

# *R v Rogers*

## OBA/OJEN Competitive Mock Trials

OFFICIAL CASE SCENARIO  
2018



ONTARIO BAR ASSOCIATION  
L'ASSOCIATION DU BARREAU DE L'ONTARIO  
A Branch of the Canadian Bar Association  
Une division de l'Association du Barreau canadien

**FINAL VERSION**

**RELEASED DECEMBER 18<sup>TH</sup>, 2017**

**Canada,  
Province of Ontario,  
County of Missinaba**

**In the Superior Court of Justice,**

**HER MAJESTY THE QUEEN**

**- AGAINST -**

**JAMIE ROGERS**

Jamie Rogers stands charged:

1. That he/she, on or about the 28<sup>th</sup> day of October, 2017, in the City of Mariposa in the County of Missinaba, did cause the death of Nik Pasternak, and thereby commit manslaughter, to wit: that Jamie Rogers assaulted Nik Pasternak and caused injuries resulting in death, contrary to s. 236 of the *Criminal Code*.

Dated this 13<sup>th</sup> day of November A.D. 2017 at Mariposa, Ontario.



Steve Smith,  
Agent for the Attorney-General of Ontario

## 2018 OOCMT CASE SCENARIO NOTES AND INSTRUCTIONS

**1. Crown witnesses:** Det. Sgt. Mattie Gunderson and Lou Vaquero

**2. Defence Witnesses:** Devon Moore and Casey Yanagita

**3. Defendant: Jamie Rogers**

- Jamie Rogers has elected not to testify. However, Rogers did give a statement to police which has been found to have been voluntary and admissible at a *voir dire* (a trial-within-a-trial to determine the admissibility of evidence). Therefore, the statement can be entered as an exhibit at trial. The Crown is *required* to enter the statement. See the list of exhibits and instructions in this package for more details.

**- Because Rogers is not testifying, Rogers is not a character to be included on the defence team. The Crown and defence have two witnesses each, as above, and team sizes remain the same as in previous years: Six to eight “core team” members, plus three optional alternates.**

- The general rule for dealing with the role of Jamie Rogers is:

1) When a team plays defence, they may have a team member who not playing in that round, or an alternate, portray Jamie Rogers. The role of this person in the trial will be to:

a) Sit in the prisoner’s box and plead “not guilty” when arraigned

b) Stand for the reading of the verdict at the conclusion of the trial

2) If the defence does not put forward a person to portray Jamie Rogers, the trial will proceed as though Rogers is present. The defence team can enter Rogers’s plea of not guilty.

3) Before the trial begins, the defence shall inform the Crown if they wish to have someone portray Jamie Rogers or not, and what the gender of Jamie Rogers will be for that trial, whether Rogers is portrayed or not.

- Teams should remember that the gender of the accused can have no bearing on the trial and no submissions that depend on the accused being of one gender or another can be made at trial. The selection of a gender for Jamie Rogers is merely to eliminate any confusion, and therefore there can be no useful team strategy associated with portraying Jamie Rogers as any particular gender.

- Local tournaments can determine other arrangements for the portrayal of the accused if they wish (e.g. having a specific group of students play the accused in each trial, etc.)

#### **4. Entering the Statement of Jamie Rogers**

- In an actual criminal case, a statement by the accused would likely be video or audiotaped, and that tape would be played for the court. For the purpose of the mock trial, Jamie Rogers's statement will be "read in" at trial during the direct examination of Det. Sgt. Mattie Gunderson. In a real trial, this would usually involve the statement being read aloud for the court. For the mock trial, when Crown counsel enter the statement, they should ask the judge or judges if they wish for Crown counsel to read in the statement. Judges may be familiar enough with the statement to dispense with reading it aloud, or they may find it helpful to have it read. If the judge wishes counsel to read the statement, timekeepers will stop the clock for the reading of the statement aloud; reading the statement will not come out of the Crown's allotted time.

## APPLICABLE CRIMINAL CODE

(RSC, 1985, c. C-46, as am.)

