



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Phone/Téléphone:
613-238-7931
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June 24, 2003

PERSONAL & CONFIDENTIAL

Robert Stewart
c/o Collins Bay Penitentiary
P.O. Box 6700
Kingston, Ontario
K7L 5P8

Dear Mr. Stewart:

**Re: Your Change of Solicitor Request
Legal Aid Certificate #04-528698**

I am writing further to your recent request to change your lawyer. Mr. Lockyer has advised that the delay in your appeal relates largely to the voluminous materials that need to be reviewed and summarized. In addition, your case contained numerous complexities, including 2 trials. Mr. Lockyer states that some 25,000 pages of transcripts have now been reviewed and a draft statement of facts is being prepared.

Mr. Lockyer is a reputed competent appeal counsel, he has spent considerable time reviewing your file and I am not prepared to allow a change of solicitor. The new lawyer would have to start over at considerable expense to legal Aid and may well lead to further delay in your case.

Mr. Lockyer is sympathetic to your frustration. I suggest you call him with your concerns.

Yours truly,


Nathalie Rémillard Champagne
Area Director
NRC/cw

c.c. James Lockyer – Fax – 1-416-598-3384

Prentice Chow McLean McAllister

Martin D. Prentice, B.A., LL.B.*
Glenn G. McAllister, B.A., LL.B.*
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April 29, 2003

Robert A. Stewart
Collins Bay
Box 6700
455 Bath Road
Kingston, Ontario
K7L 5P8

Dear Robert:

RE: Letters sent to assist in Wrongful Conviction Appeal, etc.

As indicated by phone, here is a copy of the letter and list of e-mail addresses it went to the first time it was sent.

Spoke to Linda by phone today at about 5:15. She doesn't appear to be concerned and is convinced that Douglas' incident was purely coincidence. Told her about affidavit and suggested that Mallory's lawyer might be interested in preparing it for her to swear and sign.

Hope it helps.

Yours truly,

PRENTICE CHOW MCLEAN MCALLISTER



PER: GLENN G. MCALLISTER

/ggm
encl.

Glenn McAllister

From: "Glenn McAllister" <glenn.mcallister@shawbiz.ca>
 To: "Can. Inst. Admin. Justice" <icaj@ciaj-icaj.ca>; "Diane Bourque" <dbourque@flsc.ca>;
 "Patricia Foley" <pfoley@cfls.ca>; "Ontario Bar Assoc." <info@oba.org>; "Edmonton
 CBA" <edmonton@cba-alberta.org>
 Cc: "Albert Robinson" <rbsn_co@telusplanet.net>; "Alex Pringle"
 <aprangle@pringleandassociates.com>; "Arnold Piragoff" <apiragoff@adkscrimlaw.com>;
 "Brian Beresh" <beresh@bdc.cc>; "Brian Hurley" <hurley@bdc.ca>; "Casey O'Byrne"
 <casey@tarrabain.com>; "Chris Levy" <clevy@ucalgary.ab.ca>; "Colin Laychuck"
 <cdlbarrister@hotmail.com>; "Daniel Palamar" <dapalama@telusplanet.net>; "Dave
 Caskenette" <davecask@telusplanet.net>; "Dave Hancock" <dave.hancock@gov.ab.ca>;
 "Edmond O'Neill" <oneill@bdc.cc>; "Edmonton CBA" <edmonton@cba-alberta.org>;
 "Francis McMenemy" <fandl@supernet.ab.ca>; "James Robertson" <jamesrob@istar.ca>;
 "John Hoyles" <johnh@cba.org>; "Kathleen Williams" <kwilliams@jetnet.ab.ca>; "Lynn
 Butler" <lbutler@brownleelaw.com>; "Mona Duckett" <mduckett@royalmccrum.com>;
 "Murray Stone" <notgilty@freenet.edmonton.ab.ca>; "Nicholas Rafferty"
 <rafferty@ucalgary.ca>; "Patricia Tiffen" <p.tiffen@deanduckett.com>; "Ravi Prithipaul"
 <riviprithipaul@telusplanet.net>; "Richard Tchir" <richard.tchir@justice.gc.ca>; "Rob
 Chricks Shank" <Rob.Cruickshank@gov.ab.ca>; "Robert Davidson"
 <crmlaw@telusplanet.net>; "Robert Joly" <bbjoly@shaw.ca>; "Robert Sachs"
 <buffalobobo69@hotmail.com>; "Robert Shaigec" <rshaigec@adkscrimlaw.co>; "Sid
 Tarrabain" <sid@tarrabain.com>; "Terry Matchett" <terry.matchett@gov.ab.ca>; "Thomas
 Engel" <engellaw@incentre.net>; "Timothy James O'Hara" <lawyer@canuck.com>;
 "Timothy Stonhouse" <tims@telusplanet.net>; "Willard Wilms" <will@smhlaw.com>
 Sent: Wednesday, April 23, 2003 3:44 PM
 Attach: Comparison.BMP
 Subject: Robert A. Stewart: Wrongful Conviction

