COURT FILE NO.: 05-16
Kenora
DATE: July 7, 2006

ONTARIO

SUPERIOR COURT OF JUSTICE

R v ROWE

Stach, J.

REASONS ON DEFENCE MOTION

[1] On this motion, Ralph Rowe raises several Charter-based objections and a constitutional challenge. He asks the court to order a stay of proceedings on all counts in the indictment now before the court (the current indictment). The core of the defence position on this motion is founded upon a plea agreement made between Crown and defence counsel in 1994, the interpretation of that agreement, and its present effect.

[2] Mr. Rowe's sentencing hearings in 1994 also figure into the mix. They are not the central focus here, but an understanding of what took place then, especially in the principal sentencing hearing at Wunnumin Lake, will assist one's understanding of the present process.[1] The focus here is on the 1994 plea agreement which preceded that sentencing.

[3] The only written record of the plea agreement consists of three pieces of correspondence which passed between Crown and defence counsel in April 1994. Because of the importance attached to them, that correspondence is reproduced in its

[1] See Appendix "A" for a synopsis of the 1994 sentencings.

entirety as an appendix to these reasons.[2] The essence of the agreement, however, is contained in 2 paragraphs:

> (in a letter from defence counsel to the Crown dated April 14, 1994)
>
> This will confirm that Mr. Rowe's pleas are not predicated on a Crown position for sentence. Mr. Rowe's pleas, however, are predicated on the understanding that all outstanding complaints which occurred in the 1970's and 1980's against Mr. Rowe would be brought before the court before sentencing. In this regard, if further allegations in the nature of fondling which occurred in the 1970's and 1980's are made after sentencing, that the Crown would not proceed.
>
> (in a responding letter from the Crown to defence counsel dated April 15, 1994)
>
> Thank you for your letter dated April 14, 1994. As I indicated in yesterday's telephone conversation, I have no authority to bind the Crown not to proceed on any future, similar allegations. I do, however, make the representation that if substantially similar allegations against your client arise in the future in Kenora District that those matters will be dealt with by way of concurrent sentences.

This exchange of correspondence formed part of the prelude leading to the plea and sentencing of Mr. Rowe at Wunnumin Lake on June 30, 1994. The letters are the sole written record of counsel's discussion; they establish:

- that the Wunnumin Lake proceedings were to be an open sentencing hearing, 'open' in the sense that the Crown was unrestricted in seeking the maximum possible jail term on the multiple indecent assault charges then before the court;
- that the Wunnumin Lake proceedings would provide, to the extent possible, a sense of finality by ensuring that all outstanding (known) complaints would be placed before the court at that time;
- the possibility of further (still unreported) allegations of fondling-like behaviour, also dating from the 1970's and 1980's.

[4] The letter from Mr. Young (defence counsel) poses the proposition that the Crown not launch further prosecution on (unknown, future) allegations *in the nature of*

[2] See Appendix "B".

fondling from the 1970's and 1980's. The responding letter from the Crown makes it clear the Crown would not commit to refrain from launching further prosecution – even on future, similar allegations – but undertook to adopt a *concurrent sentencing* position regarding *substantially similar allegations that arise* against Mr. Rowe *in the future, in the District of Kenora.*

[5] On a plain reading, one conclusion that flows readily from this exchange of correspondence is that the Crown may proceed with future prosecution of Mr. Rowe on allegations that had not surfaced in 1994 even if they involve substantially similar misconduct. The only limitation on the Crown bears on the sentencing position the Crown will take on such matters. Additionally, the Crown has no limitation in fully prosecuting Mr. Rowe on future allegations that are dissimilar *i.e.* more serious in nature than "fondling" and, if proven, has no limitation in its position on sentence in reference to them.

[6] On plain reading it is similarly clear that the exchange of correspondence imposes no explicit time limit on the duration of the plea agreement. Although the Crown argues that its use of the term 'concurrent sentences' necessarily implies a time limitation, I take a different view.

