

INTERVIEW OF TED MICHALIK

Date: March 3, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 THURSDAY, MARCH 3, 2005

2 Upon commencing at 12:11 a.m.

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

12 **SERGEANT PEARSON:** Con Pearson.

13 **SERGEANT GIRARD:** This is an interview
14 with Constable Ted Michalik --

15 **CONSTABLE MICHALIK:** Michalik, yes.

16 **SERGEANT GIRARD:** -- regarding
17 Professional Standards Unit file 05-017. For the
18 purpose of voice recognition can you please
19 identify yourself by your full name and badge
20 number?

21 **CONSTABLE MICHALIK:** Sure. Ted John
22 Michalik, badge number 1472.

23 **SERGEANT GIRARD:** Ted, I will remind
24 you that in accordance with service policy, our
25 conversation is being recorded, and for that

1 purpose this morning we are using an Olympus
2 DS4000 digital recorder. Just so you know, the
3 cameras aren't -- there is no video or anything
4 like that, it is just strictly us recording.

5 **CONSTABLE MICHALIK:** Sure.

6 **SERGEANT GIRARD:** It was requested
7 that you attend for this interview, this one is a
8 little bit more unusual than we normally do it,
9 but we set this up through your divisional
10 commander and your shift supervisor, having
11 delivered some letters to your division yesterday.
12 I am not sure if your's --

13 **CONSTABLE MICHALIK:** I didn't receive
14 that.

15 **SERGEANT GIRARD:** Okay. But you were
16 present for the briefing --

17 **CONSTABLE MICHALIK:** Yes.

18 **SERGEANT GIRARD:** -- and you
19 understand everything, and no problem with coming
20 down on such short notice?

21 **CONSTABLE MICHALIK:** No problem, no.

22 **SERGEANT GIRARD:** Okay. And of course
23 this incident is surrounding the arrest of
24 Constable Derek Harvey-Zenk --

25 **CONSTABLE MICHALIK:** Um-hum.

1 **SERGEANT GIRARD:** -- stemming from an
2 incident that occurred on the early morning hours
3 of February 25th.

4 **CONSTABLE MICHALIK:** Right.

5 **SERGEANT GIRARD:** So, I met you
6 downstairs, yourself and Constable Williams, I
7 guess about seven or eight minutes ago now. We
8 came straight upstairs here into this room. I
9 explained how the interview will take place, let
10 you have a quick look at the witness preamble,
11 which you are sort of reading through now. I had
12 to step out to make a phone call, my partner
13 reminded me of something, and then we got going.
14 So is that an accurate account of what has taken
15 place prior to me turning the recorder on?

16 **CONSTABLE MICHALIK:** Yes.

17 **SERGEANT GIRARD:** Okay. It is our
18 practice to ensure that members understand their
19 status when being interviewed, and I remind you
20 that you are being interviewed as a witness in
21 this matter. This statement may be used in any
22 criminal, civil or service proceeding, or it may
23 not be used in any proceeding at all.

24 Were any threats made to you, or any
25 promises or hopes of reward offered to you in

1 relation to providing a statement?

2 **CONSTABLE MICHALIK:** No.

3 **SERGEANT GIRARD:** Was anything said to
4 you by anyone that might influence what you would
5 say to us in a statement?

6 **CONSTABLE MICHALIK:** No.

7 **SERGEANT GIRARD:** Okay. So, again, in
8 some conversation we had just prior to turning the
9 tape on, it is my understanding that you were
10 working on February 24th?

11 **CONSTABLE MICHALIK:** Correct.

12 **SERGEANT GIRARD:** And that you had an
13 early start because you were doing some
14 administrative work in the office?

15 **CONSTABLE MICHALIK:** Correct, yes.

16 **SERGEANT GIRARD:** Okay. So if you can
17 just take it from there, just let us know what
18 time you left work and what happened after that?