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April 23, 2003

4/23/03

Dear Sir/Madam:

RE: Robert A. Stewart; DOB August 29, 1952, Wrongful conviction; Ontario

The writer is a member in good standing of the Alberta Law Society. The writer is also a long time friend of the above mentioned Robert Stewart, hereinafter referred to as "Mr. Stewart". The writer is sending this letter, not as a solicitor, but at the request of Mr. Stewart and because the writer, having followed Mr. Stewart's case for over twelve years believes that Mr. Stewart has been the victim of a tunnel vision investigation and manufactured or tainted evidence produced by the investigating members of the Ontario Provincial Police and a refusal or inability of counsel to investigate or pursue this police activity during the course of the long procedure which culminated in Mr. Stewart's conviction on two counts of first degree murder.

If Mr. Stewart is correct in his conclusions of the activities of the police, Crown and the Court during the past decade (and, although the writer does not have all the facts at his fingertips, from what is known it is believed that Mr. Stewart is probably correct) a revelation of those activities is desperately needed, not only to exonerate Mr. Stewart and three other wrongfully convicted accused, but to illustrate that the O.P.P. have learned nothing from the fallout from the Guy Paul Morin fiasco.

The following is a description of the facts and proceedings involving or related to Mr. Stewart based on Mr. Stewart's indications to the writer and the writer's own recollection of some matters, along with media reports. Please remember that it took over 9 years for Mr. Stewart's matters to come to trial and during that time the four accused were held in custody without bail, not exactly a speedy trial.

By way of background:

In January of 1990 two people, Michel Giroux and Manon Bourdeau, were found shot to death in their residence near Cumberland, Ontario. Shortly before Christmas, 1990, Mr. Stewart and three other individuals, Richard Mallory, James Sauve, and Richard Trudel were charged with these murders. Mr. Stewart and the other three accused have lengthy criminal records.

Virtually the entire case as set forth by the police revolved around the statements and evidence given by a police informant, Denis Gaudreault. It must be pointed out here that Denis Gaudreault has an extremely lengthy criminal record and has been rewarded handsomely for his information over the past several years. The writer's figures may be off a little, but all told by the end of trial it is believed Denis Gaudreault had been the recipient of over \$400,000.00 of the taxpayers money for his testimony and subsequent protection under the witness protection plan.

To the best of the writer's knowledge there is no physical evidence to link the four convicted persons either to the scene of the murder or to either of the murdered individuals prior to the date

4/23/03

of the murder. Subsequent to the murder the evidence linking the convicted persons to the murders came from Denis Gaudreault, acquaintances of Denis Gaudreault, or jailhouse informants. Mr. Gaudreault and most if not all of his acquaintances that provided information to the police were past associates of Mr. Stewart and had stolen over \$23,000.00 dollars from Mr. Stewart in fraudulent drug deals.

Denis Gaudreault gave many conflicting, or at the very least inconsistent, versions of what he claimed had occurred in relation to the murders but the police appeared to be convinced that Denis Gaudreault had intimate knowledge of the case.

Mr. Stewart was not provided with a computer disc or discs containing his disclosure as provided by the Crown. It is believed that it was a ruling of the presiding judge at trial that Mr. Stewart could only have disclosure in photocopied form, not computer recorded form, despite the fact that photocopied form comprised 60 banker's boxes and this disclosure had, in fact, been reduced to computer records at a cost to the Ontario Government of about \$140,000.00. Mr. Stewart's counsel at trial, Susan Mulligan, could only get disclosure in paper form. Ms. Mulligan was not the original counsel and was busy attempting to familiarize herself with the myriad of information and did not have time to supply the written disclosure to Mr. Stewart. Ms. Mulligan did manage to have about 5000 pages of the disclosure transcribed to computer form at defence expense, but that was all. Mr. Stewart only received the portion of the disclosure that Ms. Mulligan deemed most important.

