

INTERVIEW OF TRACY FUDGE

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Date: March 25, 2005

Held at 10th floor Confederation

**Building, 457 Main Street,**

**Winnipeg, Manitoba**

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1 FRIDAY, MARCH 25, 2005

2 Upon commencing at 11:33 A.M.

3  
4 **SERGEANT GIRARD:** The date is  
5 March 15th, 2005, the time is 11:34, 11:33 a.m.,  
6 sorry. We are in interview room number one of the  
7 Professional Standards Unit Offices on the 10th  
8 floor of the Confederation Building at 457 Main  
9 Street in Winnipeg. My name is Roger Girard and  
10 also present is Con Pearson. For the purpose of  
11 voice recognition, Con, can you please identify  
12 yourself by name?

13 **SERGEANT PEARSON:** Con Pearson.

14 **SERGEANT GIRARD:** We are both members  
15 of the Professional Standards Unit. This is an  
16 interview of Constable Tracy Fudge regarding PSU  
17 file 05-017. For the purpose of voice  
18 recognition, Tracy, can you please identify  
19 yourself by your full name and badge number?

20 **CONSTABLE FUDGE:** Tracy Fudge, 2052.

21 **SERGEANT GIRARD:** Okay. I remind you  
22 that in accordance with service policy, our  
23 conversation is being recorded and for that  
24 purpose today we are using a Olympus DS4000  
25 digital voice recorder that you see in front of

1 you there.

2 You were contacted by way of  
3 memorandum and requested to attend for this  
4 interview today, and in there was briefly outlined  
5 what our investigation was about. You arrived at  
6 our office I guess about nine minutes ago now or  
7 so, about 11:25. I met you downstairs, we came up  
8 here. We had to wait, Sergeant Pearson was tied  
9 up with something. So I discussed the preamble  
10 with you and how we became involved in this matter  
11 and basically what this interview is going to be  
12 about. Then Sergeant Pearson joined us. And you  
13 didn't have any questions so I started the  
14 recorder. So is that an accurate account of what  
15 has taken place prior to me turning the recorder  
16 on?

17 **CONSTABLE FUDGE:** Yep.

18 **SERGEANT GIRARD:** Okay. It is our  
19 practice to ensure that members understand their  
20 status in being interviewed, and I remind you that  
21 you are being interviewed as a witness in this  
22 matter.

23 This statement may be used in any  
24 criminal, civil or service proceeding, or it may  
25 not be used in any proceeding at all.

1                    Were any threats made to you or any  
2 promises or hopes of reward offered to you in  
3 relation to providing this statement?

4                    **CONSTABLE FUDGE:** No.

5                    **SERGEANT GIRARD:** Okay. Was anything  
6 said to you by anybody that would influence what  
7 you might say to us in this statement?

8                    **CONSTABLE FUDGE:** No.

9                    **SERGEANT GIRARD:** Okay. As I  
10 explained earlier, this is regarding Constable  
11 Harvey-Zenk, the incident that occurred on  
12 February 25th in the early morning hours. It is  
13 our understanding that some people from his shift,  
14 including him, were at Branigan's. They had taken  
15 some EDL and gone to Branigan's. In interviewing  
16 other people, they mentioned that you were present  
17 as well. So if you could just let us know what  
18 your involvement was, whether you were at work  
19 that day, or what time you left and how you ended  
20 up there?

21                    **CONSTABLE FUDGE:** Okay. I was working  
22 evening shift in division 11 and booked off early.  
23 I think it was around, and I'm not positive, but  
24 it was around 12:00, 12:30 when I booked off, and  
25 then I attended to Branigan's.

1                   **SERGEANT GIRARD:** Um-hum.

2                   **CONSTABLE FUDGE:** And I was at  
3 Branigan's until they closed, and I'm not even  
4 sure exactly what time that was, I think it was  
5 around 2:00 maybe.

6                   **SERGEANT GIRARD:** Okay.

7                   **CONSTABLE FUDGE:** I'm not positive on  
8 the time.

9                   **SERGEANT GIRARD:** Okay. Who was all  
10 at Branigan's?