19 **CONSTABLE MICHALIK:** Okay. I left
20 work on the 24th sometime between 11:00 and
21 midnight, attended to Branigan's lounge.

22 **SERGEANT GIRARD:** Okay.

23 **CONSTABLE MICHALIK:** There were some
24 fellow people from the shift. I had a few beers
25 and some wings, and then I would have left at

1 about 2:00, or just prior to 2:00 in the morning.

2 **SERGEANT GIRARD:** Okay. Which
3 Branigan's was this?

4 **CONSTABLE MICHALIK:** The one on
5 McPhillips.

6 **SERGEANT GIRARD:** Okay. All right.
7 Who else was there at Branigan's?

8 **CONSTABLE MICHALIK:** Most everyone on
9 our shift was there except for, I believe, I don't
10 think that Stan showed up that night but I could
11 be wrong. And there was, I believe, a couple of
12 people from division 11, if I recall, and I think
13 a couple of our traffic guys were there.

14 **SERGEANT GIRARD:** Okay.

15 **CONSTABLE MICHALIK:** That's about all
16 I can remember.

17 **SERGEANT GIRARD:** Okay. Do you
18 remember who the people from division 11 were?

19 **CONSTABLE MICHALIK:** I believe his
20 name is Norbert Bauer. I don't know him that
21 well, I just know him to see him basically. And
22 Kelly's husband, Sammi, I can't remember his last
23 name, Sammi Haddad or whatever.

24 **SERGEANT GIRARD:** Okay.

25 **CONSTABLE MICHALIK:** I'm not sure of

1 what his last name is.

2 **SERGEANT GIRARD:** And you said Kelly's
3 husband?

4 **CONSTABLE MICHALIK:** Kelly McLure.

5 **SERGEANT GIRARD:** Oh, okay. All
6 right. You stayed there until around 2:00 you
7 said?

8 **CONSTABLE MICHALIK:** Yes.

9 **SERGEANT GIRARD:** Okay. And from
10 there, where did you go?

11 **CONSTABLE MICHALIK:** I went to my
12 mom's place.

13 **SERGEANT GIRARD:** Okay. Now, where
14 were you guys sitting, like within the Branigan's?

15 **CONSTABLE MICHALIK:** North end of the
16 lounge, I guess you could say -- south end, sorry,
17 south end of the lounge, facing on to Leila.

18 **SERGEANT GIRARD:** Okay. And how was
19 it -- how were the tables configured and that? It
20 sounds like there was a lot of people there?

21 **CONSTABLE MICHALIK:** There was quite a
22 few people, yeah, for sure over 20, I would say.
23 They have got the high tables right at the south
24 end wall by the windows, and then there is some
25 lower seating and then there is a fireplace. So

1 we were kind of in that area. So some people were
2 sitting up higher, some people were sitting lower.

3 **SERGEANT GIRARD:** Where were you
4 sitting?

5 **CONSTABLE MICHALIK:** I was sitting up
6 higher.

7 **SERGEANT GIRARD:** Where was Constable
8 Harvey-Zenk sitting in relation to where you were?

9 **CONSTABLE MICHALIK:** Zenk was across
10 the table, across the second table. There was our
11 table, then another table, he was on the other
12 side.

13 **SERGEANT GIRARD:** Okay. So how -- how
14 many people between like you and him or how far,
15 roughly?

16 **CONSTABLE MICHALIK:** Probably be about
17 as far as me from as you are from me right now.
18 So maybe what is that, six feet, seven feet?

19 **SERGEANT GIRARD:** All right. Did you
20 notice at all what he was drinking or how much he
21 had to drink while you guys were at Branigan's?

22 **CONSTABLE MICHALIK:** I couldn't see
23 how many, how much he was drinking. I noticed he
24 had a beer in front of him, and also noticed that
25 he ate about 40 wings.

1 **SERGEANT GIRARD:** Quite an appetite,
2 it is impressive.

3 **CONSTABLE MICHALIK:** Well, his record
4 is 62 so -- he is a big kid.

