
20 Q Yeah. I'm just sort of identifying this for the
21 record here. At the top right corner it has your
22 name?
23 A Yeah.
24 Q And the date November 13th, 2012?
25 A Yeah.
26 Q And your birthdate just over to the right?
27 A Yeah.
28 Q And then your address is below it, 2739 - 41st
29 Street Northwest?
30 A Yes.
31 Q That's your home address in Edmonton?
32 A Yeah.
33 Q And if you turn over to page 2, we have an
34 emergency department nursing assessment. It
35 says:
36
37 Chief complaint: Patient fell off bench at
38 Waterfront SkyTrain station, weary LOC.
39
40 Which I understand is loss of consciousness.
41
42 Unwitnessed multiple complaints upon arrival
43 of EHS. Recent move to YVR from --
44
45 I think it says --
46 A Alberta.
47 Q Alberta. Do you recall having lots of

59

1 complaints? Were those physical or
2 psychological?
3 A Pardon?
4 Q Do you recall having lots of complaints when you
5 went to hospital?
6 A I don't recall that, no.
7 Q If we look through these pages here, there are a
8 number of pages and it looks like you were
9 seen -- if you look at page 5, there's a C-spine
10 here by -- if you look down to the bottom left
11 under "disabilities"? Do you see that box that's
12 titled "Disabilities"?
13 A Yeah.
14 Q It says "C-spine precautions" and it looks like
15 "established on arrival" is checked off. Do you
16 recall being given C-spine precautions?
17 A No.
18 Q And it says "C-spine cleared by Dr. Kesler." Do
19 you recall being seen by Dr. Kesler [phonetic]?
20 A No, I don't.
21 Q Next page over, under "Emergency Department
22 Nursing Assessment Notes," in handwriting it
23 says, "Behaviour drowsy and speech was slurred."
24 A Yeah.
25 Q Do you remember having slurred speech?
26 A I might have had slurred speech, yes.
27 Q If you look over at page 7, there's a note
28 suggests you had a hard collar on. You recall
29 having a hard collar around your neck?
30 A No.
31 Q Do you recall getting any x-rays?
32 A No.
33 Q Turn the page over again, to page 8, there's a
34 record of admission, and again, your permanent
35 address is noted there as the Edmonton address?
36 A Yeah.
37 Q No phone number is given?
38 A No.
39 Q And if you turn over to page 9, do you recall
40 getting your heart tested?
41 A No, I don't.
42 Q Page 10. You don't recall being hooked up and
43 having your heart waves measured?
44 A That was a long time -- that was a long time --
45 time -- time -- that was a long time ago, and I
46 think that day I had smoked a lot of pot, so I --
47 so --

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1 Q Not there?
2 A Not there.
3 Q And if you look over at page 11, looks like at
4 the top it says there's an ECG that was ordered,
5 and then at the bottom it looks like there was
6 some blood work drawn. Do you recall having your
7 blood drawn?
8 A No, I don't.
9 Q And it looks -- if you turn over to page 12, do
10 you recall being seen by a Dr. Pourvali at all?
11 A I was seen by a doctor. I know that. I just
12 don't know his name.
13 Q And if you look on the top left of your name, it
14 says SPHED, which I understand to mean emergency
15 department for St. Paul's Hospital, acute 2 ESTR
16 stretcher 14?
17 A Yeah.
18 Q Do you recall where on that visit, on the
19 November visit, where you were in the emergency
20 room?
21 A No, I don't.
22 Q Moving over to page 13, it appears to be an x-ray
23 film, but again you don't recall having an x-ray?
24 A No.
25 Q Page 14, you don't recall having an x-ray of your
26 chest?
27 A No.
28 Q Bottom of page 14, do you recall having to pee in
29 a cup and having your urine tested?
30 A No, I don't.
31 Q No reason to disagree with the record?
32 A No, I don't, no.
33 Q Okay. Now, unfortunately, the next couple of
34 pages appear to be mixed up with your December
35 admission, so we won't go over those right at
36 this stage. What do you recall of this admission
37 at all?
38 A I just recall that I fell off the bench; I was
39 taken to hospital. I don't recall much about
40 the hos -- hospital, and then I went back to the
41 shelter that night.
42 Q Went back to the shelter?
43 A Yeah.
44 Q Do you recall how long you were in hospital?
45 A A couple of hours. I think a few hours.
46 MS. KOVACS: My Lord, what I'd like to do before we
47 leave this section is mark -- maybe what I'll do

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1 is I'll identify the rest for the records, the
2 dates, and then mark the whole of the tab just to
3 make it easy, but some of them are,
4 unfortunately, misfiled.
5 Q But, Mr. Osuteye, can you just look at pages 16,
6 15, 16, and 17. It's a bit confusing because at
7 the top it says all results performed since 13th
8 of November, 2012, but then you can also see
9 below that that there's a date sort of top left
10 under your name --
11 Yeah.
12 Q -- on December 6th of 2012. Do you see that?
13 A On page 13? Page 16?
14 Q I'm at 15 right now --
15 A Okay.
16 Q -- but I just want to distinguish between the two
17 visits, because if you look at 14, we've got
18 November 13th, 2012, and then it seems to move to
19 December 6th of 2012, on page 15. I'll identify
20 them for the record. 15, 16, 17, and 18, if you
21 look at the dates on each of those, all appear to
22 be in relation to your December 6th visit?
23 A Yeah.
24 Q Which we're going to come to. And page 19, the
25 very last page of this section, appears to be in
26 relation to your November 13th visit we've just
27 been discussing, which is a triage note. Do you
28 see that?
29 A Yeah.
30 MS. KOVACS: My Lord, what I'd like to do is just mark
31 this entire section, then, as the next exhibit to
32 keep it together for now. Unfortunately, we're a
33 bit out of order.
34 MR. MEADOWS: I have no objection.
35 THE COURT: All right. Exhibit number, please.
36 THE CLERK: Exhibit 13, My Lord.
37 THE COURT: Exhibit 13.
38
39 **EXHIBIT 13: 19-page Providence Health Care**
40 **emergency physician assessment of Nicholas**
41 **Osuteye, dated November 13, 2012; common**
42 **book of documents tab 14**
43
44 MS. KOVACS:
45 Q So, Mr. Osuteye, you went back to the shelter
46 then. So if we can go back to tab 11 now, page 2
47 where we were.

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1 A Yeah.
2 Q If you look, we're at November 13th, which is the
3 day after that admission, at the top.
4 A M'mm-hmm.
5 Q That's where the caseworker left the note on your
6 bed?
7 A Yeah.
8 Q All right. And if we move further down,
9 November 19th, you were in the computer room;
10 November 21st, you were in the computer room?
11 A Yes.
12 Q Do you recall what you were doing in the computer
13 room?
14 A I think I was looking for jobs or housing that
15 day. I was looking for housing or jobs in the BC
16 area and I was trying to see what -- what the
17 rents were like.
18 Q Were you taking your medication at this time?
19 A No.
20 Q Did you have any left of the risperidone that you
21 had gotten from Misericordia?
22 A No. What I had had was I forgot at the Salvation
23 Army in Calgary.
24 Q So whatever you had left you left in Calgary?
25 A Yes.
26 Q In early November?
27 A Yes.
28 Q And you were smoking marijuana at the time?
29 A Yeah -- yeah -- yeah -- yes, I was. I was buying
30 pot on the street just up from the shelter on
31 East Hastings from a guy who sold smokes and
32 cigarettes -- I would smoke some marijuana.
33 Q Why were you smoking marijuana?
34 A Because it helps subside my -- my racing
35 thoughts. Like, I'd smoke pot and the thoughts
36 would be -- would sub -- would subside for a bit.
37 Q When did you smoke it?
38 A In the morning, in the afternoon, and right
39 before I'd go to bed.
40 Q And why would you smoke it before you went to
41 bed?
42 A Because it just helps calm my thoughts.
43 Q That help sleep at all?
44 A Yes.
45 Q Now, looks like November 27th, it says:
46
47 Nicholas called to set up appointment again

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1 for one. Spoke to Mark at the Anchor about
2 helping Nicholas to meet Rosalie.
3
4 And it says "VCH," which I assume is Vancouver
5 Coastal Health social worker. Do you remember
6 Rosalie?
7 A Yes, I do.
8 Q What do you remember about her?
9 A She -- she -- she -- she was a nice and
10 understanding lady.
11 Q And she was a social worker that you met with?
12 A Yes.
13 Q You met with her at the shelter?
14 A Yes.
15 Q And it says to "fill out PWD." What's "PWD"?
16 A I think it's means per -- per -- per -- persons
17 with disability.
18 Q So it's a benefit or a -- that you can apply for?
19 A I think so, yeah.
20 Q It says:
21
22 Nicholas said he is going to clinic also to
23 drop off the part for the doctor.
24
25 Is there a form for that benefits application
26 that you had to drop off for the doctor?
27 A Yes, there was.
28 Q Do you recall going to a doctor?
29 A Yes, I did.
30 Q Do you recall anyone in the nurses clinic or
31 Rosalie expressing any concerns about your
32 medications?
33 A Yes, they did express concern I should get my
34 medication. When we were doing the intake with
35 the -- what's it called -- with the -- what's it
36 called -- worker, she filled out the -- what's it
37 called -- explanation form; right? I just signed
38 it; right? But I was sitting there, like this,
39 with my hand on my ear, yeah.
40 Q So you actually had your hand on your ear when
41 you were speaking to the social worker?
42 A Yes.
43 Q Were you hearing voices at that time?
44 A Yes.
45 Q What were you hearing?
46 A Just high-pitched noises and a girl's voice and
47 just -- I was just trying to keep them out of my

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1 head.
2 Q What was the girl's voice telling you?
3 A Right -- it's been so long I can't remember.
4 Q You did hear voices?
5 A Yes.
6 Q You were encouraged to go and get your medication
7 refilled?
8 A Yes.
9 Q Tell me about that.
10 A She had said that when I go to the doctor, I
11 should get a prescription for risperidone.
12 Q Again, it's when you go to the doctor because you
13 were going anyway to get this form filled out;
14 right?
15 A Yes.
16 Q Did you go and get your prescription refilled?
17 A Yes, I did.
18 Q Did you want to get your prescription refilled?
19 A No.
20 Q Why not?
21 A I didn't think I needed medication. Like, my
22 insight at that time was -- was -- was -- was
23 very little.
24 Q You still didn't want to take medication?
25 A No.
26 Q Do you recall filling that prescription?
27 A Yes, I did.
28 Q And if we could turn then, tab 16, I want to --
29 there is a one-page printout there in everyone's
30 binder at tab 16, and if I could have you turn to
31 that, Mr. Osuteye.
32 A Yeah.
33 Q You'll see it says "BC Ministry of Health
34 PharmaNet." It's a landscape document?
35 A M'mm-hmm.
36 Q That's a yes?
37 A Yes.
38 Q And it says -- there's a date in the far left --
39 November 29th, 2002, and it looks as though it's
40 ACT, which I understand is a generic brand of
41 risperidone?
42 A Yeah.
43 MR. MEADOWS: Excuse me. I think it's 2012.
44 MS. KOVACS: Sorry. Did I misspeak? My apologies.
45 MR. MEADOWS: I think you said 2002.
46 MS. KOVACS: My apologies. I meant 2012. I'm reading
47 sideways.

