

INTERVIEW OF JAY NOLET

Date: March 3, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 THURSDAY, MARCH 3, 2005

2 Upon commencing at 5:42 P.M.

3
4 **SERGEANT GIRARD:** Okay. The date is
5 March 3, 2005, the time is 5:42 p.m. and we are in
6 interview room number one of the Professional
7 Standards Unit Office on the 10th floor of the
8 Confederation Building, at 457 Main Street in
9 Winnipeg. My name is Detective Sergeant Roger
10 Girard and also present is Sergeant Con Pearson.
11 For the purpose of voice recognition, please
12 identify yourself by name?

13 **SERGEANT PEARSON:** Con Pearson.

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

20 **CONSTABLE NOLET:** Jay Nolet, badge
21 number is 2316.

22 **SERGEANT GIRARD:** Okay. I remind you
23 that in accordance with service policy, our
24 conversation is being recorded, and for that
25 purpose this evening we are using an Olympus

1 DS4000 digital recorder.

2 You were contacted by way of a
3 memorandum that we left with your supervisors.

4 **CONSTABLE NOLET:** Right.

5 **SERGEANT GIRARD:** And requested

6 basically an interview, and in that memorandum it

7 just detailed, just a brief about what this was

8 about, of course, being the incident involving

9 Constable Harvey-Zenk on February 24th and the

10 early morning hours of the 25th. And also in

11 there we arranged the date and time of the

12 interview through your supervisors. Just because

13 you were on annual leave and not working night

14 shift with your shift this week, you contacted me

15 and we arranged to meet at this time.

16 **CONSTABLE NOLET:** That's correct.

17 **SERGEANT GIRARD:** So then you arrived

18 at our offices a short time ago, I guess about

19 probably 25 after 5:00 or so you called up, and my

20 partner happened to be on the way out, so he

21 brought you upstairs. And we had to wait while he

22 went and moved his vehicle, so you and I did some

23 small talk and some chit chatting in the lunch

24 room. And then when Sergeant Pearson arrived

25 back, we came into this room. I explained the

1 preamble to you and kind of a general outline
2 about what our involvement is and how the
3 interview will take place. So is that an accurate
4 account of what has taken place prior to me
5 turning the recorder on?

6 **CONSTABLE NOLET:** Yes.

7 **SERGEANT GIRARD:** Okay. It is our
8 practice to ensure that members understand their
9 status when being interviewed, so I remind you
10 that you are being interviewed as witness in this
11 matter. This statement may be used in any
12 criminal, civil or service proceeding, or it may
13 not be used in any proceeding at all.

14 Were any threats made to you or any
15 promises or hopes of reward offered to you in
16 relation to providing this statement?

17 **CONSTABLE NOLET:** No.

18 **SERGEANT GIRARD:** Was anything said to
19 you by anyone that would influence what you might
20 say to us in this statement?

21 **CONSTABLE NOLET:** No.

22 **SERGEANT GIRARD:** Okay. Well, I guess
23 we will start. It is my understanding that on
24 February 24th you were working third relief with
25 your partner, Constable Harvey-Zenk?

1 **CONSTABLE NOLET:** Um-hum.

2 **SERGEANT GIRARD:** And in fact at some
3 point in the evening you took EDL?

4 **CONSTABLE NOLET:** Yes.

5 **SERGEANT GIRARD:** Okay. Just take it
6 from there and just let us know what happened that
7 evening?

8 **CONSTABLE NOLET:** Well, that day
9 there, we had actually started early, we started
10 at 2:30. The reason we were doing that is because
11 Derek and I had to follow up on an investigation
12 at Elwick Community School in regards to some
13 bullies.

14 **SERGEANT GIRARD:** Okay.

15 **CONSTABLE NOLET:** And so just, that's
16 the reason why we started early and we were
17 supposed to finish at 11:30 that night. We went
18 through our regular shift again taking calls and
19 stuff like that. And basically we were given the
20 opportunity to get off at 10:30, so we put in our
21 EDL slips for an hour off. And that's when we
22 went, it was agreed upon the night before that we
23 were going to go out for some wings to Branigan's
24 on Leila.

25 **SERGEANT GIRARD:** Okay.

