

INTERVIEW OF MARNIE NECHWEDIUK

Date: March 3, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 THURSDAY, MARCH 3, 2005

2 Upon commencing at 12:55 A.M.

3 **SERGEANT EPP:** Today's date is now
4 March the 3rd, 2005, because we have gone past
5 midnight. The time according to my watch is five
6 minutes to 1:00 in the morning. We are in the
7 lunch room of the Professional Standards Unit, on
8 the 10th floor of the Confederation Building, 457
9 Main Street in Winnipeg. My name is Detective
10 Sergeant Angela Epp. Also present is Sergeant
11 Doug Roxburgh. Doug, for the purpose of voice
12 recognition, please identify yourself by name?

13 **SERGEANT ROXBURGH:** Doug Roxburgh.

14 **SERGEANT EPP:** We are both members of
15 the Professional Standards Unit. This is an
16 interview with Marnie Nechwediuk regarding
17 Professional Standards Unit file 05-017. For the
18 purpose of voice recognition, Marnie, could you
19 please identify yourself by your full name and
20 badge number?

21 **CONSTABLE NECHWEDIUK:** Marnie
22 Nechwediuk, badge number 2227.

23 **SERGEANT EPP:** I will remind you that
24 in accordance with service policy, our
25 conversation is being audio-taped, and for that

1 purpose we are using an Olympus DS4000 digital
2 recorder.

3 You were contacted, or you had a shift
4 briefing, it is my understanding, yesterday, that
5 you received a letter yesterday requesting you
6 attend for an interview sometime within the next
7 24 hour period, regarding an incident that
8 occurred on the early morning hours of
9 February 24th, 2005. It is regarding a fatal
10 traffic accident involving Derek Harvey-Zenk.

11 You arrived at our offices a short
12 time ago. Everything is locked up so you were
13 escorted up. We offered you water and coffee,
14 which you declined. You did take a throat lounge
15 as you were suffering from a little bit of a cold.
16 We had a discussion about the police basketball
17 team. We reviewed the witness preamble and you
18 had no questions and we began recording. Would
19 that be an accurate account of what has taken
20 place prior to the tape recorder being turned on?

21 **CONSTABLE NECHWEDIUK:** Yea, that's
22 correct.

23 **SERGEANT EPP:** It is our practice to
24 ensure that members understand their status when
25 being interviewed. I remind you that you are

1 being interviewed as a witness in this matter.

2 This statement may be used in any criminal, civil,
3 or service proceeding, or it may not be used in
4 any proceeding at all.

5 Marnie, were any threats made to you
6 or promises or hopes of reward offered to you in
7 relation to providing a statement?

8 **CONSTABLE NECHWEDIUK:** No.

9 **SERGEANT EPP:** Was anything said to
10 you by anyone that would influence what you might
11 say to us in this statement?

12 **CONSTABLE NECHWEDIUK:** No.

13 **SERGEANT EPP:** I would like you to go
14 back to Thursday evening, February 24th, and tell
15 us what happened when you finished the shift and
16 we will take it from there?

17 **CONSTABLE NECHWEDIUK:** I finished at
18 2230, handed in my blue form, and left to attend
19 Branigan's on Leila, arrived there shortly before
20 11:00. There was other members of our shift
21 there. And I ordered a Diet Coke because I wasn't
22 drinking that night, some quesdias, chicken
23 quesdias around with the shift and chatted and
24 talked and laughed. About 2:30 in the morning I
25 paid up my bill. I had ordered one beer that

1 night, which I had actually bought for a fellow
2 officer, Constable Azaransky. I paid my bill and
3 went home, arriving home at about 3:00 in the
4 morning.

5 **SERGEANT EPP:** Okay. Branigan's in
6 the lounge, can you tell us who was there?

7 **CONSTABLE NECHWEDIUK:** Do you mean
8 everyone?

9 **SERGEANT EPP:** Everyone that you can
10 remember.

11 **CONSTABLE NECHWEDIUK:** Okay. Myself,
12 Kelly McLure, Ken Azaransky, Sean Black, Humniski,
13 Jimmy Anderson, Jules, I can't think, I don't know
14 his last name, out of district 5. Al Williams,
15 Christian Guyot, TJ and Dan, our new recruits, and
16 Werner Toews, Gord Schneider, Shaun Veldman, Tracy
17 Fudge, Norbert Bauer, Ted Michalik, Derek
18 Harvey-Zenk, I'm not sure if I said Dave Harding,
19 Jay Nolet. That's all I can recall.

20 **SERGEANT EPP:** Fairly good number of
21 police officers were there. Any other patrons in
22 the lounge other than police officers?