65
1 Q Dispense quantity 90. Do you see that?
2 A Yes, I do.
3 Q And then it says "dispense day supply quantity
4 30"?
5 A Yes.
6 Q Do you recall getting a month's supply but 90
7 pills?
8 A Yes.
9 Q Do you recall what they look like?
10 A They were blister packages.
11 Q Blister packages?
12 A Yes.
13 Q Were they the round pills or the square wafers?
14 A I -- it was the round pills, not the square --
15 not -- not the quick -- quick dissolve.
16 Q How many blister packs did you get?
17 A I think it was from the -- from the -- right --
18 right -- from the initials I got 10 packages.
19 Q 10 packages, roughly?
20 A Or 9 packages, yeah.
21 Q Do you remember how many were in a package?
22 A 10. From -- from what I know of the record, it
23 was 10 in a package.
24 Q Okay. So I want to know what you're speaking --
25 if you're speaking from memory or from what
26 you've read, but do you remember precisely how
27 many packages you had?
28 A I had a bunch of packages. I don't remember
29 specifically. No, I can't remember that.
30 Q So there were multiple packages?
31 A Yes, there was.
32 MS. KOVACS: My Lord, before we mark this as the next
33 exhibit -- and I understand I have my friend's
34 permission -- there's a second page which is the
35 same entry but shows this a bit more. And I'd
36 like to actually hand that out to add to this and
37 we'll mark it collectively.
38 MR. MEADOWS: I have no objection, and we did discuss
39 this.
40 THE COURT: All right. So you just want the jury
41 members to add that to tab 16?
42 MS. KOVACS: Yes, please.
43 THE COURT: Thank you.
44 MS. KOVACS:
45 Q I don't believe any of this is in dispute, but
46 this appears to be a PharmaCare printout printed
47 quite a bit later, in July 2018, and you'll see

66
1 at the bottom part there's a number of entries
2 from the Forensic Psychiatric Institute which we
3 won't look at for this purpose. But you'll look
4 just above, it says "redacted," and below that
5 there's an entry of November 29th, 2012, and it
6 appears to be the same prescription, ACT
7 risperidone. Do you see that?
8 A Yes.
9 Q And there it says, again, quantity 90, and it has
10 the prescriber's name which is Cheryl E.
11 McDermid. Do you recall who the doctor was that
12 you saw at the clinic?
13 A It was a female, but I don't know her name. I
14 don't recall her name.
15 Q What clinic did you go to?
16 A I think it was the Coast Health Centre just down
17 the street from the shelter.
18 Q And then it says, under "Strength," 1 milligram,
19 and under "Form," it says "tablet"?
20 A Yes.
21 Q So to your recollection, you were given multiple
22 packages, is that right, of the risperidone?
23 A Yes, that's true.
24 Q And do you know how many you were supposed to
25 take?
26 A I think at the time I was taking two a day.
27 Q So you were just choosing to take two a day?
28 A Yeah, two or three a day.
29 Q Did you actually take two or three a day?
30 A When -- when -- when -- when -- when I got --
31 got -- got them at the shelter?
32 Q Yeah. So tell me what happens when you get this
33 prescription and you go and fill it.
34 A Well, I went and got the prescription filled
35 at -- what's it called -- at the Owl -- at the
36 Owl pharm -- at the Owl pharm -- pharmacy on East
37 Hastings. And then -- and then I went back to
38 the shelter, and to my surprise they had asked me
39 if I had gotten it filled. I said yes. And they
40 said they -- they -- they what's it called --
41 need -- they -- what's it called -- they what's
42 it called nee -- they -- I had to give them the
43 pills. So I gave them some of the pills. And
44 then they asked me to take the pills, so --
45 what's it called -- I took the pills that day.
46 Q Did you swallow them?
47 A That day, yes.

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1 Q When you say "that day, yes," were there other
2 days where you didn't?
3 A Yes. And then in the following days after that
4 when they did give me the pills, I would just
5 put -- put -- put -- put them under my tongue and
6 then go to the bathroom -- what's called the --
7 what's called the bathroom and spit them out.
8 Q Why did you do that?
9 A Because I thought that -- I thought that it --
10 that the -- I guess conspiracy had followed me to
11 Vancouver, that these people at the -- at the
12 shelter were trying to get me on pills again when
13 I didn't need them, when I didn't think I needed
14 them.
15 MS. KOVACS: My Lord, I wonder if we can have this
16 two-page document now at tab 16 marked as the
17 next exhibit.
18 MR. MEADOWS: No objection.
19 THE COURT: All right.
20 THE CLERK: Exhibit 14, My Lord.

**EXHIBIT 14: Two-page BC Ministry of Health
PharmaNet prescription report; common book
of documents tab 16**

MS. KOVACS:
26 Q Now, Mr. Osuteye, if we go back to tab 11, which
27 are the shelter records, we were at page 2.
28 THE COURT: Sorry. That tab was ...?
29 MS. KOVACS: Tab 11.
30 Q So if we look at November 27th, just partway
31 through, it says:
32
33 Nicholas was in the nurses clinic today.
34 They are concerned that Nicholas is not
35 taking his meds.
36
37 And then, of course, two days later is when you
38 got the prescription filled; is that right?
39 A Yes.
40 Q All right. Now, I want to talk about what
41 happens after that. So you talked about
42 following them to first aid and then you held
43 them under your tongue after that and spit them
44 out in the bathroom?
45 A Yes.
46 Q So do you recall taking any medication between

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1 November 29th, or after November 29th, and
2 December 7th?
3 A No.
4 Q Now, do you recall what happened that week, what
5 was happening for you?
6 A I was just walking around. I was trying to eat
7 when I could -- the -- the -- the shelter had
8 three meals a day, breakfast, lunch, and dinner,
9 but yet I would some -- sometimes sit in the --
10 in -- in -- in -- in the breakfast room, lunch
11 hall with my hand on my ear like this and I
12 wouldn't eat. I talked to myself. I was walking
13 around. I would smoke pot in -- in the morning
14 and afternoon and in the evening to calm the
15 thoughts.
16 Q You're still smoking the same amount of pot?
17 A A little bit more, but more or less, yes.
18 Q And were you still hearing voices?
19 A Yes.
20 Q What else was going on for you symptom-wise?
21 A That was pretty much it. Just ray -- ray --
22 ray -- racing thoughts, and once in a while I'd
23 hear a voice.
24 Q Were those voices starting to tell you anything?
25 A No. Just inaudible voices.
26 Q I want to take you to December 5th, 2012. Now,
27 you'll see in the shelter record here at page 2
28 that we were on, there's a record that you'd sort
29 of come back to the shelter in the evening and
30 spoken to the staff and that you were a no-show
31 at curfew. And before we get to that moment,
32 what can you tell me you were doing that day on
33 December 5th of 2012?
34 A I don't remem -- mem -- mem -- mem -- mem --
35 remember much of that day at all.
36 Q Why is that?
37 A I left the shelter in the morning -- what's it
38 called -- after breakfast, and I walked around
39 all day in a fog. I didn't know where I went or
40 where I was. And I showed up at the shelter past
41 curfew and I couldn't get in.
42 Q Do you remember when curfew was?
43 A I think it was 9:00 or 10:00 o'clock.
44 Q What time had you left the shelter?
45 A Oh, around 7:00 to 8:00 A.M.
46 Q And so you don't remember much of that day?
47 A No.

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1 Q And you said you were walking around?
2 A I pretty much -- all I know is I walked around
3 that day, and then I noticed it was dark and I
4 had no clue what I did that day.
5 Q You just didn't remember?
6 A I didn't remember.
7 Q Tell me how you were feeling in that moment.
8 A I was -- I was tired. I was a bit scared because
9 I had lost a whole day. I was cold; I was
10 hungry; I was thirsty. I -- I -- I -- I -- I --
11 I -- I was just drained of energy.
12 Q Drained of energy?
13 A Yes.
14 Q And you said you were scared?
15 A Yes.
16 Q You found your way back to the shelter, though?
17 A Yes, I did.
18 Q So you remember that part?
19 A Yeah.
20 Q Do you remember going to the shelter?
21 A Yes, I did. And they had told -- they had
22 told -- told -- they had told -- told -- told --
23 they had told me I had missed -- I had missed the
24 curfew and couldn't get back into the -- the --
25 the shelter, so I walked to the police station
26 and pushed the help button.
27 Q Do you remember asking for any help at the
28 shelter?
29 A I don't remember that, no.
30 Q So you just remember them telling you that you
31 were past curfew?
32 A Yes.
33 Q Now, so you walked to the police station and
34 pressed the help button?
35 A Yes. The police station was about two blocks
36 away, two or three blocks away.
37 Q What do you mean by a help button? Can you
38 describe that for us?
39 A Outside the police station there's a box which
40 you push for assistance. It's like a -- it's a
41 box and I just pushed the button.
42 Q Why did you push the button?
43 A Because I had missed an entire day. I didn't
44 know where I was. I didn't know where I had
45 gone. I didn't know what I did that day. And --
46 and -- and as I need -- and I thought, well, I
47 need help right now.