In 1996 Mr. Stewart's two co-accused, James Sauve and Richard Trudel, were convicted of two counts of first degree murder after a jury trial which lasted 16 months. During this trial one of the lawyers for the defendants, John McMunagle, had the Ottawa Citizen newspaper fax to him all of the newspaper articles which had been published by that newspaper that were related to the case. [05/18/94 10:28 FAAX 992-3289 PSC SECURITY] During the trial the transcripts of telephone conversations recorded by Denis Gaudreault's sister and given to the police were entered into evidence and became known to Mr. Stewart. Mr. Stewart cross-referenced Denis' "Eliminated speech" and the Jan. 23, 1990 Ottawa Citizen newspaper article written by a reporter Alana Bainz. It is immediately apparent that all of the information provided by Denis Gaudreault to the investigating officer, H. Lamarche, in one of the recorded telephone conversations is contained in the newspaper article. Also included in the information provided by Denis Gaudreault is an error deliberately planted by Supt. Wib Craig of the O.P.P. to identify false informants. Amazingly this and other errors that were unintentionally reported and recited by Denis Gaudreault seem to be overlooked in the trial since their presence in Denis Gaudreault's statement cannot be coincidence.

Mr. Stewart pointed out to the writer as early as 1996 that it was a virtual certainty that Denis Gaudreault had garnered his original information from the newspaper. Mr. Stewart also informed other people including his counsel, the OPP, CJOH television, and the producers at W5. Nothing seemed to come of this information at that time other than an offer from the Crown to Mr. Stewart that if he were to plead guilty Mr. Mallory would get "time served" and Mr. Stewart would get "life 10" on a joint submission on sentence. This would mean that Mr. Stewart would be placed in a half way house within two weeks of sentence and Mr. Mallory would be out. In addition the written deal would contain a guarantee that neither Mr. Stewart nor Mr. Mallory would be compelled to testify against Mr. Sauve or Mr. Trudel should a new trial be ordered.

Neither Mr. Stewart nor Mr. Mallory agreed to the proposed offer. One can only assume that innocent men would be loath to plead guilty to a crime that they did not commit.

At trial of Mr. Stewart and Richard Mallory, on redirect by the Crown of the witness detective H. Lamarche, January 13, 1999, it came to light that Det. Lamarche had given newspaper articles from the Ottawa Citizen dated January 20, 21, and 22, 1990 as part of the disclosure package provided to both the crown and defence counsel, but had held back copies of the Ottawa Citizen articles dated January 23, 26, and February 2, 1990, as well as articles published in the Ottawa Sun at about the same time and that dealt with the reporting of the case at bar. Det. H. Lamarche has never been cross-examined as to why these very relevant materials were not disclosed. Mr. Stewart believes that it had to be an intentional decision by Det. Lamarche, either alone or in consultation with other members of the investigating team, to avoid producing information that would cast serious doubt on the information provided by the main police witness.

While Mr. Stewart's case was before the courts there was another murder trial proceeding in Ottawa against a woman by the name of **Julia Elliott**. The lead investigator in this investigation was one Lyle McCharles, the same lead investigator involved in Mr. Stewart's case. On Tuesday September 8, 1999 Justice Paul Cosgrove, the Justice hearing the **Elliott** trial, stayed the proceedings against her, stating, as reported by the Ottawa Citizen on Sept. 8, 1999, "that deceit on the part of several Ontario Provincial Police officers and misconduct by various Crown attorneys has irreparably destroyed her right to a fair trial".

A publication ban was ordered by the Justice hearing the matters involving Mr. Stewart to prevent the names of the police officers or crown involved in the **Elliott** trial being divulged in the media.

Despite Mr. Stewart's deep concerns over the conduct of all the police officers involved in the investigation, and especially the conduct of H. Lamarche, Mr. Stewart's counsel did not attack the techniques or credibility of H. Lamarche at trial. In fact, Mr. Stewart disagreed so vehemently with the content of Ms. Mulligan's closing address to the jury that he wished to dismiss her as counsel but was convinced by his co-accused and others that it would be folly to dismiss counsel after the trial proper had been completed. Ms. Mulligan would not use Mr. Stewart's chart showing the similarities between Denis Gaudreault's story of what had happened and the Ottawa Citizen newspaper article of January 23, 1990 or bring up the fact that Det. H. Lamarche had withheld the newspaper clippings despite knowing of their existence. Apparently Mr. Stewart's counsel, Susan Mulligan, felt that the jury "liked" H. Lamarche, and would not follow Mr. Stewart's wishes that H. Lamarche's credibility be attacked on the basis of the newspaper clippings and, the writer would guess, other matters.

