R v. Jeanvenne: **"Mr. Big" False Confession Jury Charge Comes to Ontario**

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Overview

The "Mr. Big" scheme is an elaborate undercover sting operation. This technique is distinct from other "stings" where officers infiltrate criminal organizations to catch suspects in *flagrante delicto*, as the goal is to elicit a confession to a historical crime allegation. The costs can run from hundreds of thousands to millions of our tax dollars to mock up a sophisticated criminal organization with undercover police posing as members and/or associates. In addition, vast man-hours are deployed to lure the suspect into joining the organization. The target is shown the perks of membership, observing faux gang members driving expensive cars and flashing large wads of cash, all the while being squired to fancy hotels, strip clubs, restaurants and other establishments often beyond the target's station in life. After experiencing such earthly delights in the bosom of the organization, invasive and persistent tactics are then employed to get the suspect to "prove" themselves. The members of the gang press the target to speak about their past criminal experiences. They also involve them in staged crimes, such as assaults, kidnappings and drug deals, for which they are paid substantial amounts of money for staying "solid". After several months of involvement, a meeting is staged with the "Mr. Big" posing as the leader or senior member of the organization. The scheme characteristically culminates in this meeting where "Mr. Big" encourages a confession from the target to a past crime (the one being investigated) purportedly to gain the boss' trust and move him up the ranks in the organization. This scheme encourages the suspect to portray himself as a hardened criminal and provides many incentives for him to tell the boss what they want to hear.

Appellate courts in British Columbia, and more recently in Alberta have delineated false confession charges to juries in trials involving Mr. Big operations. In 2007 the Ontario Court of Appeal dealt with this issue in *R v. Osmar*[1]. The Court declined to address it

[1] 2007 ONCA 50, hereinafter '*Osmar'*.

because *Osmar* had involved a mild Mr. Big operation with "little if any coercion"[2], the accused was not under "pronounced psychological and emotional pressure", the Mr. Big strategy "did not contain the elements of a real possibility of an unreliable confession because the accused was not threatened or intimidated[3], and finally, the undercover operation did not include "the use of violence or the threats of violence"[4].

However, this year, in Ottawa – for the very first time in Ontario - in *R v. Jeanvenne-1* Superior Court Justice Paul F. Lalonde followed the British Columbia appellate decisions of *R v. Bonisteel*[5] and *R v. Fry*[6] and gave a false confession charge to the jury (copy provided in Appendix A). This paper will (1) review the current state of law concerning jury instructions in Mr. Big operations in Canada; (2) discuss *R v. Jeanvenne-1* (the Donald Poulin homicide) and the false confession charge given by Justice Lalonde which resulted in a hung jury and has since been stayed; and finally (3) provide a forecast on the next time the OCA is likely to examine this issue in *R v. Jeanvenne*-2 (the Michel Richard homicide).

The two homicides were originally tried together in October 2005 before Justice Roydon Kealey. The OCA overturned the resulting convictions in October 2010[7], holding that the learned trial judge had erred in not granting a severance, which decision was unreasonable and resulted in an injustice. The OCA reasoned that severance ought to have been granted given that there was no factual, temporal or legal nexus between the murders, the evidence could have been effectively given at separate trials, the possibility of inconsistent verdicts was not a concern, and much of the bad character evidence that was led pertained to only one murder or the other.[8] The Cases were subsequently re-tried in February 2012 (the Poulin homicide – "*Jeanvenne-1*") and June 2012 (the Richard homicide – "*Jeanvenne-2*").

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[2] *Ibid.* at para 34.
[3] *Ibid.* at para 36.
[4] *Ibid.* at para 76.
[5] 2008 BCCA 344, hereinafter '*Bonisteel*'.
[6] 2011 BCCA 381, hereinafter '*Fry*'.
[7] *R v. Jeanvenne*, 2010 ONCA 706.
[8] *R v Jeanvenne,* 2010 OJ No. 4537, [2010] ONCA 706 at paras 31-43 [hereinafter *Jeanvenne*].