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1 Q So I want to stop you there because I want to
2 take a look at the rest of these shelter records
3 before you move on in the story.
4 A Okay.
5 Q So if you can turn to page 3 -- and we're going
6 to backtrack a bit here -- there appears to be a
7 new client assessment form that's been filled
8 out. See that?
9 A Yeah.
10 Q And it has your email address at the bottom,
11 NOsuteye@UAlberta.ca. Do you see that?
12 A Yeah.
13 Q Is that email still active for you?
14 A No, it's not.
15 Q And it wasn't by this point?
16 A It was at this point because -- no. I don't
17 remember in fact that it was active. I think the
18 U of A still had those emails active, but it was
19 a little bit after that that they can -- they
20 can -- they can -- they can -- they would cancel
21 old email addresses if you didn't pay, like, 5 or
22 10 -- 10 -- 5 or 10 bucks to hold on to them.
23 Q I see.
24 A Yeah.
25 Q If you turn over to page 4, looks like there's
26 some sort of client care meeting that happened on
27 November 28th, 2012, which was the day before you
28 filled your prescription?
29 A Yeah.
30 Q And most of this is blacked out because it
31 pertains to other people, but under "Addis" -- do
32 you remember someone named Addis?
33 A No.
34 Q And it just says nurse is concerned because he
35 hasn't been on medication for the past two weeks.
36 Page 5, you see it's an email from the
37 Beacon@HarbourLightBC, December 6th, 2012, at
38 12:46 A.M., to a Don Sikstrom, and it's CC'ed to
39 a Kevin Hawken. Do you see that?
40 A Yeah.
41 Q And it says:
42
43 Good morning, Don. Nicholas was a no-show
44 yesterday at curfew. At 12:40 A.M., today,
45 the VPD came and said that Nicholas was in
46 the hospital and asked if his belongings
47 could be held indefinitely. I told them I

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would email you.
2
3 And it's signed by a Patrick Murphy. And I take
4 it you don't recall any -- you weren't involved
5 in any communications?
6 A No, no.
7 Q But of course you were taken to hospital that
8 night?
9 A Yes, I was.
10 Q And we'll come to that. And the very last page,
11 page 6, appears to be some sort of
12 computer-generated printout, and it suggests
13 there's a caseworker named Archie. Do you
14 remember someone named Archie?
15 A No. I don't re -- I don't re -- I don't recall
16 the names of specific people.
17 MS. KOVACS: Perhaps what I'll do, My Lord, is just
18 have this marked as the next exhibit, the entire
19 tab.
20 THE COURT: That's tab 14, is it?
21 MS. KOVACS: Tab 11.
22 THE COURT: Tab 11, Exhibit 14?
23 MS. KOVACS: Exhibit 14, yes.
24 THE CLERK: It's Exhibit 15, My Lord.
25 THE COURT: Exhibit 15.

**EXHIBIT 15: Six-page email to Nicholas
Osuteye from Grant Gayman, sent May 16,
2018; common book of documents tab 11**

31 MS. KOVACS:
32 Q Mr. Osuteye, take us back now to the moment of
33 pressing the help box at the police station.
34 What happened next?
35 A I pressed the help button. I can't recall what I
36 said to -- to -- to -- to them because my mind
37 was in a fog at this point, but a police officer
38 came, and short -- short -- short -- shortly
39 after, and he -- and he asked me what was wrong.
40 I told -- I told -- I told him I didn't know
41 where I was all day. And so he -- I guess he
42 called an ambulance because an ambulance came and
43 they took me to the hospital.
44 Q Did you go willingly?
45 A Yes.
46 Q Why?
47 A I needed help.

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1 Q You wanted help?
2 A Yes.
3 Q So did you go to St. Paul's Hospital then?
4 A I was taken to a hospital. Where -- where --
5 where -- they -- they found out was St. Paul's
6 Hospital, yes.
7 Q You didn't know at the time it was St. Paul's
8 Hospital?
9 A No.
10 Q What do you recall with your admission to
11 hospital that night?
12 A My mind was -- my mind was erratic when I was in
13 the hospital. I was hearing voices. I was -- I
14 had my hand on my ear. One of -- I wasn't in
15 a lu -- in a lucid frame of mind, because I
16 remember the girl had asked me if I was doing --
17 if it's -- if I had what's call -- call -- call
18 addictions. And I remember I had said to her
19 benzene, formaldehyde, and other chemical
20 addictions. And then she said, what? I'm, like,
21 oh, cigarettes. That's why -- that's what's in
22 cigarettes. I'm -- I am addicted to those in
23 cigarettes.
24 Q So you were giving her the chemical properties of
25 cigarettes?
26 A Yes.
27 Q Because you're addicted to addictive substances?
28 A Yes. And then I was in the hospital bed and I
29 was -- I -- I -- I -- I -- I was in and out of
30 sleep and I was just in a -- in -- in a confused
31 fog.
32 Q So you remember talking to a girl you said?
33 A Yes, it was a young girl, I think, a resident.
34 Q You think it was a physician of some kind?
35 A I think so, yeah.
36 Q Maybe a student?
37 A Yes, student.
38 Q Do you remember what she looked like?
39 A She was Asian.
40 Q Do you remember seeing a male doctor?
41 A I did see a male doc -- doc -- doctor, yes. I
42 don't know his name.
43 Q And you had earlier said you had your hand on
44 your ear. You actually remember physically
45 having your hand on your ear as you were being
46 admitted and interviewed by this physician?
47 A Yes.

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 1 Q Do you recall being honest with that physician
 2 about what was happening with you?
 3 A I'm -- I -- I don't know how honest I was with
 4 them, no.
 5 Q Do you recall being asked about your medication
 6 compliance?
 7 A I think I told them I hadn't had my pills in
 8 about a week.
 9 Q You think that's what you told them?
 10 A Yeah.
 11 Q What do you recall next of your admission?
 12 A I was in the bed and they gave me two pills.
 13 They gave me two pills. I took them and I went
 14 to sleep.
 15 Q Do you remember what they were?
 16 A I -- I -- I don't recall what they were at the
 17 time, but from the court -- from the court --
 18 what's it called -- recommended from the court
 19 was -- recommended from the court -- what's
 20 called -- records I've seen, they was Ativan.
 21 Q So at the time you were given these pills, you
 22 didn't know what they were?
 23 A No.
 24 Q What did they look like?
 25 A They were two small white pills.
 26 Q And then you slept?
 27 A Yes.
 28 Q Do you know how long you slept for?
 29 A No.
 30 Q What do you recall next?
 31 A The next thing I recall I was woken up and I was
 32 told I could go for a cigarette. And I went for
 33 a cigarette which -- which is -- which the court
 34 records jog my -- what's it called -- jog my
 35 memory and then I was discharged.
 36 Q Do you remember having an IV bag?
 37 A Yes.
 38 Q Do you remember having an IV in your arm?
 39 A Yes.
 40 Q What do you remember about that?
 41 A It was just an IV in my arm.
 42 Q Do you know why you had an IV?
 43 A No.
 44 Q How were you feeling physically during your
 45 admission? Do you remember?
 46 A I was drained; I was tired; I was -- I was -- I
 47 was just completely -- I was completely -- I was

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 1 completely out of it.
 2 Q So you remember being woken up and being told
 3 that you could go out for a cigarette?
 4 A Yes.
 5 Q Do you have any idea what time that was?
 6 A It was the morning time. I remember that because
 7 it was light out.
 8 Q And do you remember at any point in time after
 9 that seeing any more doctors?
 10 A From the records it shows I saw a couple more --
 11 a couple more doc -- doc -- doctors, but I don't
 12 recall seeing the doctors.
 13 Q You don't recall seeing them. If I could just
 14 have you turn to page 29 of the binder.
 15 A Pardon?
 16 Q Tab 29. There's a photograph of a woman there.
 17 Do you recognize her?
 18 A No, I don't.
 19 MS. KOVACS: My Lord, I wonder if I can just mark this
 20 as an exhibit for identification for now.
 21 MR. MEADOWS: I have no objection, My Lord.
 22 THE COURT: All right. Exhibit B for identification.
 23 THE CLERK: Exhibit B for identification, My Lord.
 24
 25 **EXHIBIT B: Colour copy photograph of a**
 26 **woman with white shirt, black pants, in room**
 27 **with mattress on floor; common book of**
 28 **documents tab 29**
 29
 30 MS. KOVACS:
 31 Q So you said you recall being discharged?
 32 A Yes.
 33 Q What do you recall about that?
 34 A I just recall that I was discharged and I was --
 35 and basically I was surprised I was discharged
 36 just give -- give -- give -- given the fact I
 37 couldn't control, like, my symptoms like I was
 38 called -- like I was called -- what's it
 39 called -- I was called -- what's it -- usually
 40 when I'm in hospital, I try to minimize my
 41 symptoms as much as I can to get out as fast as I
 42 can, but when I was there I had no control over
 43 my -- my -- I had no control over my symptoms.
 44 Like, I had my hand on my ear; I was talking to
 45 myself; I was hearing voices. I was not there.
 46 Q Do you recall how you got back to the shelter?
 47 A I took the hospital transport shuttle.

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 1 Q Besides the two white pills that you were given
 2 to help you sleep or that you slept afterwards,
 3 do you recall being given any other medication?
 4 A No.
 5 Q So once you got back to the shelter, do you
 6 recall taking any of your risperidone?
 7 A No, I do not.
 8 Q Do you remember much of that day?
 9 A I just sat around that day. I just sat around
 10 and smoked around the shelter.
 11 Q What did you smoke?
 12 A I -- I smoked my -- my -- I smoked my -- my --
 13 my -- my -- my -- I smoked my cigarettes.
 14 MS. KOVACS: My Lord, I think now might be a good time
 15 for the break.
 16 THE COURT: All right.
 17
 18 (JURY OUT)
 19
 20 (STOOD DOWN)
 21
 22 THE CLERK: Order in court. Court is adjourned for
 23 the afternoon break.
 24
 25 (PROCEEDINGS RECESSED AT 2:56 P.M.)
 26 (PROCEEDINGS RECONVENED AT 3:17 P.M.)
 27
 28 MS. KOVACS: My Lord, just before we bring in the
 29 jury, we're going to obviously be getting into
 30 the events now. I don't think that's going to
 31 take more than 10 minutes is my best estimate,
 32 and then we'll have to play the videos. There's
 33 a chance we may go a few minutes past 4:00, but I
 34 think that's where I'd like to end today and then
 35 very brief continued direct in the morning.
 36 THE COURT: So you say video. I had understood --
 37 MS. KOVACS: Sorry. Audio. My apologies --
 38 THE COURT: All right. I just wanted to make sure.
 39 MS. KOVACS: -- for misspeaking.
 40 THE COURT: All right.
 41 MS. KOVACS: Okay. And I just want to -- sorry. I
 42 just want to make sure I have the audio set up so
 43 that we're not losing time, but I'm happy to have
 44 the jury come in while I do that if that's all
 45 right.
 46 THE COURT: Well, I'm happy to have you try it. I
 47 don't think we should experiment as they're

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 1 coming.
 2 MS. KOVACS: All right. And hopefully -- my phone's
 3 on silent, but as we learned yesterday, if it
 4 rings, it may go through the Bluetooth
 5 unexpectedly. So I think I'll turn it off for
 6 now.
 7 THE COURT: All right.
 8 MS. KOVACS: Thank you.
 9 THE BAILIFF: The jury, My Lord.
 10
 11 (JURY IN)
 12
 13 NICHOLAS OSUTEYE,
 14 recalled.
 15
 16 **EXAMINATION IN CHIEF BY MS. KOVACS: (Cont.)**
 17 Q Mr. Osuteye, before the break we were talking
 18 about the discharge from St. Paul's Hospital on
 19 December 6th of 2012 and your trip back to the
 20 shelter and that day. Did you go to sleep that
 21 night?
 22 A Yes, I did.
 23 Q Did you actually sleep?
 24 A It was a restless sleep. I believe it was a
 25 restless sleep because in the shelter there's
 26 pee -- there's pee -- you are not -- there's a
 27 room by -- by yourself but you're in a room with,
 28 like, eight or nine -- eight or ten bunks and
 29 people are -- may -- making noise in the night.
 30 They're coughing; they're snoring. So -- so
 31 what's it called -- what's it called -- it wasn't
 32 a good sleep.
 33 Q Were you hearing any voices that night?
 34 A I had ray -- ray -- ray -- ray -- ray -- ray --
 35 ray -- ray -- ray -- ray -- racing thoughts that
 36 night, yes.
 37 Q Do you recall hearing any actual voices, though?
 38 A I don't recall.
 39 Q What happens when you get out of bed in the
 40 morning?
 41 A When I got out of bed in the morning I went for
 42 breakfast. And then after breakfast I was --
 43 I -- I was outside the -- the shelter having a
 44 smoke. And a woman who I guess she works in an
 45 office just down the street, because I've seen
 46 her a few times, she smokes by the shelter -- the
 47 shelter, she came and she was having a smoke, and