In the original trial Mr. Stewart and Richard Mallory were severed from the trial proceeding. The writer is not sure why. James Saue and Richard Trudel were convicted.

When the trial involving only Mr. Stewart and Richard Mallory commenced, the same Justice, David McWilliams, who had presided on the trial of Saue and Trudel sat as Justice on the trial of Stewart and Mallory. This situation was challenged by counsel for Mr. Stewart and by counsel for Mr. Mallory but never satisfactorily decided.

Of all the accused only Richard Mallory gave evidence. Richard Mallory was convicted of

lessor offences than the other three accused, all of who were convicted of murder. Richard Mallory denied any involvement in the murders, either by himself or by any of the other accused.

PRESENT SITUATION AND CONCERNS

Mr. Stewart's convictions are currently under appeal. Mr. Stewart understood that James Lockyer, of the Association in Defence of the Wrongfully Convicted, was in charge of his appeal. Upon speaking to Mr. Lockyer directly Mr. Stewart has become concerned that the previous relationship between Mr. Lockyer and Mr. Stewart's counsel at trial, Sue Mulligan, might inhibit Mr. Lockyer's ability to present the appeal.

Mr. Stewart has requested that the writer, as an old friend, prepare the above summary to the best of his ability and distribute a copy of this summary to persons or organizations which might be interested in Mr. Stewart's predicament and be willing to offer assistance or advice. To the best of Mr. Stewart's recall he has had 27 lawyers involved in his matters over the last 12 years and has lost some of the faith he had in our justice system. In Mr. Stewart's opinion no lawyer who has represented him has wanted to bring up the facts surrounding the conduct of Det. H. Lamarche

Mr. Stewart is currently incarcerated. He may be reached at:

Robert A. Stewart
Collins Bay Inst.
1455 Bath Road
P.O. Box 190
Kingston, Ont.
K7L 4V9

The writer may be reached at the address on the letterhead. Mr. Stewart's knowledge of the case is obviously much better than the writer's but the writer is available for further information or clarification if it is required.

CONCLUSION:

It is the writer's personal belief and opinion that Mr. Stewart (along with the three other people convicted in the same case) is innocent and has been wrongfully convicted. It is also apparent that the investigators and possibly the Crown in these matters have had their actions questioned by the Judiciary in the past and Mr. Stewart's allegations of misconduct in his case bear further investigation. It has always seemed that there were huge holes in the case against the defendants but all were convicted. The writer is not personally in a position to assist Mr. Stewart further than has been requested at present but is hopeful that someone or some organization is able to

provide Mr. Stewart with the help that he most certainly requires and deserves to preserve the integrity of the Canadian legal system and to ensure that Mr. Stewart and three other people do serve long prison sentences for a crime that they did not commit.

Thank you for your time. Enclosed herewith is a side-byside comparison prepared by Mr. Stewart of the telephone conversation between Denis Gaudreault and his sister Sylvie Gravelle, and the Jan. 23, 1990 newspaper article which Mr. Stewart, but apparently no one else other than the writer, considers of vital importance. Other information is available on request.

Yours truly,

PRENTICE CHOW MCLEAN MCALLISTER

PER: GLENN G. MCALLISTER

/ggm

WEDNESDAY 7 FEB 90
SECOND PHONE CALL THAT DAY
THIRD PHONE CALL

Denis: They eliminated the guy, ok? They shot him once in the, in the body and once in the head. After that they heard the television in the room. [I'll] tell you. The room was at the other end of the living room. They heard a t.v. They thought there wasn't anyone else because they were going to take the furniture and things like that, you know? Check for money. Then the cunt was sleeping in bed and they shot her in the head while she slept. You can mention that to the bulls. She was sleeping when they shot her in the head.

Sylvia: Well you don't have to call them cunts because frankly I'm a woman, also, uh, and I wouldn't like someone to call me that.

Denis: Well then the girl was shot in the head while she slept. And there's no one because even when he came to my place and told me he said, 'I didn't even know that the woman was pregnant.' He says, 'I didn't know that fucken broad was pregnant seven months cause I'd never do that.'