23 **CONSTABLE NECHWEDIUK:** When we first
24 arrived there was a senior looking couple sitting
25 on the red couch in front of our tables that we

1 sat at, but they left shortly after we got there.
2 And a couple of females, and some Asian appearance
3 looking people just around the corner from us, but
4 I don't know any of them.

5 **SERGEANT EPP:** Okay. Were those
6 other -- you said the one older looking couple
7 left fairly shortly after?

8 **CONSTABLE NECHWEDIUK:** Um-hum.

9 **SERGEANT EPP:** The other two tables
10 you mentioned, females and an Asian looking group?

11 **CONSTABLE NECHWEDIUK:** Um-hum.

12 **SERGEANT EPP:** How long did they stay,
13 or did you make a note of that?

14 **CONSTABLE NECHWEDIUK:** I don't know.

15 **SERGEANT EPP:** 2:30 is about when
16 things are closing, correct?

17 **CONSTABLE NECHWEDIUK:** That's correct,
18 yes.

19 **SERGEANT EPP:** Were those groups still
20 there, the Asian group or the group of ladies?

21 **CONSTABLE NECHWEDIUK:** Not that I can
22 recall.

23 **SERGEANT EPP:** Okay. So you didn't
24 notice them leaving, but they weren't there when
25 everybody was sort of clearing out?

1 **CONSTABLE NECHWEDIUK:** Yeah, I didn't
2 take note of it.

3 **SERGEANT EPP:** Okay. You mentioned
4 you paid your bill. Was it a ginormous bill for
5 the whole table?

6 **CONSTABLE NECHWEDIUK:** No, I had my
7 own bill. I actually didn't have a receipt. I
8 went up and paid cash and told the waitress what I
9 had had, and she had it marked down, however she
10 did it on the computer.

11 **SERGEANT EPP:** Was there more than one
12 waitress or waiter?

13 **CONSTABLE NECHWEDIUK:** There was a
14 female and one male for sure.

15 **SERGEANT EPP:** Okay. Sometimes they
16 wear name plates. Did you see that?

17 **CONSTABLE NECHWEDIUK:** No, I did not.

18 **SERGEANT EPP:** Do you go to Branigan's
19 with the shift from time to time?

20 **CONSTABLE NECHWEDIUK:** From time to
21 time, yes.

22 **SERGEANT EPP:** Is she a waitress that
23 you would recognize?

24 **CONSTABLE NECHWEDIUK:** She was -- it
25 was actually the first time I had met her. I

1 don't -- I don't know her name. I don't remember
2 her really.

3 **SERGEANT EPP:** Okay. Could you
4 describe her?

5 **CONSTABLE NECHWEDIUK:** I know she was
6 skinny. That's all I know.

7 **SERGEANT EPP:** Okay.

8 **CONSTABLE NECHWEDIUK:** I don't --

9 **SERGEANT EPP:** Hair colour, height,
10 anything like that?

11 **CONSTABLE NECHWEDIUK:** Shorter -- good
12 powers of observation -- I know she had glasses on
13 and then she didn't have the glasses on and then
14 she had the glasses on, I did notice that. But,
15 no, I don't know if it was light blonde or brown
16 hair or anything. I really didn't pay much
17 attention.

18 **SERGEANT EPP:** Well, you went around
19 the room, you got quite a few names around the
20 table as you visually went through. Can you tell
21 us, because this incident involves in particular
22 Derek, can you tell us where you were sitting in
23 relation to where he was sitting?

24 **CONSTABLE NECHWEDIUK:** My back was to
25 Leila and I was on the end of the -- we had kind

1 of it was a kind of T shape of tall tables, well,
2 it ended up being a T shape. I was on the first
3 round table with my back to Leila, and he was two
4 tables over in front facing Leila on the tables.

5 **SERGEANT EPP:** Would you have had an
6 opportunity to observe whether he was consuming
7 alcohol or not?

8 **CONSTABLE NECHWEDIUK:** I know for sure
9 there was a beer in front of him, but I don't know
10 how many he had, and that he ordered 20 wings for
11 sure.

12 **SERGEANT EPP:** Okay. We understand
13 from other interviews that he is the wing
14 champion.

15 **CONSTABLE NECHWEDIUK:** He is the wing
16 champion of our shift, and probably the city.

17 **SERGEANT EPP:** Okay. Did you know
18 what kind of beer he was having?

19 **CONSTABLE NECHWEDIUK:** No.

20 **SERGEANT EPP:** Was it bottles or
21 draft?

22 **CONSTABLE NECHWEDIUK:** It was in a
23 glass.

24 **SERGEANT EPP:** Okay. Besides the
25 wings, did you notice if Derek had any other food?

1 **CONSTABLE NECHWEDIUK:** No.

2 **SERGEANT EPP:** Okay. Could you
3 describe the, sort of the group? Could you give
4 us a descriptor of, you know, if someone came in
5 and wanted to know was it a happy, gregarious
6 group, or rowdy or crazy, how would you describe
7 the big group?