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 1 then I was having a smoke and then all of a
 2 sudden I thought I should knock her to the ground
 3 and kick her. That startled me and I took off
 4 run -- running down the street. I ran down the
 5 street into what's called -- I turned off the
 6 street and into an alley. I ran a little bit
 7 down the alley. I stopped. I turned around and
 8 saw a lay -- a woman com -- coming down the
 9 street, down the alley. I looked at her and I
 10 just ran right up to her and jump -- and --
 11 and -- and jump-kick -- and jump -- and
 12 jump-kick -- kick -- kick -- jump-kicked her in
 13 the face. And then I heard a voice yell, what
 14 are you doing? I ran down the street and I was
 15 just run -- run -- running, and I ran maybe
 16 three, four, five blocks, and I was running down
 17 the street. I saw a woman -- woman -- woman --
 18 with -- with -- with a carriage and a kid and a
 19 boy walking down the street. I had the urge to
 20 attack them, but they -- but the woman turned
 21 into a store and the boy turned around the
 22 corner. So I just walked down the street up to
 23 the Main Street by the -- what's called -- arena,
 24 and as I was walking down the street I saw a
 25 woman -- a woman -- a woman -- an elderly woman.
 26 She was going down the street. I walked past her
 27 and I walked up -- I walked up beside her and I
 28 tripped her down and I began to stomp on her just
 29 that -- I was kicking her and I was stomping on
 30 her and kicking her and stomping on her. And
 31 then a guy pulled up in a car and said, what --
 32 what are you doing? I had walked away and kept
 33 walking. My mind was in a fog. I was -- I -- it
 34 -- it -- it was like being outside yourself. And
 35 then I saw another woman walk -- about half a
 36 block away. I walked up to her, I swept her leg
 37 out from under her, and I just started kicking
 38 and kicking and kicking and stomping on her chest
 39 and her head. And then I -- with both feet I
 40 jumped up and I landed on her face with both feet
 41 and blood began to pour out of her face and nose.
 42 The guy who had stopped the car came -- came --
 43 came -- came -- came up to -- came up to chase me
 44 away. I began to chase him screaming and
 45 yelling, I'm going to kill you, I'm going to kill
 46 you, I'm going to kill you; I have a gun; I'm
 47 going to kill you. I chased him into -- what's

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 1 called -- into a receiving area and then -- and
 2 then -- and then I turned away from him. I
 3 walked down the street some more and then I
 4 stopped at a light in front of the arena. The
 5 light was red. And a woman was just parked in
 6 her car, was waiting for the light. I went and
 7 tapped on the glass, and I said, go, go, go, and
 8 she waved to me the light. And I said, go, go,
 9 go, and she waved to me the light. And then I
 10 took a step back and I literally put my foot
 11 through the car driver's side -- what's it called
 12 -- win -- window. And then I turned around and
 13 saw two men working and I started to walk towards
 14 them with this -- with just this urge to attack
 15 them. I saw a hammer on the ground. I walked by
 16 one of the men. I was going to go pick up the
 17 hammer and hit him on the head. And just as I
 18 approached them, the guy said to me this -- the
 19 woman almost hit you with your car, and I just
 20 snapped out of it and said, yeah, she did, though
 21 she didn't. I just snapped out of it and said,
 22 yeah, I was -- call -- call -- call -- I almost
 23 got hit by the car. And then I just sat down and
 24 I realized at that moment what I had just done.
 25 And I lit a cigarette and I was just thinking,
 26 oh, god, what have I done? Like, I just --
 27 because the only image that was going through my
 28 mind was this woman on the ground with blood
 29 pouring out of her face and nose.
 30 Q In retrospect now, do you know which of your
 31 victims that was?
 32 A In retrospect I think that was Ms. Crawford.
 33 Q She was the third?
 34 A Yes.
 35 Q Now, you've given us a lot of detail there. Do
 36 you remember in your own mind do you have an
 37 independent recollection of all of that?
 38 A Yes.
 39 Q So you remember it to this day?
 40 A Yes.
 41 Q Why did you do this?
 42 A I don't know. It was just this overriding urge.
 43 I was completely out of control. It was -- it
 44 was just -- I was completely psychotic at that
 45 moment.
 46 Q Now you know that?
 47 A Pardon?

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 1 Q Now you know that you were psychotic?
 2 A Yes. At that time I was completely psychotic.
 3 Like, I would have attacked -- I would -- I
 4 would -- would -- would have wen -- wen -- wen --
 5 went after just about anybody near me. I was
 6 completely psychotic.
 7 Q So you would have gone after anyone you knew?
 8 A Yes.
 9 Q And in fact, you talked about a woman with a
 10 carriage and a boy, you saw them. Did you want
 11 to attack them?
 12 A Yes.
 13 Q What happened with them?
 14 A They -- she turned into a store and the boy
 15 turned around the corner.
 16 Q And you said you snapped out of it after speaking
 17 to a construction worker near a hammer, am I
 18 right?
 19 A Yes.
 20 Q What do you mean by you "snapped out of it"?
 21 A It's like being in a complete fog and haze and
 22 you can't control yourself, and then somebody --
 23 it's almost like when you're having a psychotic
 24 episode somebody just talks to you and says, what
 25 are you doing? What -- what -- like, it's almost
 26 like when somebody is having a psychotic episode
 27 and somebody talks to you and says, why -- why --
 28 what are you doing? Do you know where you are?
 29 You just snap out of it at that moment.
 30 Q And forgive me because earlier you'd said
 31 something about describing what was happening as
 32 sort of being -- I'm sorry, I don't want to
 33 misphrase what you had said, but something about
 34 being out of body or -- what were you saying
 35 along those lines?
 36 A It's like from my perspective I wasn't in control
 37 of what was happening.
 38 Q And when you say you snapped out of it, did you
 39 have more control?
 40 A I wasn't -- I had enough control to sit down and
 41 just sit, but I was still in a psychotic state.
 42 Q "Enough control." What do you mean by that?
 43 A Just to sit down and not even begin to process
 44 just realizing what I did.
 45 Q So realizing what you did. Did you not realize
 46 before you heard those words from the
 47 construction worker what you'd done?

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 1 A No.
 2 Q What do you mean by that?
 3 A I -- I was in a completely psychotic -- I was in a
 4 completely psychotic state. Everything you've
 5 ever -- what's called -- called -- called -- I
 6 guess the only way to put it is everything I've
 7 ever seen on Hollywood TV of that schizophrenic
 8 who is completely on a rampage, that was me.
 9 Q What happened next?
 10 A Then what happened next I heard the police -- the
 11 police sirens and I dropped my cigarette. I
 12 walked out into the street and saw the police. I
 13 stripped down into my underwear and the police
 14 told me to get down on the ground and then they
 15 handcuffed me.
 16 Q So they handcuffed you?
 17 A Yes.
 18 Q You were in your underwear?
 19 A Yes.
 20 Q Why?
 21 A I guess I went into my underwear because I
 22 realized I had told the guy I had a gun and I was
 23 going to kill him, and I didn't want the police
 24 to think I had a weapon on me.
 25 Q Can I ask you to turn to tab 35 -- sorry, tab 38.
 26 Do you have a photograph of yourself before you?
 27 A Yes.
 28 Q And this was now taken at the police station
 29 after the events?
 30 A Yes, it was.
 31 Q That is you in that photograph?
 32 A Yes, it is.
 33 Q In your underwear?
 34 A Yes.
 35 Q Do you remember having this photograph taken?
 36 A No.
 37 Q And this is how you were arrested?
 38 A Yes.
 39 MS. KOVACS: My Lord, if I could have that marked as
 40 the next exhibit.
 41 THE COURT: All right. I think that's Exhibit 16.
 42 THE CLERK: Exhibit 16, My Lord.
 43 THE COURT: It's tab 38.
 44
 45
 46
 47

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**Nicholas Osuteye; common book of documents
tab 38**

MS. KOVACS:

Q If I could have you flip back to tab 34,
Mr. Osuteye. Have you seen this photograph
before?

A Tab what?

Q Tab 34.

A Yes, I have. I've -- I have seen it when I --
when I -- when I've Googled my name Nicholas
Osuteye on Google, and -- and it's, like, all
the -- and all the news -- and all the news
stories are up. This picture is in one of them.

Q So is this -- do you know where this was taken?

A Just outside the arena, because I had the --
the -- I had the blanket on me from the police.

Q So then leave it on that page. And when the
police arrested you, Mr. Osuteye, what happened
after they handcuffed you?

A The police handcuffed me and then I said to the
police I want to make a statement.

Q All right. And what happened next?

A And then the police officer got a recording
device and I said something -- the only parts I
remember saying was -- I said something on the
lines of today, Nicholas Osuteye decided to hunt
human beings down like animals, and I rambled on
and said something about the U of A and little
Albert, and that's all I remember.

Q When you said, Nicholas Osuteye planned to hunt
human beings down like animals, did you plan
this?

A No --

THE COURT: Just a sec. I don't think that's --

MS. KOVACS: Oh, my apologies, I thought I had heard
that.

THE COURT: I heard "decided."

MS. KOVACS: Decided.

THE COURT: Correct. I assume that's --

THE WITNESS: Yeah, I --

MS. KOVACS: Thank you, My Lord.

THE WITNESS: I thought I said "decided."

MS. KOVACS:

Q You decided. Was there any planning in this?

A No.

Q Have you ever heard that recording?

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A No.

Q We have to play it now.

A Okay.

Q And I'm going to do that, and that's probably
what's going to take up the remainder of the
afternoon.

(AUDIO RECORDING PLAYED)

CST. COOK: This is Cst. Brad Cook VPD PC 2375 outside
Terry Fox Plaza at BC Place here with a Nicholas
Osuteye. Is that how you pronounce your last
name, Osuteye?

MR. OSUTEYE: Yeah.

CST. COOK: That's

oscar-sierra-uniform-tango-echo-yankee-echo.
It's Alberta driver's licence 142729-367.