1. What is the Current State of False Confession Law in Mr. Big Investigations[9]?

Overview

The jurisprudence from British Columbia (*R v. Bonisteel* and *R v. Fry*) and most recently in Alberta (*R v. Mack*[10]) has consistently confirmed that a Mr. Big false confession charge to the jury contains certain important elements including: (1) Acknowledging that the law has experience with false confessions, and that they are a reality; (2) Warning the jury of the inherent unreliability of statements made by an accused in a Mr. Big context due to: (i) the various financial and psychological incentives presented to the accused and the possibility that the accused may lie to remain in, and benefit from the organization - with no perceived consequences to him for lying; (ii) the context and atmosphere in which the alleged confession is rendered and the various factors such as threat of force, pronounced psychological coercion, manipulation and inducement that may be at play; (3) Providing guidance as to how the jury can assess the truthfulness of the alleged confession, such as (i) a direction that the jury ought to consider any inconsistencies between the details of the alleged confession and the actual evidence (referred to as "holdback" information) and looking to any corroborating evidence to support the alleged confession; (ii) a direction to assess the accuracy and verifiability of the content of the confession considering whether the accused supplied some specific information that only he/she would have known, and whether the accused got wrong some of the details of the information that he supplied; and, (4) Instructing the jury to consider whether any other innocent sources of information were open to the accused concerning the alleged offence, such as reports in the media to which the accused may have had access.

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[9] See page 1, *infra*.

[10] [2012] A.J. No. 174; 2012 ABCA 42 [hereinafter *Mack*].

The Alberta Court of Appeal Decision in *Mack*

In *R v. Mack*[11], a 2012 decision of the Alberta Court of Appeal, the appellant argued that the trial judge had provided inadequate caution to the jury concerning the 'dangers of evidence' arising from a Mr. Big operation. The Alberta Court of Appeal examined the instructions provided by the trial judge and indicated that they were sufficient because the latter had "clearly advised the jury that there were serious concerns respecting the evidence regarding the appellant's statements to the undercover police officers"[12]. In particular, the Court noted, the trial judge had cautioned them "of the danger that the appellant lied when he admitted to the evidence, because of intimidation, fear, or merely a desire to become part of the organization for monetary reasons"[13]. As such, the jury was alive to "the reliability of the appellant's confessions to police, in the context of the evidence regarding the nature of the undercover operation"[14]. The Court stated as follows[15]:

> 48 Here, the trial judge warned the jury that they must carefully assess the evidence relating to the appellant's confession in light of the pressures placed on the appellant from the Mr. Big scenario:
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> - As described by retired Cpl. Rennick, the undercover investigation in this case was target specific. Through this investigation the police hoped to determine the knowledge or involvement, if any, of Dax Richard Mack in relation to the disappearance or death of Robert Levoir …
> -
>
> You should carefully examine how consistent or divergent the accounts from the various officers are. As well you need to assess the environment, the themes of easy money, violence, the importance of honesty and integrity, any offers of exit points, and any threats or intimidation.
>
> - In the face of police deception, it's your responsibility to then decide how much you can rely on what Dax Richard Mack said and did as relates to any knowledge or involvement in the death of Robert Levoir …
> - Overall, it's your responsibility to decide whether the statements attributed to Mr. Mack are reliable in whole or in part, bearing in mind Mr. Mack's testimony that he was

[11] *Ibid.*
[12] *Ibid.* at para 50.
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.* at para 48-49.

given pep talks every day by OJ, that he felt indebted to OJ and very insecure, especially after he heard about the day of reckoning for the ice pick attack. Also that Mr. Mack felt out of his league, and whenever he started a story he felt pushed in a direction that he had done it.

- When a statement may have arisen partly out of fear and partly from an inducement to easy money, it's important to assess carefully how reliable it is, if at all. You need to assess that against all of the evidence in order to decide not only what was said, but whether what was said was truthful.

49 The trial judge returned to this theme later when discussing the evidence:

- As to the undercover operation, you must carefully consider whether the themes of violence and the level of inducement may reasonably have compromised the reliability of what Mr. Mack said. Was Mr. Mack essentially coerced by the time he made the statements on April the 9th and 15, 2004, particularly by the role of [T.M.] as bodyguard or enforcer, or did Mr. Mack's early references and views expressed about a missing roommate arise prior to the themes of violence or other pressures to which Mr. Mack refers?

- You must carefully consider that testimony and decide how reliable you find it to be measured against all of the other evidence. Again, it's for you to weigh and reconcile all of the evidence, including the actual site where the remains were found, the site visit with [T.P.], the phone call to Mr. Love about checking out the name [O.B.] (phonetic) in early April 2004, and the presence of Mr. Argueta at the bar when Mr. Mack spoke with Mr. Love.