### CHARGE:

**s. 236. Manslaughter** – Every person who commits manslaughter is guilty of an indictable offence and liable

- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

### ASSOCIATED SECTIONS:

[These sections provide the context for manslaughter, which is defined as a culpable homicide which is neither first degree nor second degree murder.]

#### *Homicide*

**s. 222. (1) Homicide** – A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.

**(2) Kinds of homicide** – Homicide is culpable or not culpable

**(3) Non culpable homicide** – Homicide that is not culpable is not an offence.

**(4) Culpable homicide** – Culpable homicide is murder or manslaughter or infanticide.

**(5) Idem** – A person commits culpable homicide when he causes the death of a human being,

- (a) by means of an unlawful act;

#### *Murder, Manslaughter and Infanticide*

**229. Murder** – Culpable homicide is murder

- (a) where the person who causes the death of a human being
  - (i) means to cause his death, or
  - (ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;
- (b) where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause his death, and being reckless whether death ensues or not, by accident or mistake causes death to another human being,

notwithstanding that he does not mean to cause death or bodily harm to that human being; or

- (c) where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

**s. 231. (1) Classification of murder** – Murder is first degree murder or second degree murder.

**(2) Planned and deliberate murder** – Murder is first degree murder when it is planned and deliberate

[...]

**(7) Second degree murder** – All murder that is not first degree murder is second degree murder.

**s. 234. Manslaughter** – Culpable homicide that is not murder or infanticide is manslaughter.

#### **LESSER INCLUDED OFFENCES:**

**s. 266 Assault** – Every one who commits an assault is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction.

**s. 267. Assault with a weapon or causing bodily harm** – Every one who, in committing an assault,

- (a) carries, uses or threatens to use a weapon or an imitation thereof, or
- (b) causes bodily harm to the complainant,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

**s. 268. (1) Aggravated assault** – Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

**(2) Punishment** – Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

## SWORN STATEMENT OF DETECTIVE SERGEANT MATTIE GUNDERSON

1 I have been a police officer for 12 years. I have worked as a detective for the past four years and  
2 was appointed to the rank of Detective Sergeant on July 12<sup>th</sup>, 2017. This is the first homicide  
3 investigation in which I was the lead investigator, though I have investigated many serious  
4 crimes and assisted on another homicide case in my career.

5  
6 In the early morning of Sunday, October 29<sup>th</sup>, I attended “The Bronze”, a bar at 666 Tecumseh  
7 Street in Mariposa. I arrived at approximately 1 a.m. to investigate the apparent homicide of (as I  
8 would learn) Nik Pasternak, a male aged 25. Patrol officers had responded to a 9-1-1 call at  
9 approximately 12:20 a.m., and had immediately cordoned off the property.

10

11 I observed the deceased lying on the ground outside a back entrance of the building. He had  
12 suffered some trauma to his face, mostly his nose, around which was blood. It appeared that he  
13 had struck the back of his head on a utility meter attached to the wall of the building. It appeared  
14 that Pasternak had been punched in the face, fallen back and hit the utility meter, causing further  
15 trauma. Pasternak was dressed in a green “Fighting Mallards” jersey of our local hockey team.

16

17 On the ground, close to Pasternak, was a yellow piece of cloth. This piece of cloth did not appear  
18 to be connected to what Pasternak was wearing, and I took it into evidence. This was “Halloween  
19 weekend”: since Halloween was on a Tuesday, the prior Friday and Saturday nights were busy.

20

21 I interviewed Devon Moore, proprietor of The Bronze, who was working at the bar that evening.  
22 Moore had last seen Pasternak with a friend, Jamie Rogers. Rogers had apparently been wearing  
23 a yellow costume. I thought that perhaps the yellow cloth we had found was from this. Devon  
24 Moore also told me that a group of bar-hoppers had passed through the Bronze and left around  
25 11:45pm. Apparently, a person dressed as a cowboy had had “words” with Jamie Rogers. Some  
26 other patrons described costumes, and patrol officers were able to locate the bar-hopping group  
27 at about 2 a.m. at the Silver Dollar Room just as the bar was emptying out.