Suspect in an aggravated assault times three and
mischief times two. Just been chartered and
warned. The time is 10:03 A.M. on December 7th,
2012. In the company of PC 2691 and PC 2725 from
district 4; right? That's it. And also PC 1436
Mike Dewar. Mr. Osuteye, I've given you your
charter warning. You understood it; right? You
understood your charter warning?

MR. OSUTEYE: Yeah.

CST. COOK: Okay. I'm recording this to make sure
that I don't make any errors and you understand
your rights and you understand what's going on
here today; okay? Mr. Osuteye is sitting on the
side of the curb right now and he is in his
underwear. We're working on getting him a warmer
area to be. It's December 7th. He's cold. He
stripped down his clothes as soon as we got here
in order to -- in order to ensure that the police
weren't going to hurt him.

MR. OSUTEYE: No, just to ensure -- may I speak?

CST. COOK: Oh, sure, you can. Anything you want.

MR. OSUTEYE: I took off my clothes to ensure that the
police officers realized the level of threat
towards me so you understood the danger towards
you in that if you see somebody in baggy
clothes -- if you see somebody in baggy clothes
and like, layers, you might think there's a gun,
but if I'm just in my underwear, shoes and socks
and cigarette, as you seen as you show up, I just
throw my cigarettes; right? Take off my shoes,

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take off my clogs, and all I have is my
cigarettes. At least that way once I'm ordered
to stop, when you are all at your cars just to
defend yourselves, because you guys are family,
you guys you're together, live together, if you
get shot -- what's your name -- 2691, what's your
name?

CST. MAZALAN: Cst. Mazalan [phonetic].

MR. OSUTEYE: Cst. Mazalan, if you get shot, him and
the entire department will be around your family
and police officers from all over North America
will come to your funeral. Just so that you guys
understood the justice level towards you, at
least collectively you can make a decision. If
one of you decided that it is a danger, he could
protect you from me. So that's why I did that.
Okay? Just to protect you and protect him and
protect him, just so that he knows, because he is
prepared to shoot me to defend you, and just so
he knows the threat towards you. Do you
understand? You understand? Like, I took off my
clothes so that you knew --

CST. COOK: You know what? So far in my dealings with
you, you've been nothing but cooperative; okay?

MR. OSUTEYE: Yeah. I took off my clothes so that you
can know that --

CST. COOK: Can you go ask fire if they have a blanket
so we can get him warmed up a little bit. I
don't want him freezing to death on us. He's
going to get a blanket.

MR. OSUTEYE: See, I took off my clothes so that -- I
took off my clothes so -- so -- so -- so -- so --
so -- I -- I took off my clothes so -- so that
you knew the level of threat I am to him and her
so you can make the judgment call.

CST. COOK: And we appreciate that. Do you have any
medical condition that I need to be aware of,
anything that's concerning?

MR. OSUTEYE: Yes, yes. In Edmonton they diagnosed me
with a bullshit condition of schizophrenia
[indiscernible] --

CST. COOK: Of schizophrenia?

MR. OSUTEYE: -- and a child prostitute and sex slave.

CST. COOK: You were a child prostitute sex slave?

MR. OSUTEYE: Yes, exactly, and a slave. But
basically the Misericordia Hospital and the
University of Alberta basically diagnosed me with

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bullshit schizophrenia. I knew what I was doing.
I murdered three people, I kicked in a car door,
I just wasn't prepared. I was going to see those
guys with the hammer, over there with the hammer.

CST. COOK: Who has a hammer, sir?

MR. OSUTEYE: Okay. No, you see -- you see that guy
over there?

CST. COOK: Oh, the people doing work at BC Place;
yeah?

MR. OSUTEYE: Yeah, I talked to them. I talked to
them. Ask him what I said.

CST. COOK: Okay. Here's a blanket here. Is that
going to help you out?

MR. OSUTEYE: Yeah.

CST. COOK: Is that better?

MR. OSUTEYE: Yeah. Thank you. Just basically ask
him what I said.

CST. COOK: Thanks, guys. We're good. Thanks. Do
you want this back or --

A VOICE: No. You guys are fine, yeah.

CST. COOK: Thank you so much.

MR. OSUTEYE: Make sure you talk to those two men over
there. I talked to them directly.

CST. COOK: Yeah.

MR. OSUTEYE: And my plan -- my plan, when I saw him,
if you ask him what I said and my demeanour,
you'll understand -- my plan was to get his
hammer and run away with it, hah, hah, hah,
[indiscernible] it's mine [indiscernible] then
walk down the street and try to kill at least
three or four more people, take his hammer after
just talking to him casually. After I falsely
blamed that lady at the crosswalk, I pushed the
button, she stops, she did nothing -- she -- she
did nothing wrong --

CST. COOK: Chat with him to see if he's a witness to
anything that happened.

MR. OSUTEYE: Yeah, yeah, because he's a witness --
he's a witness. Go -- those two are witnesses.
She did nothing wrong. I kicked --

CST. COOK: Which lady are you talking about?

MR. OSUTEYE: The window that -- the one at the street
who I kicked in her window.

CST. COOK: Yeah.

MR. OSUTEYE: She did nothing wrong. I was going to
get -- get -- I was going to get his hammer to
murder three or more -- to just kill as many as I

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1 could before you guys came, to strip down my
2 clothes, and then just -- I don't know, just
3 cooking lunch or supper today. Does -- does --
4 does that make any sense? Basically --
5 CST. COOK: That doesn't make sense to me.
6 MR. OSUTEYE: How do I put it?
7 CST. COOK: I hear what you're saying, though, Nick.
8 MR. OSUTEYE: Okay. How do I state it to you?
9 CST. COOK: That doesn't make sense as to why you want
10 to do something like that.
11 MR. OSUTEYE: But how do I -- how --
12 CST. COOK: I got this too. This is this deal. Are
13 you warm enough there, Nick?
14 MR. OSUTEYE: How -- please write this down; okay?
15 CST. COOK: Is there a wagon coming? Alpha 15, if a
16 wagon isn't already on its way, could it make its
17 way to where we are at Terry Fox Plaza, I
18 believe. Sorry. West air lock at BC Place.
19 MR. OSUTEYE: How do -- please write this down. Sir,
20 please write this down.
21 CST. COOK: Yes. We've got everything recorded here
22 too, so we're taking good care of that, but I'll
23 write down what I can.
24 MR. OSUTEYE: Today, what is the date?
25 CST. COOK: Today is December 7th.
26 MR. OSUTEYE: December 7th, 2012, Nicholas Osuteye
27 decided to hunt human beings like animals with a
28 purpose of murdering as many human beings as
29 possible before he stripped down in front of the
30 police, went to prison, and had supper. Nicholas
31 Osuteye does not give a shit right now about a
32 human life.
33 CST. COOK: So you wanted to hunt down --
34 MR. OSUTEYE: Nicholas Osuteye's sole purpose in life
35 right now is what he wants, he wants to go
36 hunting for the rest of his life, and the only
37 thing he wants to hunt -- the only thing that can
38 knock his brain capacity -- because he, at eight
39 years old, wrote the IQ test for Harvard and got
40 into Harvard three times and said no. He could
41 have went to Harvard at 12 years old; he could
42 have went to Harvard at ten. Just decided that
43 his sole purpose in life to hunt wolves, to hunt
44 coyotes, to hunt cheetah, to hunt polar bears.
45 It's pointless. The only thing --
46 CST. COOK: I'll keep you warm on your neck so you
47 don't freeze on me; okay?

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1 MR. OSUTEYE: The only thing he can hunt that would
2 even interest him in life today is a human being.
3 Human beings are the only thing I want to hunt.
4 CST. DEWAR: Nicholas, I'm going to open that blanket
5 up for you just so you can maybe sit on a corner
6 of it; okay?
7 MR. OSUTEYE: Yeah. Sure.
8 CST. DEWAR: Otherwise your ass is going to be --
9 MR. OSUTEYE: Please understand, sir, that I --
10 CST. DEWAR: Okay. Just lift your butt up for a
11 second.
12 CST. COOK: Lift your butt up, Nick. We don't want
13 you to freeze on us; okay?
14 CST. DEWAR: Sorry. You can sit back down now.
15 CST. COOK: We're just waiting for the wagon to get
16 here.
17 CST. DEWAR: Sit back down, because the blanket's
18 under your butt; okay?
19 CST. COOK: Just sit right down on it. There we go.
20 MR. OSUTEYE: Sir, how long have you been -- how long
21 have you been a police officer?
22 CST. COOK: 25 years.
23 MR. OSUTEYE: Please tell them I am a child, a person
24 who at 10 years old he could have gone -- went to
25 Harvard. He said no. There are over 50 people
26 who will testify he openly laughs every day how
27 he introduces himself to people is, yeah, I'm a
28 genius. At eight years old, first time I wrote
29 the Harvard entrance exam, I scored 30. Second
30 time I scored a perfect in 12 minutes. Second
31 time he got one wrong, they asked him why, he
32 gave the correct answer, they rewrote the exam
33 for him, they changed the answer. Third time he
34 said, fuck it, I'm bored, I don't want this
35 again. He asked who -- he asked who is this for?
36 They said it's for somebody else. He said, fuck
37 it. He wrote it in 30 seconds, A, B, C, D, D, D,
38 A, A, A, B, B; right? In 1, he put A, C; in 2,
39 he put D, D; in 1, he put 3, 3; right?
40 CST. COOK: Yeah.
41 MR. OSUTEYE: He got 80 percent 30 seconds Harvard
42 entrance exam. He is an individual who the only
43 thing that will ever amuse him and/or will ever
44 be a challenge is to hunt human beings like
45 animals and prey. If you read the book, *The Most*
46 *Dangerous Game*, he is both the hunter and the
47 hunted. He wants to hunt human beings, and

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1 that's it.
2 CST. COOK: Okay.
3 MR. OSUTEYE: Got it? Okay?
4 CST. COOK: Yeah.
5 MR. OSUTEYE: Just so --
6 CST. COOK: Who wanted to be -- who wanted -- sorry.
7 MR. OSUTEYE: Read the book, read the story *The Most*
8 *Dangerous Game*.
9 CST. COOK: Yeah.
10 MR. OSUTEYE: Nicholas Osuteye is those people. The
11 guy who sets up the hunt and the guy who murders
12 the hunters.
13 CST. COOK: *The Most Dangerous Game*; is that right?
14 MR. OSUTEYE: It is a child story. It's a child story
15 they read in junior high.
16 CST. COOK: *Dangerous Game*. I'll make sure I get this
17 right.
18 MR. OSUTEYE: Yeah.
19 CST. COOK: *The Most Dangerous Game*, a book. Nicholas
20 is both the --
21 MR. OSUTEYE: Let me put it this way: Nicholas
22 Osuteye only wants to hunt human beings and
23 that's it. His sole purpose in life is to hunt
24 human beings.
25 CST. COOK: Both the hunted and --
26 MR. OSUTEYE: No, no, you don't get it.
27 CST. COOK: You're just the hunter?
28 MR. OSUTEYE: No, you don't get it. I want the
29 challenge in life of just hunting human beings
30 and murdering them. It's the only thing I want.
31 I'm not a psychopath. I'm not schizophrenic. I
32 have no regard for human life. You are not equal
33 to me, and I will never see a human life equal to
34 me. I will never sacrifice my life for a human
35 life. No human being is worth me going off
36 without a couple -- if it was a choice, 50
37 million human beings or me to drink a cup of
38 water, I would drink a cup of water and watch --
39 and then hunt and watch 50 million human beings
40 starve. I don't care. No human being is equal
41 to me. I'm not a schizophrenic. I'm not a
42 psychopath. I'm not a racist. Your life means
43 nothing to me. I will never sacrifice for you.
44 But I will murder everybody you know to live one
45 more day to play my Xbox. I'm not a psychopath,
46 sir. I'm not a schizophrenic. I am everything
47 your society has feared, a human being who