5 **SERGEANT GIRARD:** Okay. Was he there
6 the entire time you were there?

7 **CONSTABLE MICHALIK:** Yes.

8 **SERGEANT GIRARD:** Okay. So he was
9 still there when you left -- or I guess, did you
10 leave with a group or --

11 **CONSTABLE MICHALIK:** I left by myself.

12 **SERGEANT GIRARD:** By yourself?

13 **CONSTABLE MICHALIK:** Yes.

14 **SERGEANT GIRARD:** Okay. Was he still
15 there when you left?

16 **CONSTABLE MICHALIK:** Actually, when I
17 was walking into my car I could see him
18 approaching where you cash out.

19 **SERGEANT GIRARD:** Okay. By himself
20 or --

21 **CONSTABLE MICHALIK:** There was a group
22 coming up to leave at that time. So, I guess, I
23 probably left ten minutes before the group got up
24 to leave.

25 **SERGEANT GIRARD:** And you paid for

1 your own food and beverages?

2 **CONSTABLE MICHALIK:** Yes.

3 **SERGEANT GIRARD:** Do you know if
4 anybody had a tab going or if people paid
5 individually, or there was talk about that or --

6 **CONSTABLE MICHALIK:** Well, everyone
7 who is with us is usually under one tab and, I
8 guess, the waitress or whatever, however they work
9 it, they kind of either have you marked down as a
10 number where you are seated or whatever, and then
11 you go up and say, okay, I had ten wings and, you
12 know.

13 **SERGEANT GIRARD:** So they sort of
14 divvy it up?

15 **CONSTABLE MICHALIK:** Yes, they divvy
16 it up, yes.

17 **SERGEANT GIRARD:** Okay. All right.
18 And then you left and you didn't carry on to
19 Constable Black's, you went to your mother's.

20 **CONSTABLE MICHALIK:** Yes. I live out
21 of town so I don't go back to Gimli sometimes. It
22 is a long ride.

23 **SERGEANT GIRARD:** Okay. If you
24 recall, was anybody, in your opinion, obviously
25 intoxicated at Branigan's?

1 **CONSTABLE MICHALIK:** No, not at all.

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

3 Anything, Con?

4 **SERGEANT PEARSON:** I can't make out
5 some of the handwriting -- do you know what time
6 Harvey-Zenk got there?

7 **CONSTABLE MICHALIK:** Well, I couldn't
8 say for you sure. I would estimate maybe
9 somewhere around 11:00, I'm not sure. I think
10 that's when the first group started to meet was
11 around 11:00.

12 **SERGEANT PEARSON:** Do you know who he
13 went with, or did he go by himself?

14 **CONSTABLE MICHALIK:** No, couldn't tell
15 you that.

16 **SERGEANT GIRARD:** Was this a planned
17 event, like at the end of the week, or was it an
18 impromptu sort of gathering?

19 **CONSTABLE MICHALIK:** To tell you the
20 truth, I don't recall. I think it was mentioned
21 maybe the day before that if it was quiet maybe we
22 would try to get out and go for a couple of beers.

23 **SERGEANT GIRARD:** Okay.

24 **SERGEANT PEARSON:** I have nothing
25 else.

1 **SERGEANT GIRARD:** No, neither do I.

2 Do you have knowledge of any other information
3 regarding this matter that we haven't covered,
4 something that we have overlooked maybe that you
5 think is important?

6 **CONSTABLE MICHALIK:** No.

7 **SERGEANT GIRARD:** Anything else you
8 wish to say?

9 **CONSTABLE MICHALIK:** No, that's about
10 it.

11 **SERGEANT GIRARD:** The time is
12 12:20 a.m. and the recorder is being turned off.

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1
2 OFFICIAL EXAMINER'S CERTIFICATE
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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 Michakik to the best of my
11 skill and ability.
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14

15 -----
16 Cecelia Reid

17 Official Examiner, Q.B.
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