

IN THE MATTER OF The Inquest touching on the Death of Romeo Wesley

PROPOSAL TO THE CORONER

Change of Venue Motion

February 16th and 17th, 2016 - Sioux Lookout, Ontario

PRESENT:

CHIEF RUSSELL WESLEY	Chief, Cat Lake First Nation
MR. FRANCIS THATCHER	Counsel to Cat Lake First Nation
MS. LEILA MEHKERI	Counsel to the Coroner
MS. CHRISTIN MARRELLO	Counsel to the Wesley Family
MR. WILLIAM MAJOR	Counsel to Mishkeegogamang
MS. CATHERINE BEAMISH	Counsel to NAPS
MR. SIMON OWEN	Counsel to NAPS
Det./Cst. JIM MURPHY	Coroner's Constable
Det./Cst. AVI FAGU	Coroner's Inquest Investigator
MR. DEREK SPENCE	Counsellor, Cat Lake First Nation
MS. ABIGAIL WESLEY	Family of Romeo Wesley
MR. TOM WASSAYKEESIC	Band Councillor, Mishkeegogamang
MS. PALOMA CORRIN	Counsel for Mishkeegogamang
MS. RACHEL WESLEY	Council Member, Cat Lake First Nation
MR. WILFRED WESLEY	Elder, Cat Lake First Nation
MS. SHERRY ABBOTOSSAWAY	Law Student, Bora Laskin Faculty of Law
MR. GREG MOE	Service Manager, Tikinagan
MS. RACHEL MEEKIS	Director of Services, Tikinagan

These are the minutes of settlement discussions which took place on February 16th and 17th, 2016 in Sioux Lookout, Ontario. The aim of the discussion was to determine venue for the Romeo Wesley Inquest, and specifically, whether the Inquest could be held in Cat Lake.

Date and Venue for the Inquest -

The parties agree and jointly recommend to the Coroner that the Inquest into the Death of Romeo Wesley will take place from August 2nd to the 19th in Cat Lake First Nation.

The Coroner's Court will normally sit from 9 a.m. to 5 p.m., Monday to Friday, (excluding civic Holidays) having regard to the fact that participants will not be commuting and that lunch will be provided on-site.

The proposed timeline for presentation of evidence will be as follows:

- August 2nd will be used as a travel day for inquest participants and the jury.
- August 3rd will have time set aside for an opening ceremony, the Coroner's introduction, counsel's opening, and a view for the jury
- August 4, 5, 8, 9, 10, 11, and 12th will be set aside for the Coroner's witnesses.
- August 15th and 16th will be set aside to hear from any of the parties' proposed witnesses,
- August 17th and 18th will be set aside for submissions and deliberations.

The deadline for motions for expanded scope will be: 14 March 2016

The deadline for motions for additional witnesses will be: 14 March 2016

The Coroner may limit the amount of time which parties are allocated for cross-examination of witnesses.

Due to resources, logistics and availability of counsel, the Coroner will not be sit beyond August 19th in Cat Lake.

Security Plan

NAPS is the policing agency with responsibility for Cat Lake, and NAPS confirms that it should be the policing agency responsible for providing security at the Inquest. NAPS will work in partnership with the Community of Cat Lake in order to provide security for the community during the inquest.

NAPS and Cat Lake First Nation will produce an operational security plan detailing security for the inquest. The plan shall be provided to the Coroner's office by Tuesday, March 1st, 2016 The plan will have the approval of the Chief of Police of NAPS and the Chief of Cat Lake First Nation.

The following items will be addressed by the operational security plan:

- Security of the community members of Cat Lake;
- Security of the community's buildings and facilities used throughout the inquest;
- Security of members of the jury;
- Security of the inquest participants.

The operational security plan will include details relating to emergency preparedness, particularly addressing the mechanism through which the jury and parties can be evacuated from the community in the event of emergency. This plan may include the details of, or incorporate, the MNR plan, as well as the Cat Lake community response plan.

The operational security plan will identify a member of NAPS who will act as a point of contact for security with whom the Coroner's Constable, Coroner's Investigator, and Coroner's counsel can liaise. The plan will identify a manner in which those persons will be briefed and will provide a phone number and email for that person.

Suggested items to include in the operational security plan are:

- The Role which Peacekeepers during the inquest;
- The licensing and training which peacekeepers are to have;
- Identification of leadership for security and identification of a chain of command;
- Identification of the number of personnel to be used and the rotations for those personnel;
- Vehicles to be used by security personnel.

Cost of any financial items which the Coroner's Office is expected to cover will be included in the operational security plan.

The Coroner's decision with respect to venue is dependent upon NAPS and Cat Lake providing an operational security plan. Should the Coroner have any concerns about the operational security plan he will consult with NAPS and Cat Lake, who will attempt to accommodate the Coroner's concerns.

Community Involvement:

Cat Lake First Nation will provide an community involvement plan detailing their involvement in the inquest. The plan will be made available to the Coroner's Office by Tuesday, March 1st 2016

The plan will include the following details:

Community Coordinator

The community will designate a coordinator for the inquest to coordinate and liaise with the Coroner's office. This person will be available by phone or email. The Coroner's office will liaise with the coordinator, who will in turn find a responsible person within the community to address the concerns or needs of the Coroner's Office.

The community coordinator will find a person who can assist the Coroner's Office with IT set up for the Inquest. This person will liaise with the Coroner's Constable to ascertain the IT needs of the Inquest.

Courtroom Set Up

The community will designate a person or persons who will ensure that the Coroner's court is properly set up each day.

Transportation

- Either the community or NAPS will provide vehicles to ensure the transportation of persons to inquest sites.
 - This will include:
 - A manner to transport the jury from their lodging to the inquest courtroom.
 - A manner to transport witnesses and parties from the airport to the inquest courtroom.
 - And transport for all inquest participants.
- The community will ensure there are personnel available to drive the vehicles.

Accommodation

- The community will ensure there is sufficient accommodation, including the Oshkimeekena Healing Centre.
- Lodging arrangements will be such that each juror will have their own room.
- Efforts will be made to ensure that each juror has access to sufficient safe private space during their time off.

Catering

- The community will work with Tikinagan to organize meals for all inquest participants and the jury.
- Lunch to be available to the jury at the courtroom site so that the jury and inquest party need not be transported to a facility for lunch.

Jury

- Counsel for Cat Lake and Counsel for the Wesley Family will undertake to ensure that the community receives instruction and education with respect to juror independence and impartiality. Peacekeepers may be able to help disseminate this information.
- Parties agree that an instruction from the Coroner is sufficient to ensure an unbiased verdict and juror independence. The Coroner ought to give such an instruction regularly.

Dated this 17th day of February, 2016 in the municipality of Sioux Lookout,
in the Province of Ontario.

C. Marrello

C. MARRELLO
COUNSEL FOR WESLEY FAMILY

Francis J. Thatcher

FRANCIS J. THATCHER
COUNSEL FOR CAT LAKE FIRST NATION

CM Beamish

CATHERINE BEAMISH
COUNSEL FOR NAPS.

L. Mehkeri

LEILA MEHKERI
Counsel to the Coroner.

Russell O. ..., Chief
CAT LAKE FIRST NATION

Francis J. Thatcher

FRANCIS J. THATCHER
AS AGENT FOR WILLIAM MASOR
+ PALOMA CORREW

COUNSEL FOR MISHZEEGOGAANAG OSIRWAY
NATION