[7] Don Hewitt was a sergeant in the O.P.P., a member of its crime unit assigned on a full-time basis to the Northwest Patrol Unit. He was in charge of the criminal investigation respecting Ralph Rowe in the early 1990's. In his testimony before me he described the reluctance of victims to come forward in 1994 and to disclose publicly the experiences they had undergone:

- they told of experiencing great stress; they felt ashamed, abandoned, alone;
- even talking about their experiences produced emotional breakdown;
- many of the elders in the community were strongly attached to the church; many supported Ralph Rowe;

- there were no support systems in the communities for the young victims;
- many young persons did not want to give formal statements; Hewitt did not want to force them to do so or force them to lay charges when they were not emotionally ready.

Although multiple charges were laid against Mr. Rowe (and resolved by his pleas of guilty) at 2 separate sentencing hearings in 1994, Hewitt believed there were other (unknown) victims in other communities. Mr. O'Halloran, an assistant Crown Attorney, in charge of the 1994 prosecution also held that belief. In his testimony before me, however, Mr. O'Halloran expressed surprise that it took over a decade for additional allegations to surface.

[8] No one can be expected to have any forevision about when disclosure will occur - or whether it will ever occur - but even in 1991, the Supreme Court of Canada took judicial notice of the unpredictability of disclosure in sexual abuse cases:

> "…It is well documented that non-reporting, incomplete reporting, and delay in reporting are common in sexual assault cases …. For victims of sexual abuse to complain would take courage and emotional strength in revealing those personal secrets, in opening old wounds."[3]

[9] Delay in reporting is much more likely where there is little or no support for alleged victims.

[10] Mr. Hewitt, now retired from the O.P.P., remains involved in many remote communities of Northwestern Ontario. His observations about them offer some insight into developments which have taken place in the past 12 years since the 1994 sentencings, and why the reporting of sexual abuse allegations has become somewhat less difficult:

- throughout the remote northern communities there was and continues to be widespread knowledge about Mr. Rowe and the 1994 prosecution;
- the code of silence/denial is less prevalent in the communities;

[3] R v L. (W.K.) (1991), 64 C.C.C. (3d) 321 per Stevenson J. for the court at p.328.

- there is now much more community support for victims, including counselors and healing programmes;
- there is now a greater "victim/witness support", presence, and organization in the northern communities;
- the prospect of some financial compensation for victims is closer to reality;
- victim support groups have sprung up; many more individuals now wish the opportunity to give testimony about their experiences.

[11] Robert Young acted as counsel for Mr. Rowe in 1994 when the plea agreement was made with the Crown. Both Mr. Young and Mr. O'Halloran testified before me at the current hearing. They provided their knowledge of the relevant circumstances, their recollection of the discussions between them, and their respective rationale for the plea agreement.[4] I commend them for their testimony. It was fully, fairly and honourably given in complete discharge of their capacity as officers of the court, and in an attempt to assist the court.

[12] Mr. Rowe's pleas of 'guilty' on June 30, 1994 to multiple counts of indecent assault were important to the Crown. I infer that Mr. O'Halloran knew how excruciatingly difficult known victims would find it to testify publicly then about the kind of sexual abuse they had suffered from Mr. Rowe. I believe Mr. O'Halloran also understood the importance of this case to the northern communities.

[13] On Mr. O'Halloran's testimony before me he was asked why he felt the need to enter into a plea agreement. Mr. O'Halloran answered:

> "… I wanted to make sure that we dealt with this matter without having to do any backtracking, without having to have any persons testify, without having to have a trial …"

[4] Ralph Rowe waived solicitor/client privilege at the hearing before me thereby permitting Mr. Young to testify fully as to the discussions between Mr. Rowe and Mr. Young in 1994.

The promise that the plea agreement held for the Crown was the certainty of Mr. Rowe's conviction on multiple counts of indecent assault. It would expose Mr. Rowe's gross breaches of trust to the First Nations communities of the Northwest. The promise the plea agreement held for Mr. Rowe, on the other hand, was the certainty that he would not spend additional time in jail on after-discovered cases of fondling that were substantially similar in their level of seriousness to those to be dealt with on the June 1994 hearing.