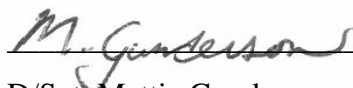
28

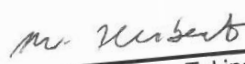
29 Interviews brought out that this was a group of grad students from the University of Missinaba.  
30 Officers determined that the “cowboy” was likely a Lou Vaquero, who had been with the group  
31 at the Bronze and then the Silver Dollar Room, but had left by the time we arrived.

32  
33 I attended Jamie Rogers’s residence at 228 Strange Street West, Apt #302, at approximately 3:00  
34 a.m. This is about a 15-minute walk from the Bronze. Rogers was our primary person of interest,  
35 given that, a) Rogers was the last person seen with Pasternak; b) according to Devon Moore,  
36 only a few regulars commonly used the back outside area, where Pasternak was found, to smoke,  
37 including Rogers; c) Devon Moore had told us that there had recently been a dispute between  
38 Rogers and Pasternak – Pasternak had recently dismissed Rogers from Pasternak’s landscaping  
39 business, and they may have been arguing at The Bronze, and; d) there was the yellow cloth  
40 found at the crime scene, which we thought may have come from Rogers’s costume as it was the  
41 only yellow costume in The Bronze that night that was reported to us, other than a bumblebee  
42 costume amongst the group found at the Silver Dollar room, which did not appear to be missing  
43 pieces.

44  
45 Rogers did not answer the door at 3 a.m., so I obtained a warrant to search the premises, which  
46 was approved at 8:15 a.m. I returned to Rogers’s residence at approximately 8:35 a.m. to serve  
47 the warrant. This time, Rogers answered the door. Rogers appeared haggard and had a bruised  
48 eye and some dried blood around the nose. Rogers was cooperative, but professed no knowledge  
49 of any incident behind the bar other than talking to Pasternak before being punched by someone  
50 who came out of the back door of the bar. Rogers denied harming Pasternak. Executing the  
51 search warrant, officers found a yellow hoodie and corduroy pants in a pile next to Rogers’s bed.  
52 These had blood stains on them and were taken into evidence. We also identified the shoes that  
53 Rogers wore the night before, which had dried blood on them.

54  
55 Based on the totality of the evidence, we charged Jamie Rogers with manslaughter on Monday,  
56 October 30<sup>th</sup>, 2017.

  
D/Sgt. Mattie Gunderson

Sworn (or Affirmed) before me at  
Manitosa  
in the PROVINCE OF ONTARIO, on  
this 30<sup>th</sup> day of October, 2017  
  
A Commissioner for Taking Oaths for Ontario



## SWORN STATEMENT OF LOU VAQUERO

1 I am 25 years old and in my second year of the PhD program in Economics at the University of  
2 Missinaba. In my spare time I do martial arts and compete in amateur MMA (mixed martial arts)  
3 and the occasional mud-wrestling competition.


4  
5 The night of October 28<sup>th</sup>, 2017, a bunch of us Econ grad students went on a Halloween pub  
6 crawl. I dressed up as an “Old West” sheriff but everyone kept calling me a cowboy, which I  
7 guess is what I looked like except for my sheriff’s shield. I wore a brown leather vest with the  
8 shield, jeans, cowboy boots, bandana around my neck, a cowboy hat with a string that went  
9 around my chin to hold it on, and a plastic gun and holster.

10  
11 We ended up at The Bronze on Tecumseh Street around 11 p.m. It’s a semi-seedy place, with  
12 cheap drinks. Around 11:30, I went to the bar. It was busy and there were just two staff behind  
13 the bar. I was at the end of the bar and the staff nearest me was listening to this joker, who was  
14 dressed like a lion or a sunflower or something, complaining about this other guy. It went on for  
15 like five minutes, and finally I butted in and asked if I could get some service. The  
16 lion/sunflower was drunk as a skunk and gave me a mouthful. Really aggressive – “Would I like  
17 a piece”, and so on; even made a fist. Didn’t know who they were dealing with. The bartender  
18 told the lion/sunflower to calm down, but was surly to me. Excuse me for wanting to get served  
19 at a bar, I thought.