1 **CONSTABLE NOLET:** So we got off at
2 10:30 and that's where we went for wings. We
3 had -- we stayed there until close. And then
4 basically Black, Sean Black invited us back to his
5 house for a gathering. We followed him home
6 because I didn't have a clue where he lived. He
7 lived out in East St. Paul, or out in Bird's Hill
8 Park, out near there. And so we followed him.
9 And we got to his place, where he put out some
10 Crown Royal for us, and there was cokes and that
11 kind of thing. And if we wanted to help ourselves
12 to some drinks, we were more than welcome. And we
13 just ended up -- we all ended up talking about the
14 shift. There was a little bit of bugging going
15 on, but I remember -- I specifically saw his file
16 there because he was going through a Sergeant's
17 promotion, so I asked to see that, and I ended up
18 sitting, or we all were sitting there discussing
19 the sergeant's promotion process for like an hour,
20 an hour and a half. And then what else happened?
21 People gradually started leaving. Then there was,
22 near the end, around -- I don't know, near the end
23 there was me, Ken and Black and Derek, and Norbert
24 had already left. And we still, the four of us
25 just sat around talking about how we wanted to

1 really work as a team this summer on different
2 projects, and maybe do up some warrants and do
3 things, just projects to gain experience, you
4 know, on the shift and that. Then around -- at
5 exactly 6:23 I got a phone call from my common law
6 girlfriend who said goodbye, she was going to
7 work. And at that point I said, okay, I'm coming
8 home. And that's when I came home right after
9 that.

10 **SERGEANT GIRARD:** The time was 6:23?

11 **CONSTABLE NOLET:** Yeah, 6:23 a.m. I
12 got a phone call on my cell phone from my
13 girlfriend, and after that I told her I was coming
14 home and I left shortly thereafter. And the
15 people that were still meeting were Black, Ken and
16 Derek Harvey-Zenk, and that was the end of it.

17 **SERGEANT GIRARD:** Okay. You say that
18 Norbert left prior to you?

19 **CONSTABLE NOLET:** He left before me.

20 **SERGEANT GIRARD:** Okay.

21 **CONSTABLE NOLET:** The four of us were
22 left.

23 **SERGEANT GIRARD:** Okay. So then when
24 you left and went to, left work and went to
25 Branigan's, you took your own vehicle?

1 **CONSTABLE NOLET:** Yes, that's correct.

2 **SERGEANT GIRARD:** Okay. And Derek
3 took his own?

4 **CONSTABLE NOLET:** Yes.

5 **SERGEANT GIRARD:** Okay. And you said
6 you guys were there until close?

7 **CONSTABLE NOLET:** Um-hum.

8 **SERGEANT GIRARD:** Which would have
9 been what time you left there, roughly?

10 **CONSTABLE NOLET:** I don't know
11 exactly, I'm thinking it was 2:00.

12 **SERGEANT GIRARD:** You said you guys
13 went there for wings?

14 **CONSTABLE NOLET:** Yes.

15 **SERGEANT GIRARD:** Okay. Can you give
16 us an idea of how many people ended up showing up
17 there?

18 **CONSTABLE NOLET:** There was about 16
19 of us, I would say.

20 **SERGEANT GIRARD:** Okay. And what part
21 of Branigan's were you sitting in?

22 **CONSTABLE NOLET:** We were sitting in
23 the lounge.

24 **SERGEANT GIRARD:** Okay. And now what
25 about the setup as far as like for tables or --

1 **CONSTABLE NOLET:** Just the sofas with
2 tables around them, then there is also high tables
3 where you can sit at. There is booth chairs where
4 you can sit around the tables.

5 **SERGEANT GIRARD:** Okay. All right.
6 Where were you sitting?

7 **CONSTABLE NOLET:** Where was I sitting?
8 I was sitting on the sofa.

9 **SERGEANT GIRARD:** And where was Derek
10 sitting in relation to you?

11 **CONSTABLE NOLET:** He was sitting with
12 his back to me on a booster chair, in close
13 proximity.

14 **SERGEANT GIRARD:** Okay. How much did
15 Derek have to drink at Branigan's and/or eat?

16 **CONSTABLE NOLET:** I have no idea. I
17 don't know. I didn't pay attention to how much he
18 was drinking. I know he did consume alcohol, but
19 I don't know how much. I wasn't keeping track.
20 As for wings, I could say he holds the record for
21 62 wings, so he probably consumed a lot of wings.

22 **SERGEANT GIRARD:** So he did have food
23 while he was at Branigan's as well?

24 **CONSTABLE NOLET:** Yes.

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

1 At what point in the evening did the invitation
2 from Sean Black come up?

3 **CONSTABLE NOLET:** Immediately at the
4 end.

5 **SERGEANT GIRARD:** Okay. All right.
6 So who all ended up at Sean Black's residence
7 then?

8 **CONSTABLE NOLET:** Well, there was me,
9 Derek, Ken, Sean, Sergeant Humniski and Jammy.