[14] In their early discussions in 1994, Mr. Rowe had confided to Mr. Young that, in addition to the multiple charges he then faced, there were other boys whom he could not specifically name who had suffered similar abuse at his hands, probably in most of the places he visited.

[15] In his discussions with Mr. O'Halloran, Mr. Young raised directly the defence concern over future similar allegations. In his testimony before me Mr. Young was specific in asserting it was understood, as a major premise, that there was to be 'no more jail time' (beyond the sentence to be imposed in June 1994) respecting future allegations of fondling-like behaviour against Mr. Rowe.

[16] In a note he made, Mr. O'Halloran jotted down the phrase: "no more time on similar allegations". In a subsequent written response to Mr. Young, Mr. O'Halloran wrote: "I have no authority to bind the Crown not to proceed on any future similar allegations. I do, however, make the representation that if substantially similar allegations against your client arise in the future in Kenora District that those matters will be dealt with by concurrent sentences".

[17] In the hearing before me Mr. Young testified with greater clarity and certainty than Mr. O'Halloran about the discussions between counsel. I prefer Mr. Young's testimony regarding these material discussions. His conclusions as to their intended effect was more compelling: *i.e.* no more time on substantially similar allegations that arise in the future.

[18] I conclude from Mr. O'Halloran's testimony that he expected additional disclosure by other victims to galvanize much more quickly than it did, perhaps as a direct consequence of the extraordinary sentencing procedure planned in June 1994. This expectation would account for Mr. O'Halloran's use of the term *concurrent sentences*. A 'concurrent sentence' makes no sense on any other premise. If it did, the imposition of more jail time could be justified simply by the timing of the disclosure *i.e.* whether made before or after June 30, 2000.[5] Mr. O'Halloran's personal sense of the timing of additional disclosure is unrealistic. It cannot be squared with the knowledge, widely available in 1994, that non-reporting, incomplete reporting, and delay in reporting were common in cases of sexual abuse.

[19] A plea agreement between the Crown and the defence is not a commercial contract. It must nevertheless be regarded as a solemn undertaking that is expected to fulfill the true intent of the parties at the time of its making. In the case before me, a literal interpretation of the term 'concurrent sentence' should not obtain where its effect would be to bring about an unrealistic result.[6] Moreover, if use of the term 'concurrent sentences' produces ambiguity about the meaning of the plea agreement, the court may elect to consider evidence of subjective intent as part of the circumstances that frame the understanding.[7] In this regard, the evidence of Mr. Young is clear and compelling.

[20] In its submission, the Crown invited the court to disregard the plea agreement on grounds that the current indictment charges Mr. Rowe with offences from a wider swath of communities and by a much larger number of complainants. In short, the Crown now alleges that the impact of Mr. Rowe's misconduct is greater than anticipated in 1994. The short answer to this submission is that the Crown – anticipating, as it did, that additional allegations would surface - could have elected in 1994 to narrow the scope of the plea agreement by insisting upon clearly stated temporal and geographical limitations in the representation it made to the defence. Instead, the Crown used language which

[5] For the multiple fondling-like offences on which he was convicted Mr. Rowe was sentenced on June 30, 1994 to 6 years in the penitentiary.
[6] See the decision of Estey J. in *Consolidated Bathurst v. Mutual Boiler* [1980] 1 S.C.R. 888 at 901.
[7] David Stockwood *"General Principles of Contract Interpretation"*, Advocates' Society Journal, Vol. 25, No. 1, June 2006.

expressly included the District of Kenora (none of the offences charged in the current indictment is from a community outside the district) without clear temporal limitation. To impute any material additions and refinements into the 1994 plea agreement is not justified.

