

AFFIDAVIT

IN THE MATTER OF CORONER'S INQUEST INTO THE DEATHS OF JAMIE GOODWIN AND RICARDO WESLEY

I, Rolanda Peacock, of (municipal address) in the City of Kenora, Ontario

Make oath and state:

1. I am the Acting Supervisor of Court Operations in the Court Services Division of the Ministry of the Attorney General for the territorial district of Kenora. I have held this position for three years. My duties include coordination, direction, scheduling, planning and supervising of the activities of court operations. I am the affiant herein and as such have direct knowledge of the facts hereinafter deposed.
2. The jurisdiction of the territorial district of Kenora encompasses 45 First Nation reserves, including the First Nation community of Kashechewan. For reasons to follow, no member of the First Nation community of Kashechewan is represented on the Kenora jury roll.
3. The provincial jury centre located in London, Ontario has responsibility of sending jury questionnaires to all Ontario residents living in municipal areas based on names received from the Municipal Property Assessment Corporation. Similar questionnaires are sent to First Nation residents living on-reserve within each court district.
4. The number of jury questionnaires sent to First Nations on-reserve residents is based on the percentage of Aboriginal people in the general population of Ontario, rounded up to the next percentage point (eg. 2.7% is increased to 3%), to assist in offsetting poor response rates.
5. The questionnaire is supplemented by an accompanying letter in simplified English language, which has been translated into Ojibway and Oji-Cree syllabics.
6. Until 2000, Indian Affairs provided the provincial jury centre with band electoral lists for most First Nation communities in Ontario. Band electoral lists for the First Nation community for Kashechewan have never been provided by Indian Affairs to the provincial jury centre. Since 2000, Indian Affairs has not provided any band electoral lists, making those band lists in the possession of the provincial jury centre out of date.
7. Court officials in the territorial district of Kenora, to manage the absence of First Nation electoral lists, now attempt to obtain band lists directly from First Nation reserves within the territorial district. In August 2006, letters from the Court

Services Division were faxed to the Chiefs of 42 First Nation communities in the District of Kenora requesting up to date band election lists. The First Nation community of Kashechewan was not a community that was mailed such a letter. Of the 42 letters sent, only four communities responded by sending new electoral band lists.

- 8. Court officials in the territorial district of Kenora, throughout 2007, traveled to 14 remote First Nation communities in the territorial district of Kenora to meet with First Nation community leaders. Eight current electoral band lists were received during or subsequent to these meetings. The First Nation community of Kashechewan was not a community visited during this initiative.
- 9. The municipal population in the District of Kenora is 42,702, according to the last numbers provided to the provincial jury office by Municipal Property Assessment Corporation. In addition, the population of the 42 First Nations communities in the Kenora district was 12,111, based on the year 2000 Indian Affairs band electoral lists.
- 10. The Kenora jury roll was based on 1,200 questionnaires sent to municipalities and 484 sent to First Nations. Over 72% of the questionnaires sent to people on First Nations were never returned. The rate of eligible returns from Aboriginal communities in 2006 was 10.72% and 7.83% in 2007. The provincial jury office reported that the rate of eligible returns from questionnaires sent to the municipal population was 66% in 2006, and 56% in 2007. Though no questionnaires were sent to Kashechewan First Nation, there is no reason to believe that response rates would differ from those of other First Nation communities that did respond.
- 11. There are 44 people from First Nations communities on Kenora's 2007 jury roll. None are from Kashechewan. Many are from fly-in Cree communities in Nishnawbe-Aski Nation territory policed by the Nishnawbe-Aski Police Service, including Attawapiskat, Bearskin Lake, Big Trout Lake, Deer Lake, Kasabonika, Keewaywin, Sachigo Lake, and Sandy Lake.

Signature of Affiant *F. Peacock*

Sworn before me at the City of *Attawapiskat*
in the province of Ontario, on this *10th*
day of September, 2008

Commissioner of Oaths
Gaut Michel
[Signature]