

Office for Victims of Crime

3rd Floor
700 Bay Street
Toronto ON M5G 1Z6

Telephone (416) 326-1682
Facsimile (416) 326-4497
(416) 314-6905

1-877-HELP-661

Office des affaires des victimes d'actes
criminels

3e étage
700, rue Bay
Toronto ON M5G 1Z6

Téléphone (416) 326-1682
Télécopieur (416) 326-4497
(416) 314-6905

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October 27, 2004

MEMORANDUM TO: Chief Julian Fantino
Toronto Police Service

COPY TO: Staff Inspector Jeff McGuire
Homicide Unit

FROM: Scott Newark
Vice Chair and Special Counsel
Office for Victims of Crime

**SUBJECT: Request for re-investigation of the death of John Connelly by TPS Homicide
Unit based on new evidence**

1. INTRODUCTION

Our Office was recently put in touch with the Connelly family with respect to their continuing disagreement with the conclusion from the Toronto Police Service and the Chief Coroner's Office of Ontario that the cause of death of their son, John (DOB: August 3, 1979) on December 9, 2001 was suicide.

The Connelly family are not the first people our Office has had contact with that have questions or even disagreements following a determination of suicide of a loved one. As is so often the case, seeking rational 'explanations' for an inherently irrational act, while understandable, can be both futile and emotionally destructive. It was with this in mind and with some experience in related circumstances as a former Crown Prosecutor, that I began to review the detailed materials supplied by the family in preparation for meeting with them. Following that I was afforded copies of original records and official responses to their various inquiries including their detailed analysis in response.

I mention this because I want to emphasize the substantive foundation and seriousness of the request this Note proposes. It is by no means uncommon when conducting after the fact analysis to conclude that some things could have been done better or that certain avenues of information could have been explored. Just because that is so in no way necessarily means that an original conclusion reached was erroneous or unjustified. Conversely, objective, third party confirmed, facts need to be acknowledged as such in assessing or re-assessing the justification and validity of conclusions. As I'm sure you know better than I, the appropriate investigative (or intelligence analysis) technique is to establish fact and then attempt to draw conclusions, not reach a conclusion and then seek or ignore fact in support of it.

That fundamentally important concept is described in the General Crime Scene Procedures Manual used by TPS when it notes:

“Any crime scene investigator and first responder must have an open and objective mind when approaching the crime scene. Mistakes made at this beginning step could jeopardize the entire investigation.”

As this Note will detail, the undeniable factual evidence *available today*, indicates that precisely this kind of unintended error in approach almost certainly occurred during the initial investigation of the cause of death of John Connelly on December 9, 2001. As the Procedures Manual predicted, the initial rush to judgment as to the cause of death, completed within literally minutes of police attendance at the scene, resulted in subsequent inaction, error and misanalysis of relevant but ‘new’ information received after the suicide conclusion had been reached.

Unfortunately, since that time and despite the efforts of the family, all of the original evidence and actions appear to have only been reviewed in terms of justification of the original actions and conclusions rather than an actual fresh investigation of the circumstances. Contrary to official certification from the Coroner’s Office, a police re-investigation of the facts by appropriately trained criminal investigators objectively analysing *all* the evidence available to them now does not appear to have taken place. I would respectfully suggest that is the appropriate course of action in order to ascertain whether a means of death can be determined and if so what it was.

This request is based on what literally constitutes ‘new’ evidence in the following clearly relevant areas:

- injuries to the deceased for which expert medical opinion exists to indicate the possibility of pre-death infliction;
- expert forensic evidence indicating that the ‘suicide’ note was forged in the sense that a word was added by a person other than the deceased that changed its meaning;
- new physical evidence not seized by the police initially that supports the proposition that what was found was not a suicide note;
- new evidence that confirms that the deceased’s ex fiancée had keys and therefore access to the deceased’s apartment but misled the police about this important fact;

- new evidence that confirms that the deceased's ex fiancée misled the police about her relationship with the deceased at the time of his death;
- new evidence that there was a clear error from the outset with respect to a presumed motive for the suicide conclusion;
- new evidence with respect to a claim by the deceased's ex fiancée of her possessing a second suicide note, and
- new evidence with respect to unidentified fibres that were present on both the deceased's pillowcase and inside the toque, which was found with the deceased.

The synopsis of evidence that follows includes:

- evidence relied upon at the time of death;
- evidence available at the time of death but not pursued;
- evidence available post mortem either not pursued or dismissed;
- an analysis of evidence cited to support suicide as cause of death.