20  
21 I went about my partying and a few minutes later went out for a smoke out the back door. Right  
22 there, I saw the lion/sunflower hanging out with a guy in a Fighting Mallards jersey. I shot the  
23 lion/sunflower a look as if to say “buzz off”, but the lion/sunflower was intensely discussing  
24 something with the guy in the Mallards jersey anyway. The lion/sunflower looked pretty upset  
25 and it looked like the Mallards guy was trying to calm the lion/sunflower down.

26  
27 I went off on my own and vaped for a few minutes. I looked at my watch and realized it was  
28 already 11:50. We had a strict schedule for the bar hop where we only stayed in a place for 45

29 minutes. I knew the group would be on their way to the next stop, the Silver Dollar Room. I took  
30 off running down Tecumseh Street to catch up.  
31  
32 I ended up going home around 1 a.m. I had a lot of work to do on Sunday.

  
\_\_\_\_\_  
Lou Vaquero

Sworn (or Affirmed) before me at  
Markham  
in the PROVINCE OF ONTARIO, on  
this 29<sup>th</sup> day of October 2017  
  
Mr. Hensley  
\_\_\_\_\_  
A Commissioner for Taking Oaths for Ontario

## SWORN STATEMENT OF DEVON MOORE

1 I am 32 years old. I own The Bronze bar and restaurant at 666 Tecumseh Street, which I  
2 purchased a year ago from the previous owners. Before that, I managed the place for about four  
3 years. I work behind the bar five nights a week – it's the only way to make the finances work.  
4 Some people call The Bronze seedy, but I've always loved it. It's local institution, and I am  
5 trying to spruce it up while still catering to all the old regulars.

6  
7 I know both Nik Pasternak and Jamie Rogers from the neighbourhood. We sort of grew up  
8 together, although I'm about seven years older than them. My mom was friends with Nik's mom  
9 and I babysat Nik tons of times. Jamie was around their house a lot. I don't think Jamie's own  
10 house was a great place to be at as a kid. They were always the best of friends and a couple of  
11 little rascals, especially Jamie. Nik was always the more responsible, level-headed one. Probably  
12 kept Jamie out of trouble. Nik did so well for himself, too. He worked in landscaping since he  
13 was a teenager and then opened his own business earlier this year. He was really good at what he  
14 did, just the kind of guy you want doing your yard work: fair, honest, reliable – all that.

15  
16 The weekend before Halloween, if Halloween is on a weekday, is always a big one, for all the  
17 bars. We don't do too much special. We do have apple bobbing in a bucket of beer, though, and  
18 a few other little games. People wear costumes.

19  
20 Nik came in around 10 p.m. He's a regular and not much for costumes, although he put on his  
21 Fighting Mallards jersey for the occasion. Nik was just hanging out, talking to people, playing  
22 pool. He's a quiet guy but sociable and easy to hang out with. I talked with Nik earlier in the  
23 night when it wasn't too busy. Nik was never one to air dirty laundry, but when I asked him how  
24 it was going he told me that he'd had to let Jamie go from the business. I was not totally  
25 surprised. There had been issues all year, ever since Nik started up in the spring. I think Jamie  
26 didn't like being just an employee and not a partner, but Nik is the one who saved up all the  
27 money and Jamie was not exactly a paragon of responsibility.

28

29 I first saw Jamie in the bar around 11:15 p.m. Nik and Jamie were playing pool, so it was nice to  
30 see that. That was just like Nik, to say “let’s talk about it over a little pool”, and try to defuse the  
31 situation. Jamie had this pained look, was red-cheeked, and just looked downcast, but was  
32 playing and I figured things were on the mend. Jamie was wearing a yellow hoodie.

33  
34 Jamie came up to bar around 11:30 p.m. Jamie was sad, and basically asked me if the whole  
35 situation was Jamie’s own fault. And I said that yes, it pretty much was. I said that anyone would  
36 be lucky to have Nik for a friend and he shouldn’t be taken for granted. As we were talking, this  
37 person dressed like a cowboy butted in to say, “Excuse me, can I get some service over here?”  
38 Jamie mouthed off, of course. I told Jamie to simmer down. I shot the cowboy a dirty look and  
39 served the drink a little slowly. Not like I don’t want to look after my customers, but the way the  
40 cowboy asked was rude and I don’t put up with that. And I look after my regulars.