[21] The 1994 prosecutions involved multiple complainants and multiple communities. There is a core of common sense in the propositions:

- that the Crown be enabled to proceed expeditiously and with certainty to early sentencing and public denunciation of Mr. Rowe on the multiple charges known in 1994;
- that Mr. Rowe remain subject to additional penal sanction for after-discovered offences involving more egregious conduct but that, in exchange for his 1994 pleas of guilty, Mr. Rowe receive no additional jail time for after-discovered offences of the same or similar order of seriousness as those already known in 1994.

[22] In my opinion, a plea agreement made by the Crown on such an understanding would be a legitimate exercise of its discretion, in keeping with the Crown's obligation to consider the larger public interest and sensitive to the concerns of multiple known victims of the accused.

[23] By entering into the plea agreement Mr. Rowe waived his right to a trial in respect of offences known about in 1994. If he is to claim the advantage of the plea agreement in respect of any later-discovered fondling-like offence dating from the same period, he must waive his right to a trial in respect of that particular charge. It is a significant concession made by Mr. Rowe in exchange for certainty. Accused persons are far less likely to enter into plea agreements and to waive their right to trial where the outcome – subject, of course, to the approval of the court – remains uncertain.[8]

[8] *"Charge Screening Disclosure, and Resolution Discussions"* a report of the Attorney General Advisory Committee, (Ontario) chaired by G. Arthur Martin, Queen's Printer for Ontario, 1993 at p. 328.

[24] If, in the matters now before me, the conduct complained of from the 1970's and 1980's – no matter when discovered – is the same or substantially similar in level of seriousness to the charges already heard in 1994, the Crown will be held to its basic undertaking not to seek additional jail time in respect of any such further similar offences. So to hold is not a grant of immunity to Mr. Rowe. The Crown retains the ability to proceed with the prosecution of such cases. Similarly, prosecution permits fulfillment of another important function by allowing the present complainants, in a public process, to have Mr. Rowe accept responsibility for the wrongdoing he perpetrated against them or alternatively by allowing them to give testimony about their experience at his hands.

[25] Enforcement of the plea agreement leaves wholly intact the Crown's ability to pursue additional prosecution of all other charges where more egregious conduct is alleged against Mr. Rowe. If Mr. Rowe is convicted on any of the more egregious allegations, the Crown will be at liberty to seek additional penal sanction against Mr. Rowe without reference to the plea agreement.

post charge delay respecting the current indictment

[26] The length of the delay (some 27 months) here is exceptional. Standing alone, it is sufficient to raise the issue of unreasonable delay and to call for analysis. The factors to consider are authoritatively set out in *R v Morin*[9].

[27] Although Mr. Rowe was charged with alleged offences respecting 3 complainants on May 1, 2003, the vast majority of charges against him in the current indictment, by the vast majority of alleged victims, were laid on February 24, 2004. On that account, I select February 24, 2004 as the starting point.

[28] All cases require time to get to the trial stage. A series of steps along the way are as inevitable as they are time-consuming. The essence of the analysis here is to

[9] (1992) 71 C.C.C. (3d) 1 at p. 13.

determine whether the alleged delay, taken cumulatively and in context, is unreasonable. In my opinion it is not.

[29] As a general proposition, the more complex a case is the longer it will take to reach the trial stage. The current prosecution against Mr. Rowe is fairly characterized as complex. It incorporates historical allegations of sexual abuse from 2 consecutive decades long since past. It engages complainants spread across a vast expanse of Northwestern Ontario constituting more than 60,000 square miles in size, many in communities accessible year-round by air only, some transient. It involved 31 individuals as complainants and 75 charges.

[30] The process of disclosure in a case of this magnitude is daunting. It proved to be an ongoing process, increasing in scope as the defence sought additional production. Some of the material sought by the defence related to the 1994 prosecutions of Mr. Rowe which had taken place 20 years earlier. Still other material sought by the defence was secured for the purpose of the multi-faceted defence motions now before the court; some of the material sought was controversial; some had been lost; some raised privacy or relevancy concerns.