In all instances, the *specific* sources of evidence are cited including those that have never been investigated. This is done not only to demonstrate their existence but also to provide the necessary contact information for this to be pursued. Although I fully appreciate how extraordinary such a request is, I am confident that once you review the available (then and now), confirmable evidence, you will agree that such a re-investigation is warranted.

2. EVIDENCE RELIED UPON/CONFIRMED (SOURCED) AT TIME OF DEATH

The following appears to be indisputable information that was relied upon in the immediate aftermath of death to conclude that the cause of death was suicide.

December 9, 2001

At approximately 7:19 a.m., a neighbour within the deceased's apartment building places a 911 call to police after hearing a noise and seeing the deceased lying in the building's parking lot. [Homicide and Sudden Death Report - HSDR, Coroner's Investigation Statement - CIS]

PC Dutkowski was on scene virtually immediately (7:21 a.m.) either as a result of dispatch or coincidence [HSDR] followed, again virtually immediately (7:20 a.m.?) by dispatch or coincidence, by PC Warnock. [HSDR-clearly some variation in specific times but no doubt that arrival virtually immediate and that Dutkowski was first on scene]

Toronto Fire Service arrive immediately after TPS. (Police Report)

Neither TPS nor TFS note any signs of life and no indication of any life saving/monitoring efforts by either. (Ambulance Call Report - ACR)

Paramedics notified at 7:26 a.m. and arrive on scene at 7:33 a.m. where they note signs of life including a heart rate. (Coroner's Investigative Statement, Ambulance Call Report)

The deceased was (from a number of sources other than the police who do not dispute it) lying on his back some distance from the building fully clothed and wearing a winter jacket with a fleece undercover and a toque. (Fargey/Paramedic/Coroner's Report)

Paramedics note abrasion to forehead as well as likely severe internal injuries. (ACR)

Prior to the departure of the deceased from the scene, PC Warnock secured keys from the building superintendent and entered the deceased's locked apartment (305) where he conducted a brief search and located what he believed to be a suicide note. Warnock left the note in the apartment and conveyed the 'fact' that a suicide note had been found to PC Dutkowski and the paramedics. (Police Report, CIS)

The deceased, still alive, is transported from the scene at 7:42 a.m. and loses vital signs while en route to St. Michael's Hospital. (ACR)

PC Dutkowski travels in a separate vehicle to the hospital arriving simultaneously with the ambulance at 7:46 a.m. (ACR)

Detective Fargey arrives at scene at 8:02 a.m. to assume control of investigation(?)

Death is pronounced at 8:05 a.m. by Dr. Blundell and PC Dutkowski seizes deceased's effects (including keys) and clothing. (Police Report, HSDR. Note: Ambulance Call Report puts time of death at 8:50 a.m. not 8:05 a.m.)

PCs Lindsay and Wooley arrive and take external and internal (?) scene photographs/measurements - 8:47 a.m.

PC Warnock re-enters the apartment (10:00 a.m.) and conducts search. Warnock seizes apparent suicide note and other handwriting examples for comparison purposes. He does not notice small blood stain on pillowcase, which is subsequently seized.

Between 9:00 a.m. and 1:30 p.m. PCs Warnock and Umbrello interview neighbour Sonia (LNU) regarding 911 call and discover she heard noises and voices from deceased's apartment and elevator area at approximately 7:00 a.m. (Equivocal Death Analysis)

Between 9:00 a.m. and 1:30 p.m. PC Warnock interview's deceased's friend Marco D'Angelo (647-295-8255) who likely is the source of information that Lisa Tonello was the deceased's ex girlfriend/fiancée. (Note: the specific details of the information provided are significant but the family is unaware of the specifics of this interview.)

Dr. Reingold (Regional Coroner) is advised by PC Dutkowski that the death was a suicide, a suicide note was found and that the deceased had recently broken up with his girlfriend. (CIS)

Detective Fargey speaks with Lisa Tonello via telephone (time uncertain) and he is then subsequently contacted by her and her sister to 'correct' a detail (unknown) following which he then drives to her home in Mississauga to conduct an in person interview. From this he is advised:

- She was the fiancée of the deceased and that their engagement was intact as they were 'working things out';
- She did not have a key to his apartment;
- She had spoken with him via telephone the night before his death and that he advised he would be studying late and did not appear unduly stressed;
- She had a binder of 'school notes' left in the apartment which she wished returned. Detective Fargey is noted to have concluded that she reacted with genuine shock and horror. (Equivocal Death Analysis, Police Report and information provided by Detective Fargey to the family later on December 9 at 1:00 p.m. by telephone, at a meeting on December 10, and at a subsequent meeting on January 2, 2002.)