41  
42 Eventually, Jamie wandered off. A big group of pub crawlers left around 11:45 and the crowd  
43 thinned out. I went to take out the garbage around 12:15, and that’s when I found Nik, lying on  
44 the ground with blood on his face and with blood all over the ground around his head. I called 9-  
45 1-1 immediately.

46  
47 I don’t know when it would have happened. Only regulars really even know about that back area.  
48 It’s not a patio – it just leads to the garbage bins. Some people go out there to smoke or vape, but  
49 even a lot of the regulars just go out one of the two front doors (we’re on a corner). You only see  
50 the back door when you go to where the bathrooms are, and it doesn’t look like it goes anywhere  
51 customers are supposed to. So, Nik could have been lying there for a while before I found him.  
52 The Bronze has never had security cameras, and I’ve never had the money or ever even thought  
53 of putting them in. We never have major problems.

54  
55 I hadn’t seen Jamie since that spat with the cowboy. I can’t imagine that Jamie would ever have  
56 done this. They were best friends – always had been. And Jamie had been hanging out okay with  
57 Nik and seemed more sad than angry about the whole thing. It sounded like Jamie was finally  
58 having some positive reflections on the whole incident and Jamie’s own attitude in general.

*Devon Moore*

Devon Moore

Sworn (or Affirmed) before me at  
    *naiposa*      
in the PROVINCE OF ONTARIO, on  
this *29<sup>th</sup>* day of *October* 20*17*  
  
*Mr. Herbert*  
A Commissioner for Taking Oaths for Ontario

## SWORN STATEMENT OF CASEY YANAGITA

1 I am 25 years old and work at the Thyme and Again restaurant as a baker. On Saturday, October  
2 28<sup>th</sup>, I finished cleaning and closing up the restaurant around 11:15 p.m. and biked home. I live at  
3 305 Borland Avenue. I always take my dog, Burt, out for a walk as soon as I get home. I got  
4 home around 11:30 that night.

5

6 I live a short walk from The Bronze. It's just down the street from my house at the corner of  
7 Cherry and Tecumseh. The walk to The Bronze from my place takes about five to ten minutes,  
8 depending on how much sniffing Burt does.

9

10 That night, as I walked down Cherry Street past The Bronze, I saw a couple of people out the  
11 back of the bar where there's a narrow alley. One was wearing a yellow hoodie with the hood up.  
12 The other was in a green hockey jersey. It looked like they were having an intense discussion.  
13 The person in the jersey was patting the one in yellow on the shoulder and the one in yellow was  
14 nodding and sort of teary-faced – not crying, but upset and red-faced. I didn't think much of it at  
15 the time – just another night out in Mariposa.

16

17 I crossed over Tecumseh Street and walked into Victoria Park. In the park, Burt roams around  
18 and does his thing. The park is quiet at that time of night. While we were in the park this person  
19 dressed like a cowboy – hat, boots, the whole getup – came running past us, suddenly enough to  
20 make Burt perk up and bark, which made the cowboy slow down a bit, then keep on running.  
21 The cowboy was running like a shot, like they were really keen to get to something or away from  
22 something.

23

24 I never saw the cowboy from the front. They buzzed past me when Burt was off ahead of me.  
25 They slowed down when Burt looked back and barked, so they were between us but still had  
26 their back to me. They quickly picked up the pace and kept running.

27

28 I can't be sure of the exact time since I don't wear a watch and didn't take my phone with me,  
29 but based on the time it takes to walk to Victoria Park along my usual route, I'd say it was almost

30 midnight that this happened – give or take five minutes. How fast we move always depends on  
31 how much Burt decides to stop and sniff.  
32  
33 I didn't see the cowboy again that night. To get home, I cut through the leisure centre parking lot  
34 out of the park and go back down Tecumseh, then up Elm Street since I live between Cherry and  
35 Elm.  
36  
37 The other things I remember seeing that night were that when I was just getting close to  
38 Tecumseh after cutting over from the leisure centre, there was a big group of people that passed  
39 in front of me, walking down Tecumseh – like, 15 people or so. I remember because one was  
40 dressed in a really good bee costume with realistic-looking wings. And I remember that I was  
41 already walking back up Elm Street when I heard sirens and looked back to see police cars pass  
42 down Tecumseh Street. They must have been going to The Bronze.