10 **SERGEANT GIRARD:** Jammy?

11 **CONSTABLE NOLET:** Anderson, sorry.

12 **SERGEANT GIRARD:** Okay.

13 **CONSTABLE NOLET:** Kelly, Tracy,
14 Harding, Norbert, and that's all I can think of
15 right now.

16 **SERGEANT GIRARD:** Okay. So as far as
17 last names then, just to make sure that we have
18 the right names, so Kelly McLure --

19 **CONSTABLE NOLET:** Yes.

20 **SERGEANT GIRARD:** -- you were talking
21 about.

22 **CONSTABLE NOLET:** Tracy Fudge.

23 **SERGEANT GIRARD:** Tracy Fudge, okay.
24 Norbert Bauer.

25 **CONSTABLE NOLET:** Yes.

1 **SERGEANT GIRARD:** Ken Azaransky.

2 **CONSTABLE NOLET:** That's right.

3 **SERGEANT GIRARD:** Jammy, Chris

4 Humniski, your sergeant?

5 **CONSTABLE NOLET:** Right.

6 **SERGEANT GIRARD:** Who else?

7 **CONSTABLE NOLET:** I said Kelly McLure.

8 **SERGEANT GIRARD:** Yes.

9 **CONSTABLE NOLET:** Dave Harding.

10 **SERGEANT GIRARD:** Okay, Dave Harding.

11 **CONSTABLE NOLET:** And that's all.

12 **SERGEANT GIRARD:** Okay. Now, when you

13 were at Sean's, you said that Sean had some Crown

14 Royal out and some cokes and that as well?

15 **CONSTABLE NOLET:** Yes.

16 **SERGEANT GIRARD:** Okay. Any snacks or

17 food out as well?

18 **CONSTABLE NOLET:** Yes. He was messing

19 around with the popcorn machine the whole night

20 long. I don't know if he was blowing fuses or

21 what, but the popcorn machine wasn't working

22 properly. We had popcorn and he was making tacos,

23 nacho sauce and dip and that, and there were

24 chocolate muffins sitting there, but I didn't have

25 any of those.

1 **SERGEANT GIRARD:** How did you get from
2 Branigan's to Sean's?
3 **CONSTABLE NOLET:** We drove.
4 **SERGEANT GIRARD:** Okay. In your own
5 vehicle?
6 **CONSTABLE NOLET:** Yes.
7 **SERGEANT GIRARD:** Did anybody come
8 with you in your vehicle?
9 **CONSTABLE NOLET:** No.
10 **SERGEANT GIRARD:** Okay. What about
11 Derek, how did he get there?
12 **CONSTABLE NOLET:** He drove.
13 **SERGEANT GIRARD:** His own vehicle?
14 **CONSTABLE NOLET:** Yes.
15 **SERGEANT GIRARD:** Okay. Now when you
16 were at Branigan's, was anyone obviously
17 intoxicated that you recall?
18 **CONSTABLE NOLET:** No, no.
19 **SERGEANT GIRARD:** No. Okay. Everyone
20 was in fairly good shape?
21 **CONSTABLE NOLET:** Um-hum.
22 **SERGEANT GIRARD:** Okay. Now at Sean
23 Black's, how much did Derek drink there?
24 **CONSTABLE NOLET:** I don't know, I
25 wasn't paying any attention to who was drinking

1 and who wasn't.

2 **SERGEANT GIRARD:** Okay. Anybody there
3 cause you concern as far as their consumption?

4 **CONSTABLE NOLET:** Mr. Harding, he had
5 a little bit too much to drink. And I
6 specifically took his drink from him and gave him
7 some water. And Blackie told him to go lay down
8 in the basement.

9 **SERGEANT GIRARD:** Okay.

10 **CONSTABLE NOLET:** And that's what he
11 did. And Blackie offered him to stay the night,
12 and then Jammy offered to give him a ride home,
13 and that's how he got home.

14 **SERGEANT GIRARD:** That being Jim
15 Anderson?

16 **CONSTABLE NOLET:** Yes, sorry.

17 **SERGEANT GIRARD:** That's quite all
18 right. Okay.

19 **CONSTABLE NOLET:** But other than that,
20 that's the only person that -- he just looked
21 pale, he was still, he was talking and he was his
22 normal self, he wasn't showing any signs of
23 impairment or anything like that.

24 **SERGEANT GIRARD:** Now, throughout the
25 evening did you have an opportunity to talk to

1 Derek at all from the time at Branigan's and at
2 Sean Black's?

3 **CONSTABLE NOLET:** Yes.

4 **SERGEANT GIRARD:** How did he seem to
5 you?