8 **CONSTABLE NECHWEDIUK:** We were
9 actually quite quiet that night. We weren't -- it
10 was very, very relaxed and a lot of jokes, and
11 kind of talking within kind of who was around you,
12 not really, you know, across the table kind of
13 conversation, it was kind of talking within your
14 little group. And then people would move and sit
15 with other groups and talk, so it wasn't actually
16 a very loud night.

17 **SERGEANT EPP:** Okay. In terms of
18 sobriety, was anybody obviously or on their way to
19 being intoxicated that night that you observed?

20 **CONSTABLE NECHWEDIUK:** Not that I
21 observed, no.

22 **SERGEANT EPP:** So everyone was fairly
23 within their limits?

24 **CONSTABLE NECHWEDIUK:** Yeah.

25 **SERGEANT EPP:** Okay. At the time that

1 you were paying, settling your bill, was there a
2 bunch of other people settling the bill?

3 **CONSTABLE NECHWEDIUK:** Yes.

4 **SERGEANT EPP:** Was Derek one of those
5 people?

6 **CONSTABLE NECHWEDIUK:** Yes.

7 **SERGEANT EPP:** Do you recall how he
8 paid his bill?

9 **CONSTABLE NECHWEDIUK:** No.

10 **SERGEANT EPP:** Would you have any idea
11 of how -- how much do wings cost? Maybe that's a
12 good question.

13 **CONSTABLE NECHWEDIUK:** I think we paid
14 35, I think they have a wing night or whatever, 35
15 cents a wing.

16 **SERGEANT EPP:** Okay. And you bought
17 one beer for, you said --

18 **CONSTABLE NECHWEDIUK:** Ken Azaransky.

19 **SERGEANT EPP:** -- Azaransky. Do you
20 remember how much a beer cost?

21 **CONSTABLE NECHWEDIUK:** No, I didn't
22 even really look at it. I just paid my bill.

23 **SERGEANT EPP:** Okay. I'm just trying
24 to figure out if you were able to tell how much
25 Derek's bill was?

1 **CONSTABLE NECHWEDIUK:** No idea.

2 **SERGEANT EPP:** Okay. From our
3 understanding, there was a bit of a house party
4 afterwards. Were you aware that that was being
5 planned or --

6 **CONSTABLE NECHWEDIUK:** I knew people
7 might be going, but I was going home because I was
8 trying to lose weight and didn't want to go out
9 and be pressured into eating food and drinking.

10 **SERGEANT EPP:** All righty then. Do
11 you know who went to the house party?

12 **CONSTABLE NECHWEDIUK:** No.

13 **SERGEANT EPP:** Do you know where it
14 was?

15 **CONSTABLE NECHWEDIUK:** At Sean
16 Black's.

17 **SERGEANT EPP:** Okay. Did you hear
18 about anything that happened at Sean's party, or
19 did you hear about anything that happened after
20 Sean's party?

21 **CONSTABLE NECHWEDIUK:** No -- well,
22 besides the incident with Derek, but the first I
23 had heard of it was when I was contacted, if I had
24 known anything about Derek, and that was the first
25 I had heard of anything. I hadn't talked to

1 anyone the whole day.

2 **SERGEANT EPP:** Okay. And when did you

3 find that out?

4 **CONSTABLE NECHWEDIUK:** It was about

5 3:00 in the afternoon on Friday, roughly.

6 **SERGEANT EPP:** And who called you?

7 **CONSTABLE NECHWEDIUK:** Dave Harding.

8 **SERGEANT EPP:** And what information

9 did you receive at that time?

10 **CONSTABLE NECHWEDIUK:** Just that he

11 believed there was a car accident and that Derek

12 was involved, and that he didn't have any other

13 info, and if I had heard anything.

14 **SERGEANT EPP:** Have you had any

15 contact with Derek since then?

16 **CONSTABLE NECHWEDIUK:** Yes.

17 **SERGEANT EPP:** Would you be prepared

18 to tell us about that?

19 **CONSTABLE NECHWEDIUK:** I mean, you can

20 ask me, I don't know what you want to know about

21 it.

22 **SERGEANT EPP:** It is my understanding

23 that you knew Derek at work, but also away from

24 work?

25 **CONSTABLE NECHWEDIUK:** That's correct.

1 **SERGEANT EPP:** How long have you known
2 Derek?

3 **CONSTABLE NECHWEDIUK:** Since '98, I
4 have known him.

5 **SERGEANT EPP:** Okay. And so you
6 socialized with him before you were a police
7 officer?

8 **CONSTABLE NECHWEDIUK:** Yeah, we worked
9 together at Headingley Correctional Centre.