C. Yanagita  
Casey Yanagita

Sworn (or Affirmed) before me at  
Marigaya  
in the PROVINCE OF ONTARIO, on  
this 30<sup>th</sup> day of October 2017  
M. Herbert  
A Commissioner for Taking Oaths for Ontario

## LIST OF EXHIBITS

### 1. Agreed statement of facts

- This exhibit **will be deemed to already be in evidence**. At trial, counsel can assist judges by referring them to the page number of the agreed statement when referencing facts contained in the agreed statement

### 2. Statement by Jamie Rogers

- To be introduced by: the Crown
- Foundation laid by: Det. Sgt. Gunderson, who can testify to taking the statement
- **The Crown is required to introduce this exhibit in each trial**

### 3. Text messages between Jamie Rogers and Nik Pasternak

- To be introduced by: either Crown or defence
- Foundation laid by: Det. Sgt. Gunderson, who can testify to having obtained them from the phone company
- **The introduction of this exhibit is optional**

### 4. Photos of bloody clothing items (hoodie, pants, shoes)

- To be introduced by: either Crown or defence
- Foundation laid by: Det. Sgt. Gunderson, who can testify to having taken them into evidence at Jamie Rogers's residence
- **The introduction of this exhibit is optional**

### 5. Map of local area

- To be introduced by: either Crown or defence
- This exhibit has been previously agreed by the Crown and defence, and so can be introduced **on consent**. Whichever side introduces it, the other side is **required** to consent to it being introduced
- **The introduction of this exhibit is optional**



**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(CENTRAL REGION)**

**BETWEEN:**

**HER MAJESTY THE QUEEN**

**-and-**

**JAMIE ROGERS**

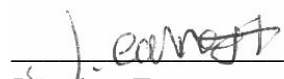
**Accused**

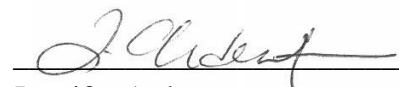
**AGREED STATEMENT OF FACTS**

1. The Crown and defence have reviewed an autopsy report conducted on Nik Pasternak conducted by Dr. Golgotha Gingham, M.D. and accepted as fact that Nik Pastnerak's death was caused by blunt force trauma to the back of the head.

2. The Crown and defence have reviewed and accepted a DNA analysis from the provincial forensics science centre which concluded the following:

- a) The blood on Jamie Rogers's hooded sweatshirt contains mixed DNA from Jamie Rogers and Nik Pasternak.
- b) Due to an error in the processing of Jamie Rogers's pants, no conclusion was available as to DNA in the blood on the pants. The large stain on the pants is dirt, not blood.
- c) The blood on Jamie Rogers's shoes contains DNA from Jamie Rogers alone.

  
\_\_\_\_\_  
Jonathan Earnest  
Crown Counsel

  
\_\_\_\_\_  
Jennifer Ardent  
Defence Counsel

## SWORN STATEMENT OF JAMIE ROGERS

1 On Saturday, October 28<sup>th</sup>, I went out to a Halloween party at a friend's house. I dressed as a lion  
2 in a yellow hoodie with cloth attached to the hood like a mane. The costume was actually  
3 recycled from a couple of years ago. I was too upset and preoccupied to make something new.

4  
5 I was upset because I'd fallen out with my best friend, Nik Pasternak. Just the day before, he'd  
6 fired me from his landscaping business. We had worked together on and off over the years and  
7 we've been friends since we were kids, so when he started the business in the spring I wanted in  
8 on the deal. The thing is, Nik didn't want to partner with me – he'd saved up all the money while  
9 I always spent mine, he said, which was true.