11                   **CONSTABLE FUDGE:** Who was all at  
12 Branigan's? There was Christian Guyot, Dave  
13 Harding, Kelly McLure, Chris Humniski, Jim  
14 Anderson, Brian Neumann, Sammi Haddad, Norbert  
15 Bauer, Marnie Nechwediuk, I think she was on that  
16 shift. You don't have a roster, do you?

17                   **SERGEANT GIRARD:** Just what you can  
18 remember.

19                   **CONSTABLE FUDGE:** Derek Harvey-Zenk,  
20 and that's it. There was more people.

21                   **SERGEANT GIRARD:** How many people were  
22 there in total?

23                   **CONSTABLE FUDGE:** About 15 of us.

24                   **SERGEANT GIRARD:** Okay. And  
25 whereabouts in Branigan's was everyone sitting?

1 Like as a group, not individually.

2 **CONSTABLE FUDGE:** In the restaurant  
3 portion.

4 **SERGEANT GIRARD:** Okay.

5 **CONSTABLE FUDGE:** By the VLTs, by the  
6 fireplace. I don't know.

7 **SERGEANT GIRARD:** Okay.

8 **CONSTABLE FUDGE:** Back in there, we  
9 kind of had that whole section.

10 **SERGEANT GIRARD:** Right. And where  
11 were you sitting in relation to Derek Harvey-Zenk?

12 **CONSTABLE FUDGE:** I was -- I couldn't  
13 even tell you where Derek was sitting. I was  
14 sitting at a couch for a while, not at the tables.

15 **SERGEANT GIRARD:** Right. Do you know  
16 Derek?

17 **CONSTABLE FUDGE:** I know Derek, yes.

18 **SERGEANT GIRARD:** Okay. Do you have  
19 any idea what he had to drink or eat, or how much  
20 he had to eat?

21 **CONSTABLE FUDGE:** I have no idea.

22 **SERGEANT GIRARD:** Okay. All right.

23 Did you talk to him at all at the time at  
24 Branigan's?

25 **CONSTABLE FUDGE:** I'm sure I

1 probably -- I must have talked to everyone there  
2 but I don't recall any specific conversation or  
3 anything specific, just in passing.

4 **SERGEANT GIRARD:** All right. Okay.

5 So when it came time to leave, did everybody sort  
6 of leave at the same time or different people  
7 leaving at different times?

8 **CONSTABLE FUDGE:** Everyone kind of got  
9 up to pay at the same time and we all kind of took  
10 turns paying and left relatively at the same time.

11 **SERGEANT GIRARD:** Okay. Now, during  
12 that time, was there anyone that you were  
13 concerned about as far as, you know, thinking they  
14 had too much to drink?

15 **CONSTABLE FUDGE:** Everyone seemed  
16 fine. I mean, I took Dave, Kelly and Jim Anderson  
17 in my truck. Dave probably had a little bit to  
18 drink so --

19 **SERGEANT GIRARD:** All right.

20 **CONSTABLE FUDGE:** So he didn't drive.

21 **SERGEANT GIRARD:** So you say you took  
22 your truck and where did you guys go?

23 **CONSTABLE FUDGE:** We went to Sean  
24 Black's house.

25 **SERGEANT GIRARD:** Okay. What time did

1 you guys get there about?

2 **CONSTABLE FUDGE:** Again, I'm not  
3 positive on the times. I didn't have a watch.

4 **SERGEANT GIRARD:** Did you drive  
5 straight to Sean's or --

6 **CONSTABLE FUDGE:** Yeah.

7 **SERGEANT GIRARD:** Okay. And what was  
8 going on at Sean's?

9 **CONSTABLE FUDGE:** Just sitting around  
10 the table chit chatting, some of the guys were arm  
11 wrestling, we were listening to music and  
12 basically just chit chatting back and forth,  
13 razzing each other, you know.

14 **SERGEANT GIRARD:** Who all went to  
15 Sean's that was at Branigan's?

16 **CONSTABLE FUDGE:** That was at  
17 Branigan's?

18 **SERGEANT GIRARD:** Or who was there?