[Emphasis Added]

The BC Court of Appeal Decision in *Bonisteel*

Canadian "Mr. Big" investigative techniques originated in British Columbia where they carried on for a number of years before being imported into Ontario in 2000. As such, the British Columbia ('BC') Courts have more experience and expertise in this area.

In *Bonisteel,* the subject of a Mr. Big operation told undercover operators that he was responsible for the murder of two teenage girls. On appeal, he argued that the trial judge erred by not allowing his expert evidence concerning the unreliability of the 'Mr. Big' confessions and by failing to give instructions on the issue. The appellant did not disagree with the jury instructions *per se*. Rather, he was of the opinion that a prophylactic warning failed to offset the prejudice caused by the admission of the statements obtained during the Mr. Big operation. Having refused the defence the opportunity to challenge the reliability of the statements by tendering expert evidence, the trial judge decided the jury instruction on false confessions was sufficient.

On appeal, the BC CA accepted the trial judge's view that "confessions produced by an undercover operation such as this are viewed as inherently unreliable"[16]. The trial judge also recognized that the nature of such undercover operations include "manipulating the target, inducing the target to speak and drawing as much detail as possible from the target"[17]. Once again, these jury instructions were not contested by the BC CA.

Thus, as the birthplace of the Mr. Big operation, the BC Court of Appeal is fully aware of the fact that false confessions are a reality and a definite possibility in the context of such undercover operations. The trial judge in *Bonisteel* expressed that he was "under orders" to issue "a clear, precise, sharp warning to the jury at the end of the case which brings home to them the dangers involved in giving weight to a confession obtained in circumstances such as existed in the case at bar"[18].

The BC Court of Appeal Decision in *Fry*

In *R v. Fry*[19], the accused was convicted of five counts of first degree murder and one count of attempted murder, based on the confession he gave to undercover operators. One of the grounds raised on appeal was that the jury hadn't been adequately instructed about the danger of relying on the appellant's statements made to undercover officers during the Mr. Big operation. In this case, the jury was given a written copy of the charge, which contained minor differences from the oral delivery.

The BCCA held there is no particular form of instruction to be followed by judges. Rather, considering the varying circumstances surrounding each undercover operation, a judge should tailor his instructions regarding the accuracy and verifiability of the content of the confession. For example, the Court recognized that the *Hodgson* charge was to be set aside in favour of a more tailored approach.

While the wording and expressions employed by the trial judge in *Fry* differed from those in *Bonisteel*, the message to the jury remained the same. For example, the judge

[16] *Bonisteel*, *supra* note 5 at para 66.
[17] *Ibid.*
[18] *Ibid.* at para 65.
[19] *Fry*, *supra* note 6.

told the jury that confessions obtained through the Mr. Big technique "can be notoriously unreliable" and that false confessions are a daily reality[20]. He also stated that while undercover operations are acceptable, the statements obtained are the result of manipulation and inducement.

As to the reliability of Fry's confession, the judge insisted that the jury must assess all the evidence suggesting that it was true and all the evidence suggesting that it was false. They must identify which portions of the statements are consistent and inconsistent with the other evidence. The jury must also consider the nature and extent of the undercover operation, as well as the accused's participation and demeanour. The Court noted that while the mode of expression used by the trial judge might differ from one case to another, the instructions given in this case were sufficient because they were "appropriately tailored to the manner in which the confession was obtained during the 'Mr. Big' operation, and to an examination of the independent evidence of the circumstances of the arson to determine the reliability of the confession and the veracity of the appellant's testimony"[21].

OCA in *Osmar* Leaves Door Open to Jury Instructions on False Confessions

In *R v. Osmar* a Mr. Big operation led to Osmar's confession to two unsolved murders in Thunder Bay. Osmar was convicted at trial. On appeal he argued the jury should have been given a strongly-worded warning about the unreliability of his confessions and possibility of their falsehood.

The OCA explained that based on the facts of the case, the *Hodgson* charge did not advance the appellant's position[22]. However, the Court did not say that a jury charge on false confessions was never appropriate and could not be given in different circumstances. It is noteworthy that the Court highlighted "importance of context"[23].

[20] *Fry supra* note 6 at para 86.
[21] *Ibid.,* at para 87.
[22] *Osmar, Supra* note 1 at para 28.
[23] *Ibid.* at para 31.