[31] I have the impression, from the material before me and the submissions of counsel that defence counsel acted diligently and with due persistence throughout this open-ended disclosure process, that the Crown openly disclosed the material in its possession and control, that the Crown took the defence requests for additional material seriously and that, albeit with occasional delay to consider the request, acted appropriately. It is to be expected that this very considerable, open-ended and exacting disclosure process requires additional time beyond the usual norm to complete.

[32] Between the end of February 2004 to mid July 2004, a period of approximately 4½ months, counsel for Mr. Rowe and the Crown were engaged in a series of discussions primarily with a view to exploring a resolution of the charges to avoid the necessity of trial and, latterly, to work towards defining the issues for the preliminary hearings. Having regard for the potentially quite lengthy duration of a trial, counsel took a prudent

path in exploring the possibility for resolution and, when those discussions broke down, in defining the issues to go forward at the preliminary hearings. Although the resolution discussions ultimately bore little fruit, the joint exercise of counsel in following that process was eminently warranted and not unduly protracted.

[33] The case proceeded through preliminary hearings which necessarily added another tier of pre-trial meetings and additional court dates. The preliminary hearings winnowed the number of charges against Mr. Rowe from 75 to 57 and the number of complainants from 31 to 25. Nevertheless the inherent time requirement of this "two stage" trial process in a case of this magnitude demands appropriate consideration. Seen in this context and, subject to the comments I make in paragraph 34 of these reasons, the time taken to reach and complete a lengthy preliminary hearing is not extraordinary here.

[34] To be sure, there was a delay of some months due largely to problems in scheduling and completing the preliminary hearings. Part of that hiatus must be characterized as institutional delay as it arose partially in consequence of scarce judicial resources then available in a region that places on the Ontario Court of Justice the additional responsibility of holding several regularly scheduled outpost courts and the burden of considerable long distance travel. Optimally, the scheduling and completion of the preliminary enquiries ought to have been accomplished over a period of 6 months. The institutional delay, then, is approximately 2 months. It should not be ascribed either to the Crown or the defence. This delay must nevertheless be taken into account in assessing the 'undue delay' allegations by Mr. Rowe.

[35] The hiatus of approximately 1 month, from the time the evidence–taking process in the preliminary hearings was completed, until the preliminary hearing judge delivered reasons for committal is timely, particularly so if one considers the number of complainants. The preliminary hearing judge ordered that Mr. Rowe be committed for trial on most of the charges against him. The proceedings then moved to the Superior Court by way of an indictment dated May 26, 2005 (the current indictment).

[36] Because Mr. Rowe elected to be tried in Kenora by a judge of the Superior Court sitting without a jury, arrangements were appropriately made for a pre-trial conference before a visiting judge of the Superior Court. That pre-trial conference was scheduled for and took place on August 30, 2005.

[37] In very unusual step - probably due to a difficult and contentious disclosure issue which remained alive - Mr. Rowe requested a second pre-trial conference. That took place on January 31, 2006. Thereafter, the trial was scheduled to commence before me on May 15, 2006 and, in fact, began on May 15, 2006 with the multi-faceted Charter-based motion brought by Mr. Rowe. Evidence was led on the motion and submissions were heard over the course of 1 week. These reasons address the issues raised there.

[38] Owing to the second pre-trial conference in the Superior Court, requested by the defence, the time-lines for the process in the Superior Court are at the upper limits of the norm where an accused person is not in custody. Because the second pre-trial conference is most probably related to a live and contentious disclosure issue, I do not ascribe any ensuing delay to counsel for either side. Neither is it institutional delay.

[39] In the period since he was charged with the offences in the current indictment Mr. Rowe had to abide by restrictive bail terms but, apart from his initial arrest and until his bail hearing, he has not had to remain in custody. Although prejudice may be inferred from delay, the material time lapse in this case is not unreasonable having regard for its complexity. Nor has any actual prejudice to Mr. Rowe been demonstrated.