10

11 I can be a hothead, always have been. I'm impulsive and make bad decisions, and I know it,  
12 though I haven't always wanted to admit it. I don't think Nik ever said a really mean word to me,  
13 but I've blown up at him many times, over nothing really. From being drunk, or just a hothead.  
14 But we were still friends, and I owe him a lot for staying friends with me over the years. He was  
15 a great guy.

16

17 Before I worked for him, if I popped off at him it wasn't over anything big. But when it was his  
18 business and his money on the line, it was different. Sometimes I was lazy, didn't show up for  
19 work, was rude to customers. I caused problems, but Nik never yelled at me, he just told me how  
20 he felt, told me to smarten up. But I took advantage of him. I never really supported him.

21

22 On Friday, October 27<sup>th</sup>, I was supposed to help Nik with this huge leaf blowing job, but I drank  
23 the night before and slept in. I didn't even wake up until he called me at 9 a.m. We were  
24 supposed to start at 8 a.m. Nik said I couldn't work for him anymore. He wasn't mean about it,  
25 he just said that's it, we're done, he'll pay me two weeks' severance. I admit I didn't take it well.  
26 I should have at least gone over and helped him that day, but instead I sat around and stewed.

27

28 On Saturday, I went out to the party to try to have some fun, but I wasn't having any. I went to  
29 find Nik at The Bronze. He's always there. I got there sometime around 11 p.m. We played pool  
30 and talked. He said we were still friends, but he was adamant that we couldn't work together  
31 anymore. I needed the job, and also I guess it dawned on me what I jerk I'd been, for so long.  
32 That made me really upset.

33  
34 That's when my memory gets spotty, because I'd already drank a fair bit by then. I remember  
35 going over to talk to Devon Moore, the owner of The Bronze. I remember snapping at somebody  
36 who butt in to get Devon's attention. I remember going out back with Nik to smoke. At that point  
37 I was just pretty sad and I think apologizing to Nik for basically everything. Then I remember  
38 someone punching me. It wasn't Nik; there was someone else out there. I remember the door  
39 opening, something got my attention and that's it. I don't remember anything after that, until the  
40 police came to my door the next morning. When I checked myself in the mirror I saw I had a  
41 black eye and my nose hurt like heck, so I figured I must have got punched a couple of times in  
42 the face.

43  
44 I want to help find Nik's killer any way that I can. I had nothing to do with it. I couldn't have.  
45 Nik was my only true friend.

*Jamie Rogers*

Jamie Rogers

Sworn (or Affirmed) before me at  
Markham  
in the PROVINCE OF ONTARIO, on  
this 29<sup>th</sup> day of October 20 17  
M. Herbert  
A Commissioner for Taking Oaths for Ontario



# MissinabaTel

SMS message report for customer 555-867-5309 (Jamie Rogers)

Messages to/received from: 555-867-1010

Period: 27-10-17 to 28-10-17

<p><u>Friday, October 27th, 2017 – 9:09am</u> Sent to: Nik Pasternak – 555-867-1010 <b>Screw off don't need your BS anyway</b></p>
<p><u>Friday, October 27th, 2017 – 12:49pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>Change your mind yet?</b></p>
<p><u>Friday, October 27th, 2017 – 12:51pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>Yeah like you never make a mistake</b></p>
<p><u>Friday, October 27th, 2017 – 3:59pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>Come on lets go hang out and get over it</b></p>
<p><u>Friday, October 27th, 2017 – 5:00pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>20 some years of friendship down the drain?</b></p>
<p><u>Friday, October 27th, 2017 – 5:15pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>Never could please you anyway</b></p>
<p><u>Saturday, October 28th, 2017 – 1:30pm</u> Sent to: Nik Pasternak – 555-867-1010 <b>Do you care how I'm gonna pay rent now?</b></p>
<p><u>Saturday, October 28th, 2017 – 1:45pm</u> Rec'd from: Nik Pasternak – 555-867-1010 <b>I'm there for you, just hit me up when you've calmed down</b></p>

## Photos of Jamie Rogers's Clothing

### #1: Hooded Sweatshirt



**#2: Corduroy Pants**



**#3: Shoes**





- 1. The Bronze
- 2. The Silver Dollar Room
- 3. Casey Yanagita's Home
- 4. Southside Leisure Centre