6 **CONSTABLE NOLET:** We were standing
7 around in the kitchen the majority of the night.

8 **SERGEANT GIRARD:** At Sean's?

9 **CONSTABLE NOLET:** Yes.

10 **SERGEANT GIRARD:** Okay.

11 **CONSTABLE NOLET:** And he was talking,
12 again we were talking about our shift and about
13 projects that we wanted to do this summer, and he
14 was fully into conversation. He wasn't showing to
15 me any signs that he was intoxicated either so.

16 **SERGEANT GIRARD:** Okay.

17 **CONSTABLE NOLET:** Yeah, I didn't see
18 anything that would suggest to me that, you
19 know -- he was consuming alcohol there too, but,
20 again, I didn't -- he wasn't showing signs to me
21 of someone who was impaired.

22 **SERGEANT GIRARD:** Okay. And with Dave
23 Harding, you recognized that he had had too much?

24 **CONSTABLE NOLET:** Yeah.

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

1 And then you left around 6:30?

2 **CONSTABLE NOLET:** Yes.

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

4 And just, and I think you covered this, but
5 just -- so when you left, Sean Black was still
6 there?

7 **CONSTABLE NOLET:** Yes.

8 **SERGEANT GIRARD:** Norbert had left
9 prior to you?

10 **CONSTABLE NOLET:** Norbert left before
11 me.

12 **SERGEANT GIRARD:** I think you said
13 Sean, correct me if I am wrong, Sean, Ken, Derek?

14 **CONSTABLE NOLET:** That's it.

15 **SERGEANT GIRARD:** Just the three of
16 them?

17 **CONSTABLE NOLET:** Yes.

18 **SERGEANT GIRARD:** Okay. All right.
19 So you had no concerns about Derek?

20 **CONSTABLE NOLET:** No. And too,
21 Blackie had asked us, he said, you guys it is
22 early in the morning already, do you guys want to
23 stay here for the night.

24 **SERGEANT GIRARD:** At what point was
25 that?

1 **CONSTABLE NOLET:** That was near the
2 end, it was sometime shortly before I left he
3 said -- I don't know the exact time, you know, but
4 he did mention to me, if you guys want to stay, if
5 you want to stay specifically to me, and I
6 remember him saying to Dave as well, because he
7 told Dave to go lay down, you know.

8 **SERGEANT GIRARD:** Okay.

9 **CONSTABLE NOLET:** And he said it to,
10 I'm pretty sure he said it to Ken and Derek as
11 well, because they were standing right there when
12 he said it, so I think he was referring to all of
13 us, if we wanted to stay.

14 **SERGEANT GIRARD:** Okay. What was
15 the -- you were working with Derek all week?

16 **CONSTABLE NOLET:** Yes.

17 **SERGEANT GIRARD:** What was your week
18 like? Was there a lot of overtime?

19 **CONSTABLE NOLET:** Yes, we were getting
20 a lot of overtime and having late nights, and we
21 again started early the last night there, so we
22 didn't have much sleep.

23 **SERGEANT GIRARD:** So the night before
24 then, I guess it would be the 23rd into the 24th?

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

1 **SERGEANT GIRARD:** You were on third
2 relief?
3 **CONSTABLE NOLET:** Um-hum.
4 **SERGEANT GIRARD:** So what time did you
5 finish work, like on the early morning of the
6 24th, I guess that would be Thursday morning?
7 **CONSTABLE NOLET:** I don't recall, I
8 really couldn't recall.
9 **SERGEANT GIRARD:** A lot of overtime
10 though?
11 **CONSTABLE NOLET:** I don't recall.
12 **SERGEANT GIRARD:** Okay.
13 **CONSTABLE NOLET:** I don't want to say
14 yes, because I don't remember.
15 **SERGEANT GIRARD:** Okay. And then you
16 had an early start the next day?
17 **CONSTABLE NOLET:** Yes, yes.
18 **SERGEANT GIRARD:** Okay. Do you know
19 what time Derek got to the station the next day
20 for your early start?
21 **CONSTABLE NOLET:** He was there before
22 I arrived.
23 **SERGEANT GIRARD:** And what time did
24 you arrive?
25 **CONSTABLE NOLET:** I arrived about ten

1 minutes early for work and he was already in
2 uniform.

3 **SERGEANT GIRARD:** And that was a 12:30
4 start?

5 **CONSTABLE NOLET:** We started at 2:30,
6 I was there by 2:20, he was already in uniform and
7 I remember specifically thinking we have to get to
8 the Elwick Community School before they let the
9 kids off.