[40] In the foregoing analysis I have not set out a precise calendar of times because, in my view, they do not admit of tidy compartmentalization. Nor can they be subject to any strict mechanical or administrative formula. Having reviewed the materials with care, however, I conclude that there is no breach of Mr. Rowe's *Charter* right to trial within a reasonable time. The material time lapse is near the upper limit for a complex case in this District but does not offend the *Charter's* requirement for trial within a reasonable time.

Section 15 violation

[41] Under the *Criminal Code* in effect at the time of the earlier offences, the maximum sentence for indecent assault *against males* was 10 years. The maximum sentence for the same offence *against females* was 5 years. The defence alleges, on that ground, that the sections violated Section 15 of the *Charter*. The defence maintains that the appropriate remedy is to read down the maximum sentence for *indecent assault against males* from 10 years to 5 years. I disagree that this can or should be done for a variety of reasons:

1. The disparate sentencing provisions in sections 149(1) and 156 of the *Criminal Code* were in effect between 1971 and 1983. Some of the charges against Mr. Rowe in the current indictment are for alleged offences said to have occurred within that time frame. However, Section 15 of the *Charter* did not come into effect until April 17, 1985, 2 years later. The case law clearly establishes that the *Charter* does not apply retrospectively.

2. Even if Section 15 analysis under the *Charter* is available to Mr. Rowe, it does not apply in this case. The *Criminal Code* was substantially amended in 1983. Sexual offences which had existed in earlier provisions of the *Criminal Code* were subsumed under the *sexual assault* provisions (in Section 271) of the *Criminal Code* as amended. There is no disparity of sentence as between male and female victims under the current section. Accordingly, there is no inequality in Section 271 that generates a Section 15 breach.

3. Section 11(i) of the *Charter* addresses instances where a sentencing provision has changed over the years. It reads:

> "Any person charged with an offence has the right,
>
> if found guilty of the offence and if the punishment for the offence has been varied between the time of commission

and the time of sentencing, to the benefit of the lesser punishment."

The offence of indecent assault was punishable by a maximum penalty of 10 years. Its post-1983 counterpart (respecting both male and female victims) carries a maximum penalty of 10 years. The current provision was in effect at the time of Mr. Rowe's sentencing in 1994. It remains in effect. Accordingly, there is no reason to read down the maximum sentence available in this case. Reading down would disregard the plain meaning of Section 11(i) of the *Charter*, which refers to the **time of commission**, and **time of sentencing**.

4. The defence has failed to serve notice of the constitutional question on the appropriate parties.

pre-charge delay and allegations of failure to investigate current complaints in a timely way

[42] The principal thrust of Mr. Rowe's position on this and related issues is that the police ought, at material times, to have investigated in such a way that all of the complaints against Mr. Rowe were put before the court either in 1994 or prior to expiry of the terms of imprisonment imposed in 1994. The alternative, he says, is manifest in the circumstances he now confronts, *i.e.* serial prosecutions against him which expose him to still additional incarceration on essentially the same conduct. It will be apparent from my reasons respecting interpretation of the plea agreement that he is not so exposed, provided the conduct complained of is 'in the nature of fondling'.

[43] There is no evidence before me to support Mr. Rowe's bald allegations of negligent police investigation in the 1994 prosecution, and none respecting the investigation underlying the current indictment. There is similarly no evidence before me of bad faith or ulterior motive on the part of the Crown. In short, there is simply no support on these grounds for Mr. Rowe's claim for a stay of the current proceedings. To

hold otherwise would effectively require young victims of sexual abuse to speak up immediately or never be heard.[10]

[44] It is authoritatively settled that a stay of proceedings may only be granted in the clearest of cases where other remedies for *Charter* violations are unavailable. At common law, as well, a stay of proceedings for abuse of process is only considered where forcing the accused to stand trial would violate those fundamental principles of justice which underly the community's sense of fair play, and to put a stop to oppressive or vexatious proceedings.

[45] On the evidence before me, no breach of the *Charter* has been established. Nor, because the current indictment includes charges which allege conduct different from and in some cases, conduct much more egregious than 'fondling', most members of the community would not characterize the Crown's current prosecution of such charges as unfair, oppressive or vexatious.