Approximately 1:00 p.m., Detective Fargey advised deceased's family of son's suicide and read note to them as well as providing description of how body found and other evidence specifically:

- the wooden hatch through which the deceased was presumed to have accessed the roof was "rotten";
- the apartment had not been fingerprinted as the deceased had gloves on.

The family expressed immediate scepticism regarding the conclusion of suicide and alerted Detective Fargey to the unusual aspects of the deceased's dress (jacket zipped up and wearing a toque) as well as the uncharacteristic wording of the note.

The Homicide and Sudden Death Report was completed at 2:30 p.m. indicating suicide as the cause of death and that the homicide unit was not notified but that an autopsy was requested.

The family attended at the morgue that night and noted a forehead wound on the deceased which they pointed out to PC Sager and morgue attendant Chris Draper.

An external 'autopsy' as opposed to a forensic autopsy was conducted by Dr. Chiasson on December 10, who had been advised that the police had concluded this was a suicide resulting from a recent break-up with a girlfriend and that a suicide note had been found. No information questioning the suicide conclusion, including the observation of the forehead injury, was presented to the Coroner. (Coroner's Office response to Ombudsman - June 29, 2004)

Notwithstanding professional standards to the contrary, the external wounds and injuries were not individually photographed or sketched and the body was washed and *then* photographed (thus potentially altering the appearance of the forehead wound).

2.1 Summary

In summary, the initial on scene police personnel concluded that the cause of death was suicide within approximately twenty minutes. Police personnel then communicated this conclusion to medical authorities on scene, at the hospital and responsible for conducting an external autopsy. Additionally, prior to the external autopsy, a ‘motivation’ of a recent relationship break-up was also concluded to have existed by the police and was thereafter communicated to medical officials as a possible rationale for the suicide.

Conversely, the *available* information potentially conflicting with suicide as the cause of death including:

- concerns with respect to the wording and construction of the ‘suicide’ note;
- a forehead wound present on the deceased;
- abnormality of the manner in which the deceased was clothed (especially the toque which concealed the forehead wound);
- information from a neighbour of voices and noises from the deceased’s apartment and elevator area prior to the 911 call;

was *not* provided to medical authorities.

As a result of the family’s continuing concerns, the body was exhumed and a forensic autopsy was conducted (discussed below). At the same time, the original investigation was administratively reviewed by D/Sgt. Whitefield. The limited nature of this review is confirmed in Dr. Collins’ Equivocal Death Analysis which flatly contradicts the assertion of the Chief Coroner to the Ombudsman’s Office (June 29, 2004), that: “...*a decision was made to re-open the case. Further police investigation was conducted by an Officer with homicide experience.*” Additionally, the OPP Behavioural Sciences Unit was tasked with preparing an Equivocal Death Analysis which was completed in January 2003 (discussed in detail below). While it is true that none of the aforementioned actions have resulted in the various authorities changing their conclusion as to the cause of death, it is equally true that no other supporting evidence for suicide has been discovered. A careful analysis of the various reviews conducted since the suicide conclusion does, in fact, offer supporting evidence to rebut suicide and this is also discussed in detail below.

Given this, the determination of suicide as the cause of death rests on the same “information” that the investigating police officers relied upon on the morning of December 9, 2001. Put succinctly:

- the deceased had clearly fallen from the roof of his apartment building and suffered ultimately fatal injuries as a result;
- the deceased had left behind a suicide note; and,

- the likely motivation for the act was a recent relationship break up.

This is not speculation. Both the Coroner's Investigative Statement and Chief Coroner's response to the Ombudsman make clear that this is the information provided by the police and relied upon by medical authorities.

Clearly, if there is cogent, reliable evidence to suggest that these foundations for the suicide conclusion are inaccurate or unreliable, then the conclusion *itself* must be seen as unreliable. Should that be shown to be so, then I would respectfully suggest that the appropriate course of action is for the file to be re-opened and assigned to the homicide unit for the kind of thorough investigation that was precluded by the hasty actions taken the morning of the death in question.