Citing from *R v. White*[24], Rosenberg J.A. stated "in every case, the facts must be closely examined to determine whether the principle against self-incrimination has truly been brought into play be the production or use of the declarant's statement"[25]. In *Osmar* there was "little if any coercion"[26], the accused was not under "pronounced psychological and emotional pressure", the Mr. Big strategy "did not contain the elements of a real possibility of an unreliable confession because the accused was not threatened or intimidated,[27] and the undercover operation did not include "the use of violence or the threats of violence"[28].

With respect to specifics of the charge to the jury in *Osmar*, Justice Rosenberg discussed the potential need for a jury instruction on false confessions, and considered the Appellant's position that "although a confession may appear to be convincing evidence of guilt, there are cases known to the law where suspects have falsely confessed, leading to miscarriages of justice"[29]. In this regard, the Court clearly stated that such a charge was not called for in this case, but he "should not be taken as holding that it would be wrong to give such a direction, but it was not called for in this case"[30].

With respect to drawing the jury's attention to the consistency or inconsistency of the confession with the known facts, the OCA found the trial judge had already instructed the jury on paying attention to which details of the confession were accurate and verifiable, and that they should determine if some of the information had come from the police. The jury had also been given a review of the evidence during which the trial judge had reminded them that they should consider which details were not part of the confession and which of these details could only have been known by the real perpetrator.

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[24] *R v. White*, 1999 CanLII 698 (SCC) ; (1999), 135 C.C.C. (3d) 257.
[25] *Ibid* at para 33.
[26] *Osmar* supra note 1at para 34.
[27] *Ibid.* at para 36.
[28] *Ibid.* at para 76.
[29] *Ibid* para 73.
[30] *Ibid* at para 74.

(2) *R v. Jeanvenne-1*: Mr. Big False Confession Charge Comes to Ontario

Overview

In *R v. Jeanvenne-1* Andre' Jeanvenne was accused of the mercy killing of Donald Poulin. Mr. Poulin's body was discovered by police late January 18, 1983 on a quiet stretch of Rideau Road in Gloucester, Ottawa. He had been shot twice, once under the arm and once in the back of the head with an Ithica .12 gauge shotgun that was found near the body. He had last been seen alive entering a luxury car that had pulled up to the curb of his Besserer Street apartment at 9:00 pm that day. Two years prior, Mr. Poulin had tried to shoot himself in the head but it had not proven fatal. Notwithstanding this prior attempt, suicide was ruled out in 1983 on account of the shots being fired from approximately one and three meters away respectively.

Almost two decades later in 2001, Andre Jeanvenne was lured into a sophisticated Mr. Big operation throughout which he was exposed to violence as well as the threat of violence. Jeanvenne considered the criminal organization to be very powerful and the "Big Boss" and his organization as capable of various criminal acts, including the killing of informants or other individuals who did not cooperate or who became obstacles. Moreover, Jeanvenne was exposed to violent situations such as a kidnapping and knife slashing, and told on more than one occasion, and with great intensity, to reveal what 'dirt' the police may have on him.

After a few months of being treated to fancy meals, hotels and strip clubs and being paid to carry out various criminal activities, Jeanvenne was increasingly pressured by the "crime boss" to come clean about his criminal past, and in particular confess to any serious crimes he had committed, so that the organization could take care of it and make it go away. Mr. Jeanvenne knew Mr. Poulin, and had heard about his death through the media. He eventually confessed to being responsible for his mercy killing. However, he got important details of the alleged confession wrong. He told the undercover police officer that he had shot Mr. Poulin in the back of the head while he was kneeling and saying his prayers, a description which the Defence argued did not match the evidence

found at the scene[31]. As well, Jeanvenne gave an incorrect gauge for the gun he said he had used in the mercy killing.

Mr. Big False Confession Charge Provided to the Jury for the First time in Ontario

During the pre-charge conference the Defence sought a false confession charge arguing that the specific circumstances of this case created an increased danger that the jury may rely on Mr. Jeanvenne's alleged confession: (1) the alleged mercy killing took place over 30 years ago; (2) some of the evidence including the murder weapon and some police notes had been lost; (3) some of the witnesses had trouble remembering details; and, (4) at least one important witness could not be located. Under these circumstances, the Defence argued there was an increased chance that a false confession could lead to a wrongful conviction.