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1 doesn't give a shit. It's my right to murder and
2 control everything. And if you talk back, I'll
3 murder your family and order you to find me
4 somebody to murder. I don't care if you live. I
5 will never give a shit if you starve. I don't
6 hate you. I don't hate you, man. I don't hate
7 you. If there was a sniper on that roof right
8 now, I would warn you to run because he's not
9 going to shoot me. If you stand here, I'll laugh
10 that you wouldn't leave to save your life.
11 That lady in the car was a test. I kicked
12 her window, she sat there. I -- just ask her. I
13 said leave. She started talking. I said leave.
14 She started talking. I said, are you stupid? I
15 just kicked in your car window. I kicked the
16 door. She drove up two blocks. I ran after the
17 car. She went away. One man -- I stomped on
18 that woman's head. He -- I was kicking her. I
19 said, are you stupid? I'm murdering a human
20 being; get away from me or I'll murder you and
21 then murder her -- or keep murdering her. He
22 came up to me. I had to say, are you fucking
23 stupid? I have a gun, and pretend I had a gun.
24 I don't have a gun. He ran 10 fucking feet and
25 stops. I have no respect for you as a life
26 because you would educate somebody that if
27 somebody says I have a gun and walked away, they
28 would stand there and argue with me. I will
29 shoot you and shoot him and then tell you --
30 okay, how do I put this? I will shoot you;
31 right? And when you are bleeding and I will say
32 I will walk away in two minutes and you can save
33 him, you run away and come back in two minutes, I
34 will shoot you, and then just talk to him about
35 how he should never be like you and call an
36 ambulance and tell him I will be --
37 CST. COOK: Nick, are you taking any medication right
38 now?
39 MR. OSUTEYE: No, I don't need it. I'm serious, sir.
40 I have no respect for you.
41 CST. COOK: You have some things that are --
42 MR. OSUTEYE: Okay. Please let me explain this to
43 you. If I was to shoot you right now, sir -- and
44 I'm being honest just so you know you're
45 talking to later. If you were just trying -- and
46 I say just walk away, two minutes I'll be gone,
47 you can save his life, and you won't walk away,

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1 I'll look at him and say, you observe, don't make
2 the same mistake. I'll say fine, on your knees,
3 and just fucking put your hands on your head and
4 I'll walk away as you're not a threat. I'll
5 shoot you in the head, then I'll call 911 and
6 I'll keep him alive so he can tell every one of
7 your friends you were too stupid to walk away for
8 two minutes just to save his life, I had decided
9 to show him, just walk away and come back. Does
10 that make sense?
11 CST. COOK: It does make sense.
12 MR. OSUTEYE: The way I see --
13 CST. COOK: I understand what you're saying, totally.
14 MR. OSUTEYE: The way I see you, you are like a feral
15 dog. If you were to touch me, it is my right to
16 execute everybody who agreed with you touching
17 me.
18 CST. COOK: Okay.
19 MR. OSUTEYE: You touch me, I get tested to see if you
20 understand who I am when I figure out you know
21 you did something wrong.
22 CST. COOK: But you're clear right now, Nick.
23 MR. OSUTEYE: I'll murder you.
24 CST. COOK: Nick, you're clear right now?
25 MR. OSUTEYE: How do I put this?
26 CST. COOK: Do you know who I am?
27 MR. OSUTEYE: You are a human being and a police
28 officer.
29 CST. COOK: I'm a police officer in the city of
30 Vancouver. You understand that; right?
31 MR. OSUTEYE: And you are a human being, yes.
32 CST. COOK: You're right.
33 MS. OSUTEYE: Do you understand who I am?
34 CST. COOK: I do.
35 MR. OSUTEYE: I will never sacrifice a second of my
36 life to save a human life.
37 CST. COOK: Okay.
38 MR. OSUTEYE: Your life is not worth 30 seconds of my
39 time. I am not an asshole. I am not arrogant.
40 I think about survival. You take the bullet. I
41 eat a hamburger. That's my philosophy.
42 CST. COOK: Nick, since you've been in Vancouver, do
43 you have a place where you're hanging your hat
44 right now? Do you have a home right now?
45 MR. OSUTEYE: Oh, yes, I am sleeping in a shelter.
46 I'm grateful. Like, I'm very grateful. But the
47 way I see it is --

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1 CST. COOK: I'm just wondering if there's -- do you
2 have stuff somewhere that we need to be -- like,
3 to collect it for you or something?
4 MR. OSUTEYE: Oh, yes, at Salvation Army Beacon, Main
5 Street and Powell, bed 30. How do I put this?
6 CST. COOK: Sorry. Which -- Salvation Army, bed
7 30...?
8 MR. OSUTEYE: Main Street and Powell. How do I put
9 this? You have no right to speak to me, but I
10 will be cooperative.
11 CST. COOK: Okay. Well, I'm glad that you're being
12 cooperative.
13 MR. OSUTEYE: How do I put this? Do you know in the
14 olden days the most arrogant fucking person -- do
15 you know the olden days the most arrogant
16 person --
17 CST. COOK: Are you warm enough?
18 MR. OSUTEYE: Yeah. Okay. How do I put this? Do you
19 know Nero and Caligula?
20 CST. COOK: I know about Caligula and Nero, yeah.
21 MR. OSUTEYE: Yes. I would put you in an arena to
22 fight to your death just so I have something to
23 watch for my entertainment. I don't care about
24 your life, man.
25 CST. COOK: Wow.
26 MR. OSUTEYE: I will not share oxygen with you if it
27 means that I will not live for -- for -- okay.
28 Basically if it meant I could share the oxygen
29 with you and we could both live one more day, so
30 I could share the oxygen with you, and we
31 could -- and basically -- or at least I could
32 deny you oxygen and I could live for one day and
33 one minute, you will not get any oxygen.
34 CST. COOK: Nick?
35 MR. OSUTEYE: I don't care who you are, man.
36 CST. COOK: Do you understand the jeopardy that you're
37 facing for what you did today -- and what you did
38 today? Do you understand that it's against the
39 law in Canada to do what you did?
40 MR. OSUTEYE: Yes. Do you understand I am not --
41 CST. COOK: I understand. I very much understand.
42 I'm just wondering if you understand.
43 MR. OSUTEYE: This is my philosophy. You have no
44 right to write anything about me or a law to tell
45 me what to do.
46 CST. COOK: Okay.
47 MR. OSUTEYE: So you understand who I am.

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1 CST. COOK: You know what? I'm trying to -- you know,
2 I'm getting a real good picture as to where
3 you're coming from; okay?
4 MR. OSUTEYE: I'm not a megalomaniac. Why would I
5 sacrifice my life for you? It's my DNA. Fuck
6 it. I didn't ask you to be here. Got it?
7 CST. COOK: I hear where you're coming from.
8 MR. OSUTEYE: Thank you.
9 CST. COOK: I hear.
10 MR. OSUTEYE: Don't ever believe I will sacrifice my
11 life for another human being.
12 CST. COOK: Okay.
13 MR. OSUTEYE: Okay? Please understand that.
14 CST. COOK: Do you know one of the ladies that you
15 hurt today?
16 MR. OSUTEYE: Yeah.
17 CST. COOK: There's an elderly lady; right?
18 MR. OSUTEYE: Yeah.
19 CST. COOK: Okay. Is there any --
20 MR. OSUTEYE: I don't care. I don't care, man. I
21 will not sacrifice my life for a human life. You
22 aren't worth it to me.
23 CST. COOK: Okay. What about her?
24 MR. OSUTEYE: I will live a million years.
25 CST. COOK: What about her, Nick?
26 MR. OSUTEYE: I don't give a shit, dude. Who the fuck
27 are you to tell me who she is. I don't know her.
28 Fuck it. Okay. How do I put this? I see a
29 prostitute get murdered, I don't care. So why
30 would I give a shit about her? Got it?
31 CST. COOK: Okay. I'm just asking you. I'm just
32 asking you.
33 MR. OSUTEYE: Never tell me about human suffering. I
34 don't care. Never tell me about human suffering.
35 CST. COOK: So, Nick, this is what's going to happen;
36 okay? We're going to put you into the police
37 wagon.
38 MR. OSUTEYE: Okay.
39 CST. COOK: Okay? It's warmer in there than it is out
40 on the street here. It's just going to pull up
41 here in a second; okay?
42 MR. OSUTEYE: Can I ask a question?
43 CST. COOK: Yes, sir.
44 MR. OSUTEYE: Please write this down just so you know
45 who I am.
46 CST. COOK: Yeah.
47 MR. OSUTEYE: Before you call my lawyer, can I spend

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1 my money? Like, can I spend -- I have -- before
2 you call my lawyer, I have --
3 CST. COOK: Yeah, I'm writing that.
4 MR. OSUTEYE: I have 25 bu -- bu -- bu -- bucks in my
5 pocket.
6 CST. COOK: Yeah, it's in your wallet, yeah.
7 MR. OSUTEYE: Am I allowed to spend -- spend --
8 spend -- spend -- spend -- spend -- spend that?
9 I need just some cold medication. Is that -- am
10 I allowed?
11 CST. COOK: You need cold medication?
12 MR. OSUTEYE: And -- and -- and I have 25 bucks in my
13 pocket.
14 CST. COOK: Right.
15 MS. OSUTEYE: Am I allowed to spend that just to get
16 some -- what's it called -- just some clothes and
17 underwear? Just underwear?
18 CST. COOK: You have underwear on.
19 MR. OSUTEYE: But if I have no underwear, would --
20 would -- would you use my 25 bucks to buy me
21 underwear, yes or no?
22 CST. COOK: It's your money and you can do whatever
23 you want with it.
24 MS. OSUTEYE: Thank you.
25 CST. COOK: But right now you can't go shopping.
26 MR. OSUTEYE: Yes. Then please, before you call me a
27 lawyer, order me a pizza.
28 CST. COOK: Do you have a lawyer that you deal with?
29 MR. OSUTEYE: I'm not joking. Before you call me a
30 lawyer, you order me a pizza. If you --
31 CST. COOK: Okay. Nick, remember when I first started
32 talking to you, remember I told you about the
33 lawyer; right? I said you get a free lawyer --
34 MS. OSUTEYE: Before I see a lawyer, I want a pizza or
35 I'm not talking to a lawyer.
36 CST. COOK: Do you have a lawyer that you deal with
37 already?
38 MR. OSUTEYE: No. Before I get a lawyer, I want a
39 pizza.
40 A VOICE: You want a pizza?
41 MR. OSUTEYE: Or I won't talk to a lawyer.
42 CST. COOK: I will pass that on.
43 MR. OSUTEYE: Thank you.
44 CST. COOK: Okay. I will pass that on. Now, before,
45 you told me you --
46 MR. OSUTEYE: If I don't get a pizza, I don't talk to
47 a lawyer.