TUESDAY 23 JAN 90
THE OTTAWA CITIZEN
ALANA KAINZ

Autopsies on a man and woman shot to death in their Cumberland home show the couple was killed "execution-style" Tuesday around 10 p.m., police said Monday.

That's one day earlier than originally suspected, said Supt. Wib Craig of the Ontario Provincial Police in Toronto.

Michel Grioux, 24 and Manon Bourdeau, 27 who was seven months pregnant, were found dead Thursday about 5 p.m. by a neighbour attempting to deliver a message.

Autopsies show that Grioux, whose body was found between the kitchen and the bedroom, was shot in the head and in the chest. Bourdeau was shot in the head. Her body was discovered on her bed in the bedroom.

The couple was killed by a shotgun, said Craig. X

He described the shooting as "execution-style," perhaps someone settling a score with the couple.

Both TVs in the house were on when the bodies were found, indicating they may have been surprised by the attack, said Craig.

The four times: "The cunt was sleeping" "While she slept"
"You can mention that to the bulls. She was sleeping" "while she slept"
Bourdeau was not "found in bed." The Ottawa Citizen reporter Alana Kainz got that wrong in his Jan 23 1990 article. Denis reported that mistake to his sister to tell "Heather Lamarche." In the trial and preliminary he said that is a "lucky guess". Denis to this date still can not explain why he knows all that information he told his sister. Not one police officer or Crown has officially notice this. WHY! This Jan 23 1990 Ottawa Citizen article has never been shown to him.

Lockyer Campbell

BARRISTERS AND SOLICITORS

CRIMINAL TRIALS AND APPEALS

Counsel

James Lockyer
Philip Campbell
Benson Cowan
Catherine Glaister
Jenny Friedland
Craig Coughlan

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August 19, 2003

VIA FAX - 780-968-2224

Glenn G. McAllister
Prentice Chow McLean McAllister
4812-50 Avenue
P.O. Box 3102
Stony Plain, Alberta
T7Z 1S8

Dear Mr. McAllister:

Thank you for your letter of August 13, 2003.

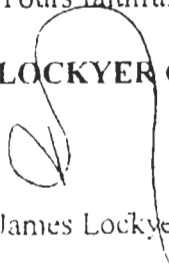
It has come to my attention that my name is being bandied about on a website called kangaroojustice.com in connection with Mr. Robert Stewart's appeal. Included on the website is an "open letter" from you which questions my relationship with Mr. Stewart, yet you and I have never spoken. Do you not think it might have been appropriate to speak to me first?

I know that Mr. Stewart has always asserted his innocence of the two murders but I should make it clear to you that I agreed to represent him on his appeal as his counsel and never in my capacity as a Director of the Association in Defence of the Wrongly Convicted.

I am concerned by your involvement in the case. It seems to me it cannot help Mr. Stewart: I would appreciate some explanation from you.

Yours faithfully,

LOCKYER CAMPBELL



James Lockyer

Prentice Chow McLean McAllister

Martin D. Prentice, B.A., LL.B.*
Glenn G. McAllister, B.A., LL.B.*
Mae L. Chow, B.Sc., LL.B.*
Glenn J.K. McLean, B.A., LL.B.*
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Colin B. Webb, LL.B._

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August 19, 2003

VIA FAX: 416-847-2564

Lockyer Campbell
Barristers and Solicitors
481 University Ave. Suite 510
Toronto, Ontario
M5G 2E9

Attn. James Lockyer
Dear Sir:

RE: Robert A. Stewart

The writer is in receipt of your correspondence dated Aug. 19, 03. If you have not yet viewed the "open letter" you refer to in that correspondence the writer has copied the only paragraph of that letter which refers to yourself and the same is duplicated as follows:

Mr. Stewart's convictions are currently under appeal. Mr. Stewart understood that James Lockyer, of the Association in Defence of the Wrongfully Convicted, was in charge of his appeal. Upon speaking to Mr. Lockyer directly Mr. Stewart has become concerned that the previous relationship between Mr. Lockyer and Mr. Stewart's counsel at trial, Sue Mulligan, might inhibit Mr. Lockyer's ability to present the appeal.

If any of the information concerning yourself in the above paragraph is incorrect please advise the writer and it will be amended forthwith.

Yours truly,

PER: GLENN G. McALLISTER
/ggm