More specifically in the context of a Mr. Big operation, the Defence argued that there were inherent risks of unreliability with respect to any confession obtained, irrespective of whether the statement obtained was a direct result of the threat of violence. In this case, Mr. Jeanvenne was befriended, provided with financial incentives, psychologically manipulated, exposed to violence as the repercussion of not following orders, and pressured with great intensity on numerous occasions to provide the undercover operatives with information on crimes he had committed. The Mr. Big operation in this case did not amount to a "mild" form of Mr. Big as determined by the OCA in *Osmar*. The Defence submitted that a tailored charge was necessary in accordance with B.C. appellate jurisprudence, in order to ensure the jury were alerted both to the reliability

[31] The Defence's blood spatter expert, Mr. Patrick Laturnus testified that there was a body shot, but given the thick clothing worn by the victim, there would be no spatter from that body shot. He also testified that given the little amount of back spatter, the second shot could not have come while the victim was kneeling, but while his head was already on the ground. Additionally, given the placement of the shot to the body located under the left arm, in order for this to have taken place while the person was kneeling or praying, there would have to have been an injury to the arm as well. Here, there was no such injury.

concerns in the Mr. Big context, and guided as to what to look for in order to assess the accuracy and verifiability of the content of the confession.

Conversely, the Crown argued that Justice Lalonde was required to follow *Osmar*, which, in contrast to the arguments submitted by the Defence, did not hold that the requirement of a strong false confession charge depended on the facts of the case. Instead, according to the Crown, the OCA in *Osmar* was differentiating between confessions elicited during undercover operations and those elicited in police custody, holding that the experience of the law is only with false confessions in custody settings. The Crown also mentioned that the Court in *Hodgson* emphasized the risk of false confessions in cases with oppressive treatment or fear of such treatment, or a statement being obtained by means of degrading treatment such as violence or threats of violence, and that Mr. Jeanvenne was not subjected to such treatment. Lastly, the Crown argued that Justice Lalonde could only consider the evidence presented in the case to determine what kind of false confession charge should be given, and because Mr. Jeanvenne had chosen not to testify during the trial – as the defendants in *Fry*, *Bonisteel* and *Osmar* had - he could not now testify that his confession had been false or provide a reason why he had made it.

After considering arguments on this issue, Justice Lalonde accepted the Defence position that the Court should follow the *Bonisteel* and *Fry* jury instructions, and for the first time in Ontario provided a false confession charge to the jury which quite closely followed the model set out in those decisions (See Appendix A).

(3) OCA will be Addressing This Issue Next Year: *R v. Jeanvenne 2*

On July 5, 2012, Mr. Jeanvenne was convicted of the first degree murder of Michel Richard, (a crime unrelated to the Poulin homicide – *R v. Jeanvenne-2*). The alleged confession in that case arose in the context of the same Mr. Big operation that obtained Mr. Jeanvenne's false confession to the Poulin homicide. However, the alleged confession pertaining to the Richard homicide was not taped and the notes of the officer pertaining to the details that Mr. Jeanvenne allegedly provided him contained a number of inconsistencies. In addition, (1) none of the physical evidence obtained and tested at

the crime scene (blood stains and DNA) connected Mr. Jeanvenne to the murder scene; (2) the meaning of the phrase ("j'y ai fait la passé") which the undercover officer alleged Jeanvenne had used (and according to the undercover officer meant "I killed him") was ambiguous; (3) in all the other recorded intercepts, Mr. Jeanvenne had outrightly and consistently denied he had killed Michel Richard; and, (4) the evidence of the three 'rats' upon which the Crown's case was based was extremely dangerous as these individuals were Mr. Jeanvenne's criminal associates and had extensive criminal records, drug usage and/or unstable states of mind at the time they provided their evidence. As such, the Defence argued that this was a case in which the jury ought to be warned of the unreliability of the alleged confession in a false confession charge similar to that given by Justice Lalonde in *R. v. Jeanvenne-1*. In the end, Justice Colin McKinnon agreed to provide a false confession charge to the jury, but declined to follow the approach and the jury instruction model of *Bonisteel* and *Fry* which would have included the various elements of a Mr. Big false confession charge covered in those cases.

Mr. Jeanvenne has now decided to appeal his conviction, one of the grounds of appeal likely being the adequacy of the false confession charge given by Justice McKinnon. As such, this issue will likely be before the OCA in the coming year. However, this time around, the Mr. Big operation cannot be considered 'mild' (as deemed to be the case in *Osmar*) and given the state of the law in this area in BC and Alberta, it is likely that the Ontario Court of Appeal will finally decide to tackle this issue in *R v. Jeanvenne 2*.