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1 CST. COOK: Before, you told me you didn't want to
2 talk to a lawyer. Do you now want to talk to a
3 lawyer? Is that right?
4 MR. OSUTEYE: I want a pizza first.
5 CST. COOK: A pizza first?
6 MR. OSUTEYE: I'm not joking.
7 CST. COOK: Okay.
8 MR. OSUTEYE: Thank you.
9 CST. COOK: I will pass it along, that I guarantee.
10 MR. OSUTEYE: I want a pizza and a cigarette before I
11 call a lawyer -- before I talk to a lawyer.
12 CST. COOK: "I want a pizza" --
13 MR. OSUTEYE: And a cigarette.
14 CST. COOK: -- "and a cigarette" --
15 MR. OSUTEYE: Before I will talk to a lawyer.
16 CST. COOK: -- "before I will talk to a lawyer."
17 MR. OSUTEYE: Or a doctor or a judge, but I will say
18 everything to a police officer and a prosecutor.
19 CST. COOK: Okay.
20 MR. OSUTEYE: Got it?
21 CST. COOK: "But I will say anything to a" --
22 MR. OSUTEYE: But I will say basically anything to a
23 police officer or prosecutor. I will not talk to
24 a -- I will not talk to a lawyer or a doctor or a
25 nurse or a judge or anybody but a police officer
26 or a prosecutor only to build my trust, only
27 people I will trust is a police officer or
28 prosecutor if I don't get a pizza. Got it?
29 CST. COOK: Okay.
30 MR. OSUTEYE: Thank you.
31 CST. COOK: I wrote it down in here.
32 MR. OSUTEYE: Like, I trust you --
33 CST. COOK: I've also recorded it on this audio
34 recorder, so I know that I got that, okay?
35 MR. OSUTEYE: I will tell you everything. I will tell
36 the prosecutor everything. I will not talk to my
37 lawyer or a doctor or a nurse. Tell them not
38 even to talk to me in the hospital.
39 CST. COOK: Okay.
40 MR. OSUTEYE: Just examine me. Don't ask me
41 questions. I won't talk to you.
42 CST. COOK: What do you think that you need to go to a
43 hospital for?
44 MR. OSUTEYE: Oh, no, no. Take me to prison before
45 the hospital.
46 CST. COOK: That's already -- jail is where we're
47 planning on taking you; okay?

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1 MR. OSUTEYE: Take me to prison. I will talk to
2 police officers, the prison guards, and the
3 prosecutors. I will never talk to a lawyer or a
4 doctor or a judge.
5 CST. COOK: Okay. Have you spoken to a lawyer before?
6 MR. OSUTEYE: Oh, lots of times.
7 CST. COOK: Is there a defence lawyer that you deal
8 with or that you know about?
9 MR. OSUTEYE: I'm sure I have a few, but -- oh, yes, I
10 know a lawyer, Barr and Picard -- Barr and
11 Picard.
12 CST. COOK: Barr and Picard?
13 MR. OSUTEYE: Gordon Barr, Barr and Picard. He knows
14 me in Edmonton.
15 CST. COOK: In Edmonton?
16 MR. OSUTEYE: Yeah. He can tell you my name.
17 CST. COOK: Gordon -- I'll write it down.
18 MR. OSUTEYE: Gordon Barr, Barr and Picard. He can
19 tell you my name. He -- that -- that -- that's
20 all he can tell you. Brian Finch [phonetic], his
21 card is in my wallet.
22 CST. COOK: Is he a local guy?
23 MR. OSUTEYE: He's in Edmonton. He knows me. I got
24 his card. I will not talk to a lawyer or a
25 doctor or a nurse. I will only talk to the
26 police and the prosecutors and that is it, and
27 the prison guards and that is -- I will not talk
28 to a doctor or a nurse or a lawyer. Got it?
29 CST. COOK: I gotcha.
30 MR. OSUTEYE: Only police and prosecutors or I will --
31 or else I will fucking sue you for 50 million
32 under the *Charter Rights and Freedoms* if you
33 bring me a -- if you bring me -- if a doctor or
34 nurse or a lawyer or a judge speaks to me, I will
35 sue you for 50 million under the *Charter Rights*
36 *and Freedoms*. If only the police and prosecutors
37 talk to me, I will admit everything and not lie.
38 CST. COOK: Well, why are you talking to me today?
39 MR. OSUTEYE: I'm telling you the truth, man.
40 CST. COOK: Okay.
41 MR. OSUTEYE: I will tell you everything and the
42 prosecutor. You bring me a lawyer, I'll sue --
43 CST. COOK: Okay. I haven't promised you anything. I
44 haven't done anything, right?
45 MR. OSUTEYE: If you bring me a lawyer before a pizza,
46 I will sue you for \$50 million. Gotcha. Okay?
47 CST. COOK: I got it.

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1 MR. OSUTEYE: If a doctor talks to me or a nurse talks
2 to me, I only talk to the police and the
3 prosecutors from this day forth, and that is it.
4 CST. COOK: Okay.
5 MR. OSUTEYE: No doctors, no nurses, no judges, no
6 lawyers. My lawyer will listen. I will only
7 talk to police and prosecutors, and that is it.
8 CST. COOK: Okay.
9 MR. OSUTEYE: That is it. If you bring me a lawyer to
10 question me, I will fucking attack you.
11 CST. COOK: Are they doing HPI for them? Just a
12 heads-up for what you write down there. I don't
13 know whether to plan on doing --
14 A VOICE: [Indiscernible] the guy he followed.
15 CST. COOK: Yeah, fair enough. Are we good with that,
16 then? Yeah? Okay.
17 MR. OSUTEYE: Sir, please --
18 CST. COOK: I don't know whether they're going to get
19 excited; that's all.
20 MR. OSUTEYE: Sir, please --
21 CST. COOK: Yes, sir.
22 MR. OSUTEYE: -- write this down. Please write this
23 down.
24 CST. COOK: "Sir, write that down."
25 MR. OSUTEYE: Just move that -- please just -- please
26 just move my -- no, bring my -- bring my -- bring
27 my -- own clothes. My mouth is --
28 CST. COOK: This isn't a phone; this is a recorder.
29 MR. OSUTEYE: Okay. I exercise my rights under the
30 *Charter Rights and Freedoms* only to speak to the
31 police and prosecutors, and that is it. Any
32 deviation whatsoever that I do not talk to only a
33 police officer or the prosecutor, I will sue for
34 \$5 billion under the *Charter of Rights and*
35 *Freedoms* and the Criminal Code and the civil
36 code. Any attempt to have me talk to a lawyer, a
37 doctor or a nurse or a judge, you will be sued
38 for \$5 billion under the *Charter of Rights and*
39 *Freedoms* and the civil code and the Criminal
40 Code. If I only talked to police and prosecutors
41 about this, nobody will be sued and I will not
42 lie. Thank you.
43 CST. COOK: Nick, I think that was picked up by the
44 recorder here, so I think we're good. Okay. So
45 now we've got our wagon here.
46 MR. OSUTEYE: Thank you.
47 CST. COOK: What's going to be happening is we're

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1 going to put you in here.
2 MR. OSUTEYE: Okay. Thank you, sir.
3 CST. COOK: Okay. I'm just waiting for them to --
4 MR. OSUTEYE: Can -- can you -- may I have a smoke
5 later on?
6 CST. COOK: I won't be giving you a cigarette because
7 I don't have any cigarettes. I don't smoke
8 myself; okay, man?
9 MR. OSUTEYE: Okay. Oh, yes, please -- oh, please,
10 oh, please, oh, please -- oh, please bring --
11 please bring me -- what's -- please bring the --
12 please the -- please bring -- just -- just --
13 just -- just --
14 CST. COOK: Yeah, yeah, yeah.
15 MR. OSUTEYE: Please, under the *Charter of Rights and*
16 *Freedoms* I exercise my constitutional right to
17 sit in a prison cell.
18 CST. COOK: Okay.
19 MR. OSUTEYE: Thank you. And not -- under my *Charter*
20 *of Rights and Freedoms*, I -- basically right
21 under the *Charter of Rights and Freedoms*, I
22 exercise my right to be taken to the police -- to
23 be taken to the police station and charged.
24 CST. COOK: Okay. Well, that's already happened. You
25 are getting charged.
26 MR. OSUTEYE: Thank you. I am exercising my *Charter*
27 *of Rights and Freedoms* to be taken into police
28 custody.
29 CST. COOK: Are you warm enough now? It keeps
30 creeping away from you, eh, your blanket? You're
31 putting your knees together there and you warm
32 up. I'm just waiting for them just to be a
33 second here; okay? Geez. Okay. Do you know
34 what day it is today?
35 MR. OSUTEYE: December 7th, 2012.
36 CST. COOK: You got that right.
37 MR. OSUTEYE: Thank you. I think 8th or 9th,
38 unless --
39 CST. COOK: Well, today's the 7th; that's right.
40 MR. OSUTEYE: That's because you said the date, that's
41 why. I think it's 7th, 8th. Like, you told me
42 the date.
43 CST. COOK: How long have you been in Vancouver for
44 now, Nick?
45 MR. OSUTEYE: One month.
46 CST. COOK: A month?
47 MR. OSUTEYE: Yeah.