19 **CONSTABLE FUDGE:** Okay. Well, Sean  
20 was there obviously, me, Kelly, Dave, Jim, Derek,  
21 Ken Azaransky, Norbert Bauer, Jay Nolet. Jay  
22 Nolet was at the restaurant as well. That's all I  
23 remember being at Sean's.

24 **SERGEANT GIRARD:** Okay. Now was  
25 there, was anybody drinking alcohol while they

1 were at Sean's?

2 **CONSTABLE FUDGE:** There was some rye  
3 out and some Bailey's out. There was people  
4 drinking, but again I wasn't paying attention to  
5 that, what everyone else was drinking.

6 **SERGEANT GIRARD:** At any point was  
7 anyone visibly intoxicated, that you recall?

8 **CONSTABLE FUDGE:** Dave Harding.

9 **SERGEANT GIRARD:** Dave?

10 **CONSTABLE FUDGE:** Yeah.

11 **SERGEANT GIRARD:** So how long were you  
12 at Sean's for?

13 **CONSTABLE FUDGE:** I believe we left  
14 there right around, it would have been shortly  
15 after 5:00, right around 5:00 o'clock.

16 **SERGEANT GIRARD:** Okay, and --

17 **CONSTABLE FUDGE:** Around 5:00.

18 **SERGEANT GIRARD:** So when you were  
19 leaving, who was still there? Had anybody left  
20 prior to you?

21 **CONSTABLE FUDGE:** We were the first  
22 ones to leave, I believe. It was -- I think we  
23 were the first ones to leave.

24 **SERGEANT GIRARD:** Okay.

25 **CONSTABLE FUDGE:** People left behind

1 that I can remember would be Derek Harvey-Zenk,  
2 Jay Nolet, Ken Azaransky, Sean Black and Norbert  
3 Bauer, from what I can remember.

4 **SERGEANT GIRARD:** Okay. So who left  
5 with you?

6 **CONSTABLE FUDGE:** There was Kelly  
7 McLure, Dave Harding and Jim Anderson.

8 **SERGEANT GIRARD:** Okay. And where did  
9 you guys go from there?

10 **CONSTABLE FUDGE:** We left Sean's and  
11 went to Branigan's.

12 **SERGEANT GIRARD:** Branigan's was  
13 closed, though, right?

14 **CONSTABLE FUDGE:** Yeah, Branigan's was  
15 closed, yeah. Kelly was picking up her truck, and  
16 Dave had wanted to drive but he didn't drive.

17 **SERGEANT GIRARD:** Okay. All right.  
18 Anything, Con?

19 **SERGEANT PEARSON:** How did Dave get  
20 home?

21 **CONSTABLE FUDGE:** He got a ride.

22 **SERGEANT PEARSON:** With?

23 **CONSTABLE FUDGE:** Jim Anderson.

24 **SERGEANT PEARSON:** Okay. When you  
25 were at Sean's house, aside from Dave, was anybody

1 looking like they were getting tired or --

2 **CONSTABLE FUDGE:** Everyone, everyone  
3 there seemed fine.

4 **SERGEANT PEARSON:** And Derek was the  
5 same, didn't see anything unusual about him?

6 **CONSTABLE FUDGE:** No.

7 **SERGEANT PEARSON:** Okay, that's about  
8 it.

9 **SERGEANT GIRARD:** Do you know of any  
10 other information regarding this that we haven't  
11 covered, something maybe that we have overlooked  
12 that you think may be important?

13 **CONSTABLE FUDGE:** No.

14 **SERGEANT GIRARD:** Okay. Anything else  
15 you have to say?

16 **CONSTABLE FUDGE:** No.

17 **SERGEANT GIRARD:** Okay. The interview  
18 is concluded. The time is now 11:43 and the  
19 recorder is being turned off.

20

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1  
2 OFFICIAL EXAMINER'S CERTIFICATE  
3  
4  
5

6 I, CECELIA REID, a duly appointed Official  
7 Examiner in the Province of Manitoba, do hereby  
8 certify the foregoing pages are a true and correct  
9 transcript of an audio recording of the above  
10 interview of Constable Fudge to the best of my  
11 skill and ability.  
12  
13  
14

15 -----  
16 Cecelia Reid

17 Official Examiner, Q.B.  
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