2.2 Death Resulting from the Fall from the Apartment Roof

There is no dispute that the injuries that caused death resulted from the fall from the roof. The question, of course, is whether the fall was volitional or the result of third party action. Even more narrowly, for the purposes of this Note, the issue can be narrowed to whether there is any evidence, available at the time of death or subsequent to death that suggests the fall was not volitional.

a) Injury to the forehead and other injuries

While there is disagreement about the interpretation, there is no question that paramedics recorded such an injury at the scene. Equally, the family noted the injury on first viewing their son and the attendants at the funeral home confirmed the obvious presence of the wound. Subsequent examination of medical evidence by highly qualified pathologists retained by the family confirm several other additional potentially relevant injuries including:

- back/right side inner surface of skull cap with possible fracture;
- vertical laceration on right hairline;
- irregular contusion above the right eyebrow;
- right forehead superficial abrasions;
- bruise-right neck - behind and below ear;
- superficial abrasion - right chin;
- linear abrasions - left lower abdomen;
- linear abrasions - posteromedial left proximal thigh.

The medical authorities retained by the family (material attached) are unanimous in their conclusion that some of the external injuries could have been caused by a blow or blows to the head prior to the deceased leaving the roof. As Dr. Jaffe notes:

“These frontal injuries were indicative of blunt force of slight to moderate severity without underlying skull injury.” Injuries #2, 3 and 4 appear to have been blunt force injuries which, in the subsequent autopsy showed no underlying skull injury. Their mode or time infliction cannot be determined. Their discrete nature suggests

three separate impacts, possibly sustained at the same time. Of particular interest is injury #2 which shows three fine parallel imprints, possibly reflecting the object which caused it.”

While he, and others, are unable to categorically confirm that the injuries were inflicted before or during the fall, the fact that they exist, *and were missed*, is relevant. Clearly, these reports need to be examined in detail and considered in the context of the other available evidence.

b) Deceased wearing a toque

The family expressed immediate surprise upon being advised that their son was wearing a toque. They have provided considerable detail about the irregularity of this and it appears that the only source of information that the deceased occasionally wore a toque was Lisa Tonello whose reliability was accepted from the outset. Although her evidence is discussed below, the following are indisputable *facts* with respect to the toque:

- the family vigorously asserts their son never wore a toque and that the one in question was a joke type gift from a friend to be used as a golf club cover. A statement attesting to this from the person that gave the toque as a gift to the deceased is attached;
- the toque covered a head wound which, as noted above, could have been inflicted prior to the deceased falling from the roof;
- the wound underneath the toque had no toque fibres within it (likely if the injury occurred while wearing the toque) or gravel/asphalt within it (injury after fall without toque as was asserted by Detective Fargey at one point);
- the justification for wearing the toque proposed in the Equivocal Death Analysis (“an article of cold weather clothing...unknown how much time spent outside on December night”) is not supported by the unseasonably warm (recorded) temperatures [45 daytime, 30.4 night time] and the fact that the neighbour reported noises from the deceased’s apartment twenty minutes before the fall from the roof.

In summary, the deceased was found with critical injuries wearing a toque that no one but the person that misled the police respecting her relationship with the deceased and access to his apartment (as noted below) said he ever wore. Contrary to the sole assertion of the person that misled the police, the use of the toque as a golf club cover, which the family explains was its sole purpose, is actually supported in writing by the person that gave the deceased the toque in the first place. Further, the toque covered a head wound which medical evidence agrees may have been inflicted before the fall that caused his death. Finally, the toque, that even the only person that says he wore it ‘occasionally’ just happened to be worn on a day on which cold weather clothing was unnecessary.

c) Access to the roof

The information supplied by Detective Fargey to the family with respect to how the deceased was presumed to have gained access to the roof proved to be inaccurate upon examination of the 'hatch' later that evening. The wood was not rotten and, strangely, had been sort of replaced although the screws were not re-inserted. Additionally, on December 15, 2001, PC Long attended at the deceased's residence with the family (who were unsuccessfully trying to have the police seize a blood stained pillow case from within the apartment) where he examined the supposed access point to the roof. The nature of the activity required is such that the theory of a single person accessing the roof as imagined is to say the least unlikely. This was further confirmed during the attendance of Dr. Evans from the Coroner's Office at the deceased's residence on August 27, 2002 for the specific purpose of examining this location. Unfortunately, the fingernails of the deceased were not checked and the gloves appear to have been lost or destroyed. If it is not clear that the deceased could have gained access to the roof himself in the fashion suggested, then this is a strong indication that the conclusion of suicide is unsustainable.

d) Voices and noises heard before death

This was 'explained' as the possible irrational acts of a person contemplating suicide or as consistent with other noise complaints. While that is no doubt possible, it is at least equally possible that they were the result of other persons being present in the immediate area and or in contact with the deceased in the time immediately prior to his death. The significance of this evidence from the neighbour is so profound that unless it can be conclusively explained away, it is hard to fathom a conclusion of self-inflicted death. It should also be noted that this complaint was distinct in kind from other complaints that spoke of things being thrown on the floor. The family reports that the deceased knew these complaints were being made but thought they were directed incorrectly or that they occurred when he was not in the apartment but his ex fiancée had gained access without his knowledge. Clearly this needs to be analysed more closely.

