

Cause Number: S/C/387/07

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
TRIAL DIVISION
JUDICIAL DISTRICT OF SAINT JOHN

BETWEEN:

**ERIN MICHAEL WALSH and ANGELA
WALSH**

Plaintiffs

- and -

**THE PROVINCE OF NEW BRUNSWICK,
WILLIAM McCARROLL, THE
CORPORATION OF THE CITY OF ST.
JOHN, ALLEN BODECHON in his capacity
as Chief of Police of St. John and ALLEN
BODECHON personally, CLARENCE
COGSWELL in his capacity as Chief Police
of St. John and CLARENCE COGSWELL
personally, CHARLES BREEN in his
capacity as Chief of Police of St. John and
CHARLES BREEN personally, DAVID
SHERWOOD in his capacity as Chief of
Police of St. John and DAVID SHERWOOD
PERSONALLY, ERIC FERGUSON in his
capacity as Chief of Police of St. John and
ERIC FERGUSON personally, THE
ROYAL CANADIAN MOUNTED POLICE
and the ATTORNEY GENERAL OF
CANADA**

Defendants

**AFFIDAVIT OF SHANE MARTINEZ
(SWORN MARCH 31, 2009)**

I, Shane Martinez, of the City of Fredericton, Province of New Brunswick, MAKE

OATH AND SAY:

1. I am a second year law student at the University of New Brunswick Law School.
2. I have personal knowledge of the matters to which I depose in this affidavit. In those circumstances where I rely upon information provided to me by others, I state the source of my information which I verily believe to be true.
3. On Tuesday March 17, 2009 I attended at Ludlow Hall at the University of New Brunswick Law School with my classmates Joel Payne and Dave Steele for the purposes of hearing the Attorney General of New Brunswick, T.J. Burke (“Attorney General”) speak to a public assembly of law students from 11:30 am to 12:30 pm.
4. At the conclusion of the Attorney General’s speech he opened the floor to questions from the students attending. During this question and answer period I asked the Attorney General to explain the Province of New Brunswick’s opposition to the issue of compensation for Erin Walsh. The Attorney General responded that he doesn’t talk about any case that is still before the Court.
5. Notwithstanding the Attorney General’s initial refusal to talk about the Erin Walsh case, he went on to respond to me by saying that there are “numerous, numerous, numerous, numerous” things about this case that the public hasn’t had the opportunity to see yet and that when this case is over with and when the Court has heard all the evidence there will be a whole new light on things.
6. My classmate Joel Payne was the next student given the opportunity to ask the Attorney General a question. Mr. Payne asked the Attorney General about ex

gratia compensation generally. The Attorney General responded generally to the question and then commented specifically with respect to the Walsh matter, advising the students that he was very aware of lots of facts that the public is not aware and that the “Court of Appeal doesn’t delve into, or isn’t supposed to anyhow, be delving into all the facts in particular cases – and they don’t go through the hundreds and hundreds of pages of transcripts in any particular case.”

7. Mr. Payne responded to this comment by saying that the Province could have presented these facts to the New Brunswick Court of Appeal, and that the Attorney General of the Province had the opportunity to present any facts that may have shown Erin Walsh was not wrongfully convicted. The Attorney responded by saying no they couldn’t have presented these facts and that when “you go to the Court of Appeal you are arguing a Reference that has been made by the national Minister of Justice on an issue.”

8. After the Attorney General’s talk, he attended a reception held in the student lounge. I attended briefly with my classmate Dave Steele. When we were leaving I saw Joel Payne speaking to the Attorney General. This would have been approximately 12:30 pm.

9. At approximately 1 p.m. Mr. Payne came into the library area and approached Mr. Steele and myself and said that we would never believe what the Attorney General said to him during the reception.

10. Mr. Payne advised us, amongst other things, that the Attorney General told him that they suspect that Erin Walsh had killed before. Mr. Payne said that the

Attorney General said that Erin Walsh was a drug dealer and had 5 or 10 pounds of speed in his car on that day.

11. I prepared notes of these matters on March 17, 2009.

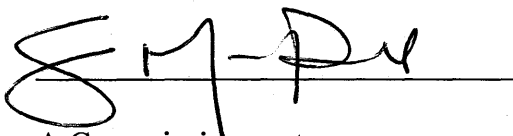
12. I am willing to provide the evidence contained in this affidavit at any proceeding relevant to this matter or any related matter(s) under oath and subject to cross-examination.

SWORN before me at the City of)

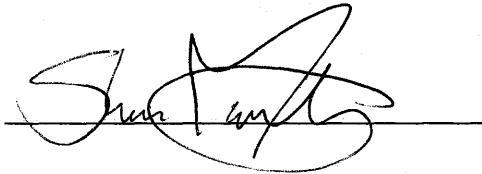
Fredericton, in the Province of)

New Brunswick, this 31st day of)

March, 2009)

A handwritten signature in black ink, appearing to be 'J.M.P.', written over a horizontal line.

A Commissioner etc.

A handwritten signature in black ink, appearing to be 'Shane Martinez', written over a horizontal line.

Shane Martinez