Conclusion

The Mr. Big false confession finally made its way to Ontario in *R v. Jeanvenne 1*, but the Crown has now decided to stay the charges against Jeanvenne in that case. This is an area of law that needs clarification in Ontario as it was not addressed by the Ontario Court of Appeal when it arose in *Osmar*. It is expected that one of the grounds of appeal in *R v. Jeanvenne 2* will be the adequacy of the false confession charge. Given the appellate jurisprudence in BC and now in Alberta on Mr. Big false confessions, it is time that OCA examines this issue, and hopefully follow the principles and the model set out

in those decisions. Otherwise, we may very well see this issue finding its way to the Supreme Court of Canada.

Appendix A:

FALSE CONFESSION CHARGE GIVEN BY JUSTICE LALONDE

IN THE FIRST JEANVENNE TRIAL (POULIN HOMICIDE)

The law has had experience with false confessions of crime generally and with undercover confessions such as the alleged undercover confession of Mr. Jeanvenne made on October 14, 2002. It is a fact known to those immersed in the criminal law that sometimes, even those who know they are speaking to a police officer, confess to a crime they have not committed. It happens. Do not think it doesn't. Do not start with the premise that people only confess to crimes they have actually committed. Such a premise is simply wrong and utterly divorced from the reality of what hard experience has brought home to those of us privileged to toil in her Majesty's courts on a daily basis.

I now move closer to the situation in the case at bar. The law has had experience with the manipulation of targets during an undercover sting such as the sting in the case at bar. Manipulating the target, inducing the target to speak and drawing as much detail as possible from the target, is the essence of an undercover operation employed here which resulted in the accused's statement to Calabria on October 14, 2002

I instruct you that you must take great care in considering the veracity or credibility of the accused's statements to Calabria on October 14, 2002. You must consider the circumstances, the context, and the atmosphere in which the October 14, 2002 statement by the accused was made. You must be slow to conclude that the accused confessed to a crime that he had actually committed. Confessions are taken in an atmosphere that makes them highly suspect without independent confirmation of the truth of what the accused has had to say. If you believe Lise Paquette's evidence, then her evidence can corroborate with André Jeanvenne said to Mr. Lazenby on October 14, 2002, what he did say. Depending on what you make of the evidence, you may be convinced that the accused lied to Calabria on October 14th for any number of reasons. For example, you have heard evidence that Mr. Jeanvenne may have been susceptible to the various incentives that the

Mr. Big operation presented to him given his financial situation and his desire to provide for his family; he may have been motivated to impress Calabria, to gain his confidence and to maintain his job in the organization.

Even more particularly, you must consider whether the accused told Calabria on October 14, 2002, one of more things that only the killer would have known? The other side of that coin is, did the accused get something wrong in his story to the Under Boss? You may find differences between Mr. Jeanvenne's version of the shooting of Donald Poulin, and the reality that you would expect the accused to get right on October 14, 2002, if he was, in fact, the killer back in 1983. Your decision to accept or reject Mr. Jeanvenne's October 14, 2002 statement should not be based on speculation and your assessment of the truth of André Jeanvenne's statement should be based on evidence which you find reliable and independent of what André Jeanvenne said on October 14, 2002.

When you are considering information offered to Calabria on October 14,2002, about the mercy killing as perhaps tending to hurt the accused in your eyes, you must take into account the evidence that is before you about the sources of information available to the accused other than his having been the killer. Looked at in context, there may, in your eyes, be no string to what he offered up at all. Before making your decision, you look at what the accused got right and what the evidence says about sources of information available to him, or the lack thereof, other than his being the killer. You look at what he got wrong, be it the number of gun shots, the murder weapon used, or the presence or absence of other evidence at the scene before you make your decision. At the end of the day, the decision is yours, but it must result from a reasoned and considered assessment of all the evidence, what the police and the investigators were able to determine about the incident, what all the witnesses have said about the incident, as well as the relevant context, atmosphere and circumstances that led up to Mr. Jeanvenne's alleged confession on October 14, 2002. Considering everything I just mentioned, if you have reasonable doubt that the statement made by Mr. Jeanvenne on October 14, 2002 is a true confession, you must find him not guilty of the murder of Donald Poulin.