e) Access to the deceased's apartment

During the course of the initial interviews, the police correctly adjudged that information of any other person having access to the deceased's apartment was critically important. According to Detective Fargey, Lisa Tonello denied having keys to the deceased's apartment. The family indicates that this is completely false which can be verified by their son's friend Marco who was an observer to her repeated arrival and entry to the apartment when the deceased was not home. (Others who may be able to confirm this are: Bob Papalambropolis: Home (519) 894-9758, Work (519) 756-8340, and Nana Kwofie (613) 521-2470 (parent's home). If this should turn out to be the case, then the evidence of voices and noises becomes more important and it is equally critical to ascertain why Ms. Tonello supplied false information. People lie for a reason.

f) Blood on the pillowcase

Despite police presence in the deceased's apartment on December 9th, (Warnock, Lindsay) and the 10th, (Detective Fowler with the family), a small bloodstain on the underside of the deceased's pillow was not noted until the family re-attended on the 15th of December. The

family called 14 Division and PC Long attended, viewed the bloodstain but, according to the family, refused to seize the potential evidence or call an Ident Team as nothing could be done until Detective Fargey returned from vacation.

The family awaited Detective Fargey's return and during a January 2, 2002 conversation they indicated he expressed little interest in the bloodstained pillowcase. He did however attend at the apartment on the 12th of January and seize the pillowcase and submit it for analysis which confirmed (April 2002) the blood to have been the deceased's.

Detective Fargey's various 'explanations' for dismissing the possible relevance of the blood include:

- a 'nick' from shaving (this ignores the reported abrasion on the chin);
- an old hockey injury (completely healed although it raises who told him of this);
- acne (the deceased didn't have any).

Although the blood was confirmed to be the deceased's, there is nothing that indicates precisely when or how it ended up on the pillowcase. Notwithstanding this, it is potential evidence inconsistent with suicide that was missed and then minimized by the police investigation.

Further, unidentified fibres have been found on the pillowcase and inside the toque. The family indicates that the fibres have been retained by the Centre of Forensic Science. Clearly, this needs to be explored as the presence of fibres in these locations is potentially relevant to the nature and timing of injuries to the deceased.

2.3 The 'Suicide' Note

While the mere fact of a person lying critically injured at the foot of a tall building raises the spectre of a fall, and potentially suicidal fall, it is probably not an exaggeration to say that PC Warnock's discovery of what he logically took to be a suicide note, literally determined the conclusion of suicide as the cause of death. This conclusion was reached and communicated before the body left the scene as reflected in the paramedic notes. This being so, especially in light of the concerns noted above, any evidence that suggests that the note retrieved is not a suicide note from the deceased should be viewed as extremely significant. Such evidence exists.

a) The structure of the note

The deceased was an educated, articulate and literate young man who was not inexperienced in writing or sending notes or cards. The first thing one notices is that the appellation *follows* the initial message. Instead of the addressees being first, (To my family etc...) this note has a message followed by the words indicating to whom it is addressed. While people routinely ignore formal address ('To':..), it is odd to include that form *after* the message. It is also noteworthy that the formal address (To my family...) is capitalized in the opening word but then made part of a grammatically disjointed sentence. If the single word "to" is removed what is left is seemingly a wish of 'Best of Luck in the future' which is then initialled, followed by a

message that “my family my love will always be with you!” Clearly, the insertion of the word “To” where it is in the note is significant. It is also the subject of expert opinion that it is not consistent with handwriting samples of the deceased.

b) *Expert evidence*

The family retained one of Canada’s pre-eminent handwriting analysis experts himself a former civilian Chief Scientist in the RCMP Documents section. His conclusion, with respect, is sufficient to cast doubt on the authenticity of the note and the determination of suicide.

“While hundreds of examples of the word “To” were examined in the specimen material, none are written in the same manner as the word “To” which appears in area 2 of item Q-1. ...There is some evidence to suggest that the writer (deceased) may not have written the word “To” in area 2 of item Q1.”

The rest of the writing is confirmed as being consistent with itself and past writing of the deceased.

Further expert analysis was undertaken by the family through Detective Fargey with a different document examiner. Her conclusion is further support for the unreliability of the conclusion that the note was not altered by a third party and thus a forgery.