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1 CST. COOK: Were you working at all?
 2 MR. OSUTEYE: No.
 3 CST. COOK: No? When was the last time you worked?
 4 MR. OSUTEYE: Oh, I don't know. I don't want to work.
 5 CST. COOK: Okay. When you did work, I was wondering
 6 what you did; that's all.
 7 MR. OSUTEYE: Oh, nothing. I just walked and I
 8 smoked. I don't want to work. I've never had a
 9 goal in life to -- I have never had a goal in
 10 life to collect a paycheck.
 11 CST. COOK: Yeah. Are you born in Edmonton too?
 12 MR. OSUTEYE: No, I don't want to work. I don't want
 13 to work for you.
 14 CST. COOK: No, and you don't have to work for me. I
 15 just asked you if you were born in Edmonton. Is
 16 that where you're from?
 17 MR. OSUTEYE: No, I wasn't, no.
 18 CST. COOK: No?
 19 MR. OSUTEYE: No. I think it's insulting that I have
 20 to collect a paycheck. I don't want to work. I
 21 have no desire to ever work. I don't want to
 22 work. I don't want a paycheck. I don't want a
 23 9-to-5 job. I do not want a paycheck.
 24 CST. COOK: Okay.
 25 MR. OSUTEYE: I don't want to work.
 26 CST. COOK: Do you get social assistance then, too,
 27 Nick, or is it --
 28 MR. OSUTEYE: You don't get it. I --
 29 CST. COOK: Do you get, like, some money, like, just
 30 to kind of get food and stuff like that? That's
 31 all I'm saying.
 32 MR. OSUTEYE: I get welfare. I spend it on smokes and
 33 coffee and weed and video games. I don't want to
 34 work. I don't want to work until the age of 30.
 35 I have no desire --
 36 CST. COOK: Until the age of 30. How old are you now?
 37 You're over 30.
 38 MR. OSUTEYE: No, sorry. I don't want to work. I do
 39 not -- I do not -- how do I put it? I don't want
 40 to spend five minutes of my time thinking about
 41 how to make you money.
 42 CST. COOK: Yeah.
 43 MR. OSUTEYE: I don't want to work for any human
 44 being. That's my philosophy. I work for me and
 45 me only.
 46 CST. COOK: Yeah.
 47 MR. OSUTEYE: I don't want to work for anybody. I

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1 will not work for any human being. It's just my
 2 right not to even give a shit about your fucking
 3 dollar or your time.
 4 CST. COOK: Hold on one second here. Hey, Mike, guys,
 5 can I get him in here? Can I get him in? Oh,
 6 okay. I was just wondering what the delay was
 7 with the wagon. Okay. I was just wondering for
 8 the day and -- good, good, good. It's fine now.
 9 Sorry, Nick. I apologize.
 10 MR. OSUTEYE: Thank you.
 11 CST. COOK: I was -- I'm just trying find out -- I
 12 want to make sure you -- the blanket seems to be
 13 a doing good job in keeping you warm. I'm
 14 just --
 15 MR. OSUTEYE: Can you get -- can you get me something
 16 for my feet as it's cold.
 17 CST. COOK: Usually what they have is they have these
 18 special boots they put on your feet. Okay? But
 19 I don't know whether he has them right in the
 20 wagon here or whether they have it at the jail.
 21 MR. OSUTEYE: Oh, I have another question.
 22 CST. COOK: Yes, sir.
 23 MR. OSUTEYE: When we get to where we're going, can I
 24 have a cigarette?
 25 CST. COOK: That's going to be up to -- usually in
 26 this sort of case here, there's usually some
 27 detectives that are involved; okay? Because
 28 there's so many different things that are going
 29 on here today. And those are the guys you need
 30 to ask to see if they have any cigarettes; okay?
 31 MR. OSUTEYE: Okay. Thank you very much.
 32 CST. COOK: They usually have them.
 33 MR. OSUTEYE: When they examine by the doctor, yes,
 34 only the police officer -- I will only answer
 35 questions to the police officer or the prosecutor
 36 who is there. If the doctor wants to ask me a
 37 question, I will not answer the question until
 38 you ask the question; got it? I will not answer
 39 a question from a doctor; it comes from you. I
 40 only talk to police and prosecutors, and that's
 41 it.
 42 CST. COOK: You've made that crystal clear.
 43 MR. OSUTEYE: That's my philosophy.
 44 CST. COOK: You've made it crystal clear.
 45 MR. OSUTEYE: Good. I'm glad we -- I won't lie to
 46 you, sir.
 47 CST. COOK: Okay. You've been incredibly cooperative

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1 with me and I have no reason to not believe you.
 2 MR. OSUTEYE: If you're there, the doctor ask me a
 3 question, I won't answer; I'll scream at him.
 4 When you ask the question, I will be honest,
 5 polite, and I will not hurt you. I will not
 6 attack you, I will not --
 7 CST. COOK: Did I give you those, sir?
 8 LADY OFFICER: I had them in the back of our car.
 9 CST. COOK: Oh, brilliant. Okay.
 10 LADY OFFICER: Does that work?
 11 MR. OSUTEYE: I only talk to police and prosecutors.
 12 CST. COOK: Yeah, that should work.
 13 MR. OSUTEYE: Ma'am, please inform them I only talk to
 14 police and prosecutors.
 15 CST. COOK: Do you know what these bags are for here?
 16 MR. OSUTEYE: No.
 17 CST. COOK: Okay. What's going to happen is those
 18 bags are going to go around your hands; okay?
 19 MR. OSUTEYE: Okay.
 20 CST. COOK: And what we have to do is I'm going
 21 zap-strap that around your hand but not going to
 22 make it too tight, but just tight enough so they
 23 can hold onto it; okay?
 24 MR. OSUTEYE: I only talk to the prosecutors.
 25 CST. COOK: Okay. Well, these are police officers
 26 too. You know that; right?
 27 MR. OSUTEYE: Yeah.
 28 CST. COOK: Okay, good.
 29 MR. OSUTEYE: Ma'am, I'm only talking to the
 30 prosecutors and not anybody else.
 31 LADY OFFICER: Okay.
 32 MR. OSUTEYE: Thank you.
 33 CST. COOK: Nick, we're going to walk a little bit
 34 towards here, keep you nice and cozy warm as much
 35 as we can. Hold on, Nick.
 36 A VOICE: Is that going to be all right?
 37 CST. COOK: That's good.
 38 MR. OSUTEYE: I really -- and also I would like to
 39 talk to the prosecutor as soon as possible.
 40 CST. COOK: The prosecutor as soon as possible?
 41 MR. OSUTEYE: By the district attorney or whatever as
 42 soon as possible, please. I demand to talk -- or
 43 else attorney general's office.
 44 CST. COOK: Yeah, attorney general's office. Now
 45 you're on the right page here. Yeah, we don't
 46 want to go into the States here. You got all
 47 that?

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1 A VOICE: Clothing seized.
 2 CST. COOK: You got all that? Going to be swabbing,
 3 things -- doing things like that.
 4 A VOICE: Okay.
 5 CST. COOK: Okay, Nick. Hop on in there, buddy.
 6 We're going to give you this blanket. Is the
 7 heat on in there?
 8 A VOICE: Yeah.
 9 CST. COOK: Do you want the blanket too? Is that
 10 going to keep you warmer? Okay. Here we go.
 11 Underneath you too? There you go. So grab a
 12 seat. I'll do the best to keep you warm; okay?
 13 There you go. And you're not going to be able to
 14 move very much, so keep that in between your
 15 knees and that'll warm you up a little better;
 16 okay? Is that better? And the heat will be on
 17 in seconds, you'll be able to feel it; okay?
 18 Thanks, Nick. Thanks for your cooperation.
 19 You're good now? Okay.
 20 The time is 10:40 and he's now in the wagon
 21 here. His hands have bags on them, and I'm going
 22 to stop the recording.
 23
 24

(END OF RECORDING)

25 MS. KOVACS:
 26 Q Mr. Osuteye, that was the first time you've heard
 27 that audio recording?
 28 A Yes, it is.
 29 Q Do you recall that arrest?
 30 A Yes, I do.
 31 Q Do you recall being put in the wagon?
 32 A Yeah.
 33 MS. KOVACS: My Lord, I wonder -- I have the audio
 34 recording on a USB for the purposes of the
 35 evidentiary record, and I've got three of them.
 36 So I'm happy to hand those up to mark it as an
 37 exhibit. You want two up there, perhaps. I'm
 38 happy to give three if we need them. They're all
 39 just the audio recording that we just heard.
 40 THE COURT: Thank you.
 41 MS. KOVACS: And that would be exhibit number ...?
 42 THE COURT: 17, I think.
 43 THE CLERK: Exhibit 17, My Lord.
 44
 45
 46

EXHIBIT 17: One black-and-silver USB plus,

1 in a clear exhibit bag
2
3 MS. KOVACS: I note the time and thank everyone for
4 sitting a bit late today so we could finish the
5 audio recording. I don't expect to be too much
6 longer with my direct, but I know that we have
7 Mr. Osuteye here for the day tomorrow, and I know
8 my friend had suggested at the break -- and I'm
9 not sure if it's possible -- to either start
10 early tomorrow or perhaps have a shorter lunch
11 break so that we can get him on a flight at the
12 end of the day tomorrow.
13 THE COURT: So what time is Mr. Osuteye's flight?
14 MS. KOVACS: I believe it's not until 8:45, but of
15 course it is a Friday tomorrow.
16 THE WITNESS: Oh, did we change the time -- the
17 time -- time of the flight?
18 MS. KOVACS: My understanding is that my friends were
19 able to change the time.
20 THE WITNESS: Okay.
21 MS. KOVACS: My Lord, I'm in your hands in terms of
22 timing, and I'll invite my friend to speak to
23 that.
24 MR. MEADOWS: My Lord, I'm going to attempt to shorten
25 things, as it was quite a comprehensive direct,
26 in terms of my cross-examination or my plan for
27 cross-examination. I anticipate that I would
28 know, you know, before the lunch break whether or
29 not we would need to maybe make take a half an
30 hour or shorter lunch if that would be possible
31 at that time, maybe come back half an hour early
32 or --
33 THE COURT: Well, I think that would work for me. I
34 imagine it would work for the jury for the most
35 part. That's something that would be
36 accommodated. Does anybody have a plan tomorrow
37 during the lunch hour that would prevent them
38 from taking a shorter lunch? So now you know,
39 Madam Clerk and Madam Reporter, that would work
40 for you as well?
41 THE CLERK: Yes, My Lord.
42 THE REPORTER: Yes.
43 THE COURT: All right. And that's what we'll do.
44 We'll play it by ear and we'll see how we're
45 doing at 12:30 and we'll make some decisions
46 then.
47

1 (JURY OUT)
2
3 (WITNESS STOOD DOWN)
4
5 THE COURT: All right. See you tomorrow, then. Thank
6 you.
7 THE CLERK: Order in court. Court is adjourned to
8 Friday, September 6th, 2019, at 10:00 A.M.
9
10 (PROCEEDINGS ADJOURNED AT 4:13 P.M.)
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REPORTER CERTIFICATION

15 I, Glaucia R. Fadigas de Souza, RCR,
16 Official Reporter in the Province of British
17 Columbia, Canada, do hereby certify:

18
19 That the proceedings were taken down by me
20 in shorthand at the time herein set forth, and
21 thereafter transcribed, and the same is a true
22 and correct and complete transcript of said
23 proceedings to the best of my skill and ability.
24

25 IN WITNESS WHEREOF, I have hereunto
26 subscribed my name on this day, the 13th day of
27 September 2019.
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32 Glaucia R. Fadigas de Souza, RCR
33 Official Reporter
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