10 **SERGEANT GIRARD:** Okay. Was there any
11 conversation or did you make any comment as far as
12 what time he got up that day?

13 **CONSTABLE NOLET:** No.

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

15 **SERGEANT PEARSON:** So you started at
16 2:30 in the afternoon and then you got off. I
17 guess 6:30 the next morning you still hadn't had
18 any sleep. How long were you up that day? You
19 started at 2:30, what time did you get up?

20 **CONSTABLE NOLET:** I would have got up
21 around 12:30.

22 **SERGEANT GIRARD:** So you are up for
23 12 -- 18 plus hours?

24 **CONSTABLE NOLET:** Um-hum.

25 **SERGEANT PEARSON:** And when you left

1 at 6:30, was the sun starting to come up?

2 **CONSTABLE NOLET:** Yes.

3 **SERGEANT PEARSON:** When Sean asked the
4 guys, or offered them to stay, did anybody respond
5 if they were going to stay, or what did they say,
6 do you remember?

7 **CONSTABLE NOLET:** I don't recall. I
8 know I said, no, I'm going to go home. I don't
9 recall what anyone said.

10 **SERGEANT PEARSON:** Okay.

11 **SERGEANT GIRARD:** When was the last
12 time that you saw Derek having a drink at Sean's?

13 **CONSTABLE NOLET:** He put the, Sean put
14 all of the alcohol away, I would say two hours, so
15 around 4:00 o'clock. He was cleaning up, he
16 was -- there was popcorn on the floor from the
17 popcorn machine, so he was sweeping it all up and
18 doing all of that kind of stuff. So there wasn't
19 any alcohol around. And I don't recall Derek
20 having a drink in his hand after that.

21 **SERGEANT PEARSON:** You say Sean put
22 out a bottle of Crown Royal. How much do you
23 figure he did he put out?

24 **CONSTABLE NOLET:** There was just one
25 bottle, and then there were three bottles of Pepsi

1 or Coke.

2 **SERGEANT PEARSON:** But was the bottle
3 opened when he brought it out?

4 **CONSTABLE NOLET:** I don't know.

5 **SERGEANT PEARSON:** You didn't see him.
6 How much was drank out of it, with everybody
7 there?

8 **CONSTABLE NOLET:** I don't recall, no.

9 **SERGEANT PEARSON:** But he put it away
10 after that?

11 **CONSTABLE NOLET:** Yes.

12 **SERGEANT PEARSON:** He didn't throw the
13 bottle out?

14 **CONSTABLE NOLET:** I don't recall.

15 **SERGEANT GIRARD:** So around
16 4:00 o'clock is when he cleaned up and put the
17 liquor away?

18 **CONSTABLE NOLET:** Yes.

19 **SERGEANT GIRARD:** All right. At
20 Branigan's, did you pay for your own food and --

21 **CONSTABLE NOLET:** Yes, I did.

22 **SERGEANT GIRARD:** -- beverages?

23 **CONSTABLE NOLET:** Yes.

24 **SERGEANT GIRARD:** Okay. Do you know
25 if Derek paid for his own?

1 **CONSTABLE NOLET:** Yes.

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

3 Do you remember how much Derek's bill was?

4 **CONSTABLE NOLET:** No.

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

6 So you stayed until closing time and you went

7 straight to Sean's. How long a drive do you

8 figure, or do you recall what time it was when you

9 guys got there to Sean's?

10 **CONSTABLE NOLET:** No.

11 **SERGEANT GIRARD:** Okay.

12 **CONSTABLE NOLET:** I don't recall how

13 long the drive was. I don't even want to guess.

14 I don't know.

15 **SERGEANT GIRARD:** I don't know if I

16 have anything else.

17 **SERGEANT PEARSON:** I don't either.

18 **SERGEANT GIRARD:** Okay. So with the

19 exception of Dave Harding, no one appeared

20 obviously intoxicated to you?

21 **CONSTABLE NOLET:** No.

22 **SERGEANT GIRARD:** Okay then. Do you

23 have any other information regarding this that we

24 haven't covered, maybe something that we have

25 overlooked that you feel may be important for us

1 to know?

2 **CONSTABLE NOLET:** Nothing that I can
3 think of.

4 **SERGEANT GIRARD:** Is there anything
5 else you wish to say?

6 **CONSTABLE NOLET:** No.

7 **SERGEANT GIRARD:** Okay. The time is
8 6:01 p.m., the interview is concluded and I'm
9 turning the recorder off.

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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 Nolet to the best of my
11 skill and ability.
12
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14

15 -----
16 Cecelia Reid

17 Official Examiner, Q.B.
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