“The only problematic area is the ‘o’ in “To”. The ‘o’ in the word “To” is irregular in its formation and cannot be accounted for. It may simply be an accidental (sic) but the possibility of an addition to the document cannot be excluded. You may wish to obtain a second opinion.”

As noted above, the family was emphatic that something was wrong with the note. With respect, given the significance of the word ‘To’ in the note, this alteration possibility is compelling evidence that a criminal investigation by the Homicide Unit is essential. There is still more evidence regarding the likelihood of the note being altered.

c) *Habit of the deceased to pre-write notes*

The family indicated at the outset that the deceased frequently pre-wrote notes and that this was likely a note written to Ms. Tonello upon her graduation signifying as well the finality of their break up. Although the police noted that no such pre-written notes were found during the seizure of material, this is hardly surprising as the police did not know that they were even looking for any. The deceased’s friend Marco has provided the family with a birthday card he received from the deceased (with a proper formal appellation address by the way) which matches a pre-writing note from the deceased found in his apartment. In short, written evidence exists which confirms the family’s contention as to what the supposed suicide note was which expert evidence confirms may have been altered to distort its meaning.

d) What was the original note?

If the family is correct that the note was merely the pre-written version of a graduation/goodbye note from the deceased to Ms. Tonello then that would potentially mean that she had knowledge of it prior to the deceased's death. Although the family believes the deceased had confirmed with Ms. Tonello that her graduation now complete that there was a confirmation of the termination of their relationship, they are unaware of whether such a note had been delivered.

e) A second suicide note?

Both the deceased and Ms. Tonello were pharmacy students at the University of Toronto although she was one year senior to him. The family indicates that Ms. Tonello has told more than one of the students who have expressed scepticism about suicide as the means of death, that she is in possession of a second suicide note. Clearly, this needs to be resolved by way of a pointed and detailed interview of Ms. Tonello on this and other points raised by this Note. The deceased's friends, Bob and Marco have advised the family that Ms. Tonello's previous roommate, Connie Miller, has told them that Ms. Tonello made such a claim.

f) No fingerprints on the note

At the request of the family both document examiners analysed the note to determine if any fingerprints were present and both concluded that none were. Apparently TPS has a written report confirming this. Although it is conceivable that a person could write such a note without leaving fingerprints, that would seem less likely if the note were subsequently placed somewhere where it would then be "found" as happened in this case. Only an informed investigation can determine whether the absence of fingerprints is significant and this is hampered by the fact that the deceased's apartment was not examined for fingerprints at the time of the original response. The explanation given to the family by Detective Fargey on December 9th was that this was unnecessary because the deceased had been wearing gloves. The issue, of course, was not confined to the potential fingerprints of the deceased.

One must always exercise caution when analysing apparent abnormality from routine in a potential suicide precisely because of the underlying irrationality or abnormality from routine inherent in the act itself. Having said that, the circumstances of this note, with all of the other evidence already noted, calls out for re-investigation.

2.4 The Suicidal Motivation

Absent a pre-death communication from a person committing suicide (not present in this case), determining a rationale is, as the Equivocal Death Analysis notes, inherently subjective and speculative. Further, given the nature of the act itself, 'finding' a rational explanation or even predictors is by no means always possible. In this case, however, both police and medical authorities have offered multiple issues as explanations which are then used to support the conclusion of suicide. Had none been offered, a response to them wouldn't be necessary but as

they have been and as so many are based on patently inaccurate facts, it is necessary to deal with these suggestions.

- a) *“The police indicated that he had recently broken up with his girlfriend...”*
(Coroners Investigation Statement, March 3, 2004)

This statement exists in the context of a description of information provided to the original investigative Coroner that viewed the deceased on December 9, 2001. It is a complete contradiction of what Det. Fargey told the family and what the deceased’s supposed fiancée told them. How did the police (presumably PC Dutkowski) on December 9th, mere hours after the death, come to be in a position to relay this information to the Coroner? A review of the notes of Dr. Reingold and interview of the author of this formal statement from the Coroner’s Office (Dr. Evans) is required to clear this up.

This information is repeated in the answer from the Chief Coroner of Ontario to the Ombudsman on June 29, 2004. In this instance the conclusion of suicide is described as being “...as a result of...” the supposed break-up. Although it is highly likely that the former conclusion is based on the latter report, it is still necessary to ascertain *how* the medical authorities reached this conclusion and *who* supplied the original information.