[46] For the benefit of counsel, I am prepared to identify such conduct and such complainants with particularity. Arrangements toward that end may be made by counsel with the trial co-ordinator. I am not prepared, however, to release the names of such complainants in reasons openly released prior to trial. It is nevertheless fair to state that the vast majority of counts in the current indictment ostensibly involve allegations 'in the nature of fondling' much like the conduct complained of in the 1994 proceedings.

[47] If counsel have any additional questions I may be spoken to. This matter is otherwise adjourned to the Assignment Court at 2:00 p.m. August 28, 2006 to set a date for continuation.

E.W. Stach

[10] R v D. (E.) (1990), 57 C.C.C. (3d) 151 per Arbour J.A. (as she then was).

APPENDIX "A"

Crown position at sentencing hearing at Wunnumin Lake June 1994

[1] For 3 decades extending into the late 1980's, Ralph Rowe figured prominently in the community life of some of the more remote regions of Northwestern Ontario and Manitoba. He held positions of trust in the Boy Scout movement and in the Anglican Church. His added role as a pilot offered him access to a broad range of First Nations communities in Northwestern Ontario. Ralph Rowe repeatedly acted in flagrant violation of his positions of trust, as priest, scout leader, and pilot. He misused the privilege and power of his offices over a long period of years. He engaged in and pursued activities that necessarily brought him into contact with young, vulnerable and impressionable boys of aboriginal origin, primarily resident in remote communities.

[2] In its submission to the sentencing court in 1994 the Crown characterized Ralph Rowe as a homosexual pedophile with multiple victims.

[3] On June 30, 1994, Ralph Rowe was sentenced in respect of 39 counts of indecent assault, against fifteen young males between the ages of 8 and 14. The sexual offences he perpetrated involved inappropriate sexual fondling, masturbation, mutual masturbation and Mr. Rowe rubbing his penis on the person of his victims. Most of these 15 victims were assaulted in Wunnumin Lake, others in Big Trout Lake and Osnaburgh. The vast majority of such offences occurred between 1976 and 1982.

[4] At Wunnumin Lake on June 30, 1994 Ralph Rowe was sentenced to a penitentiary term of 6 years imprisonment. The sentencing judge invoked a section of the *Criminal Code* (Section 741.2), directing that Mr. Rowe remain imprisoned for at least 3 years before he became eligible for parole. In fact, Mr. Rowe remained imprisoned for 4 ½ years prior to being paroled. He served the remainder of his sentence pursuant to conditions of parole.

[5] Before the end of the 1994 calendar year – but after the Wunnumin Lake sentencing - additional disclosures by 3 individuals resulted in 4 additional charges being laid. All of the charges also involved sexual abuse against young males. All were characterized as fondling-like behaviour. These incidents occurred between 1971 and 1984. They took place variously, at Wunnumin Lake, at the town of Keewatin and at Big Trout Lake. Ralph Rowe entered a plea of guilty to all of the charges. His sexual misconduct on these subsequent charges was considered to be 'substantially similar' to the multiple offences on which he was sentenced on June 30, 1994. Crown and defence counsel made a joint submission based upon the earlier plea agreement. In December 1994, Mr. Rowe was sentenced to 3 years imprisonment on each of the charges, to be served concurrently with his Wunnumin Lake sentence *i.e.* he served no additional jail time beyond the 6 year sentence already in place.

[6] Additional (future) disclosures of alleged sexual abuse by Mr. Rowe was anticipated by the Crown and the sentencing judge. That disclosure has materialized from virtually all the remote communities to which Ralph Rowe had had access as a pilot. What was imperfectly understood then was how many it would embrace and how long it would take. The testimony of Don Hewitt offers a glimpse into the dynamic of this disclosure. He was the lead investigator in the lead-up to the criminal prosecutions in 1994 and has remained involved with the communities, even after retirement, as a consultant.

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