10 **SERGEANT EPP:** So you had kind of a
11 long-standing friendship with him.

12 **CONSTABLE NECHWEDIUK:** Yes.

13 **SERGEANT EPP:** How often would you
14 have socialized with Derek outside of police work?

15 **CONSTABLE NECHWEDIUK:** Depending when
16 I used to be on A side, Ryan, my fiancé, would see
17 him whenever I was working and Derek was off.
18 They are on the same hockey team and they also
19 worked together at the jail, so they are pretty
20 good friends. And then we would see Derek and
21 Carly, like in couples groups when we would go out
22 or go over to their house for dinner parties or --
23 once a month maybe I would see him outside of
24 work.

25 **SERGEANT EPP:** Okay.

1 **CONSTABLE NECHWEDIUK:** Like we were
2 opposite shifts so I would never see him, but now
3 that I have come to B side, whenever they have
4 hockey kind of thing.
5 **SERGEANT EPP:** Would you be aware if
6 Derek was on any kind of medication?
7 **CONSTABLE NECHWEDIUK:** After the
8 accident? You mean after this accident?
9 **SERGEANT EPP:** Prior to the accident.
10 **CONSTABLE NECHWEDIUK:** No.
11 **SERGEANT EPP:** Generally in good
12 health?
13 **CONSTABLE NECHWEDIUK:** Yes.
14 **SERGEANT EPP:** No concerns?
15 **CONSTABLE NECHWEDIUK:** No concerns.
16 **SERGEANT EPP:** Okay. I'm just going
17 to review a bit here and give Doug an opportunity
18 as well to ask some questions, Marnie -- just to
19 make sure I haven't missed anything.
20 **SERGEANT ROXBURGH:** In terms of your
21 conversation with Derek after the fact --
22 **CONSTABLE NECHWEDIUK:** Um-hum.
23 **SERGEANT ROXBURGH:** -- how would
24 you -- how would you describe that, in terms of --
25 **CONSTABLE NECHWEDIUK:** Very emotional.

1 **SERGEANT ROXBURGH:** Was it -- I don't
2 want to put words in your mouth, but was it a case
3 of checking on his well-being?
4 **CONSTABLE NECHWEDIUK:** That's exactly
5 what it was, to make sure that he wasn't injured,
6 find out his condition and [REDACTED], as she is
7 pregnant. I wanted to make sure they were okay,
8 both okay.
9 **SERGEANT ROXBURGH:** When you went to
10 Branigan's, you went on your own, your own
11 vehicle?
12 **CONSTABLE NECHWEDIUK:** Yes.
13 **SERGEANT ROXBURGH:** Can you tell me
14 how Derek got to Branigan's?
15 **CONSTABLE NECHWEDIUK:** No idea.
16 **SERGEANT ROXBURGH:** Can you tell me
17 how Derek left Branigan's?
18 **CONSTABLE NECHWEDIUK:** I didn't see
19 him leave.
20 **SERGEANT ROXBURGH:** Can you comment on
21 Derek's sobriety when you left?
22 **CONSTABLE NECHWEDIUK:** During the
23 night he was debating and having conversation, and
24 being that I have been with him when he has been
25 intoxicated, I would say that he definitely was

1 not intoxicated.

2 **SERGEANT ROXBURGH:** So you have seen
3 Derek intoxicated?

4 **CONSTABLE NECHWEDIUK:** Yes.

5 **SERGEANT ROXBURGH:** Can you tell me
6 what it takes for Derek to get intoxicated? Do
7 you know him that well?

8 **CONSTABLE NECHWEDIUK:** No, not
9 necessarily, I don't know him that well to know
10 how much it would take. I just know he has been
11 at the point where he has stayed over at my house
12 with Carly.

13 **SERGEANT ROXBURGH:** And maybe Angela
14 asked this, but in terms of how much Derek drank
15 that night, any idea?

16 **CONSTABLE NECHWEDIUK:** No. I actually
17 didn't even talk to him that much at Branigan's.

18 **SERGEANT EPP:** Marnie, is there
19 anything that you are surprised we haven't asked?

20 **CONSTABLE NECHWEDIUK:** Not that I can
21 think of, no.

22 **SERGEANT EPP:** Is there anything that
23 you think would be important to have included in
24 this?

25 **CONSTABLE NECHWEDIUK:** No.

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SERGEANT EPP: Okay. Well, then I
will end this interview at 1:14.

OFFICIAL EXAMINER'S CERTIFICATE

I, CECELIA REID, a duly appointed Official
Examiner in the Province of Manitoba, do hereby
certify the foregoing pages are a true and correct
transcript of an audio recording of the above
interview of Constable Nechwediuk to the best of
my skill and ability.

Cecelia Reid
Official Examiner, Q.B.

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