There are several other points germane to this issue including:

- Lisa Tonello told Det. Fargey that she and the deceased were engaged. Although this does not appear to be true, how did this get overlooked or translated into a break-up that became a “cause” for suicide?
- The deceased was the one who had broken off the engagement, apparently some months earlier. How would that translate into a sudden despondency leading to suicide?
- The deceased was sufficiently removed from his previous relationship that he had a new girlfriend, Nina Kwofie who met with Dr. Evans to confirm this fact. How did this detail escape the Coroner’s Office and Dr. Collins?

From the family’s perspective, months before his death, the deceased told Ms. Tonello he had changed his mind and didn’t intend on getting married. They relate how Ms. Tonello and her sister were extremely upset at this (to the point, according to the parents, that a friend of Ms. Tonello, Michelle Vendetti, contacted the deceased and made threatening remarks) and that the deceased tried to keep things amicable by not forcing a showdown while Ms. Tonello was completing her last term. When that was done they understand that the deceased made it clear that there was no reconciliation possible and that the marriage would not take place. As the family puts it, “A week after doing this he was dead.”

At the very least, it should be acknowledged that there is a basic inconsistency in the suicide motivation theory. If, as Ms. Tonello asserts, everything was fine between them and they were working things out, then nothing related to their relationship would “explain” the suicide. If, on the other hand things weren’t fine between them, then that means that the deceased had no

reason to be upset (he already had a new girlfriend) *and* the person that did, lied to the police about the nature of their relationship and her access to the deceased's residence.

This is not an issue that can be resolved by an administrative review of a file or past procedure. This requires a fresh look at the individual pieces of evidence and the evidence in totality.

b) The stress of school

While no one can refute or confirm this fact with any certainty, the factual foundations put forward by Dr. Collins are demonstrably inaccurate as these extracts from the family in response to his observations indicate.

Postponed exams

John never postponed any examinations unless there was a valid reason: for example, attending the funeral of his grandparents with whom he had enjoyed a wonderful lifetime of experiences, carbon monoxide poisoning and a physical injury, all of which would be considered by any reasonable psychiatrist to be valid excuses for postponing exams. In John's entire university career, which spanned almost four years he had written hundreds of exams. Dr. Collins has attempted to show a weakness in John by including this information. On the contrary, it showed that John was capable of managing adversity that sometimes occurs in life and then successfully continuing with his studies.

Assistance of a tutor

John knew that if he required further clarification for his course work he was encouraged by us (his parents) to get help (such as a tutor). There was nothing unusual about this; yet again Dr. Collins has implied that this was a weakness in John. We do not consider it a sign of weakness. John recognized when he needed academic assistance well before problems arose.

Failure to pass a mandatory exam

As Dr. Hindmarsh, Dean, Faculty of Pharmacy, U of T. confirmed in writing, this was not the critical issue as portrayed as no one has failed the calculations exam since he has been the Dean.

Also, on December 8, 2001 John had checked his early exam results posted on the Internet. He had done very well and was delighted with his results (PHM320H1 Pharmaceutical Care Ib 82%, class average was 75%; for the group assignment in that same course, John's grade was 9.5 out of 10 and the class average was 9.3).

No one can confirm or refute the speculative allegation that the stress of school led to the deceased committing suicide. The point is that there is no tangible objective evidence to support it.

c) *Inaccessibility to other means*

Dr. Collins notes that “*the victim was a pharmacology student, his function as a student would not provide ready access to dangerous compounds on a continual basis.*”

John was not a pharmacology student. John was a third year pharmacy student in a professional programme where he did have ready and continual access to lethal and toxic medication. Moreover, John had a thorough understanding of what would constitute both a toxic and lethal dose of a myriad of medications, which could be purchased at any local pharmacy. The drug store around the corner from John was open 24 hours a day.

d) *Sense of failure/parental expectations etc...*

Once again, this is a wholly subjective, speculative area. Once again, the best way to assess the validity of what are the negative conclusions of Dr. Collins is to examine the factual foundations on which they are based. Once again, that process clearly demonstrates the unreliability of the conclusions reached.

Inordinate influence of the deceased's parents

Dr. Collins based his assessment of John's relationship with his family from one source, Ms. Tonello. Dr. Collins did not interview John's family, friends or classmates. John had become engaged to Ms. Tonello and he broke off this engagement. He did this independently of his family. He enjoyed the freedom to live on his own in Toronto the summer before he died. He consolidated friendships and got his own summer job. He traveled to Montreal with friends and visited others at a summer cottage. For Dr. Collins to imply that trivial events, which occurred in John's life in contrast to the independence he enjoyed, as he made significant decisions, made no sense to us and were rather pointless when one examined the circumstances of John's death.

It would be interesting to establish from whom Dr. Collins gained such intimate knowledge of our son's hopes and dreams. John was self-motivated and his achievements socially, academically and athletically had long since surpassed our expectations as parents. John was a school prefect in his final year of high school, he sang in the choir, played hockey, football, rugby and received the Charles Rowley Trophy for both academic excellence and athletic achievement. John was captain of the hockey team, won the Stapleford Trophy for his contribution to hockey at Ashbury College, graduated as an Ontario Scholar while taking math, physics, chemistry, biology and English. He entered the University of Western Ontario on an entrance scholarship to study science. Upon completion of one year at Western John was accepted at the University of Toronto to study pharmacy. At U of T. John was the sports rep and played on the interfaculty hockey team. He was planning to apply to study medicine after completing his pharmacy degree. This is a partial list of John's accomplishments. Dr. Collins had no idea of who our son was or what he had achieved in his 22 years.

Dr. Collins never interviewed John's parents to establish any baseline information. John had a balanced and diversified life. His primary focus was his studies in pharmacy. To suggest that John showed more focus to sports than academics one would need to

quantify the amount of time that John devoted to each. John's participation as a member of the pharmacy hockey team consumed at most, 2-3 hours/week during the winter. This would pale in comparison to the hours he spent reading, studying and attending classes. Class time alone would average about 25 hours/week. Dr. Collins has manipulated witness information that was given to him, which showed John to be balanced and well rounded.

John's participation in sport has never lead to any disappointment for us as his parents. The statement was false. It is interesting to note that John, his father and his sister regularly ran 10 km races and trained together. It was a source of amusement in the family that both offspring would pass their father while running. John and his father (together) played hockey, kayaked, golfed, skied, windsurfed, played tennis and squash. In the summer, John rowed with his mother's rowing eight when an extra oarsman was needed. Dr. Collins' comparison to John's sister was false. John matched Sarah's accomplishments in every aspect of his academic achievements and sporting life. Did Dr. Collins request Sarah's transcripts from Dalhousie University to compare with John's marks? John's marks were comparable to Sarah's at the time of his death (i.e. Sarah's marks: 3 passes, -A, -A, -A, +B,+B,-B; John's marks: -A, +B, +B and three B's. Both Sarah and John were at their respective class averages).

Once again, an experienced psychiatrist has accepted, as fact, one biased account from an ex-fiancée. It is interesting that this statement was never verified by interviewing John's close friends or family.

e) *Reliance on the information of Lisa Tonello*

Notwithstanding the clear and fundamental factual contradictions between the evidence presented by Ms. Tonello and the family, Dr. Collins and regrettably the police seem to have simply relied on her version of events both with respect to her relationship with the deceased and all ancillary matters which, after the fact, have been cited to support the original suicide conclusion. In this regard, the family's *factual* observations concerning the assessment of her reaction to the death are pertinent.

Ms. Tonello's shock and horror never translated into any genuine sympathy for John's parents, sister and friends. There were no cards, letters or phone calls from Ms. Tonello to John's family or friends. She did not speak at the U of T. memorial for John; she did not sign the book of condolence. Out of all John's family and friends she refused to speak to Dr. Evans and give a character sketch of John. She was not present when the class met with Dr. Evans to provide a character profile of John (this meeting was chaired by the Dean of Pharmacy on Dec. 2, 2002). She did not participate in a fundraiser organized by John's pharmacy class in support of a memorial scholarship in his name (This scholarship was formulated by his classmates). Out of all John's family and friends she stands alone in supporting the police theory of suicide.

3. CONCLUSION

There is significant new evidence with respect to the death of John Connelly on December 9th 2001, consisting of:

- relevant evidence not available at the time of the initial investigation and prior to the suicide determination;
- relevant evidence not pursued but now confirmed at the time of the initial investigation and prior to the suicide determination; and,
- relevant evidence available today that contradicts evidence relied upon at the time to support the determination of suicide as the cause of death.

4. RECOMMENDATIONS/REQUESTS

This Report and the evidence referenced herein in its totality is submitted in support of a recommendation and request that the Toronto Police Service reopen the investigation of the death of John Connelly and assign that investigation to its Homicide Unit or ask another police service to do so.

I fully appreciate that this request is extraordinary in nature. So too is crime and, fortunately, the diligence of the Toronto Police Service in its determination to get at the truth. If I can be of any assistance with respect to this matter please do not hesitate to contact me,

Thank you for your consideration of this important matter.