

Defence Witness #1 – Mrs. Couture

You are the mother of the accused. Travis was born July 7, 1971, which makes him 22 now.

You will recall that when Travis was nine, he was struck by a truck. That accident left him mentally and physically handicapped as a result of brain injuries.

You will also recall that when Travis was eleven he was playing with matches, caused a fire, and suffered third degree burns over much of his upper body. He has had many rehabilitative operations. The last was in May 1990.

You will say that Travis had never been able to do well in school. The teachers tell you that he has achieved the equivalent of a grade 5 or 6 education, and he does not behave like an adult.

You will recall that Travis attended a special school for brain injured adults between January, 1989, and April, 1990. That was on Vancouver Island.

You will identify the calculator, Exhibit 6. You will say that you gave it to your ex-husband (who was a prison guard) for Christmas in 1989. But he walked out on you not long afterwards, and did not take the calculator. When Travis came back from the school on Vancouver Island, you gave the calculator to him. You will say that after the preliminary hearing on October 1992, you realized this might be a matter of importance, so you initialed the instruction booklet for Travis' calculator, and gave it to defence counsel. You will identify the instruction booklet, Exhibit 13.

On cross-examination, you will agree that you no longer have the receipt for the calculator which was given to Travis. You will emphatically deny having recently purchased a Lloyds calculator just to acquire an instruction booklet to support your false testimony.



Defence Witness #2 – Dr. Susan Berman

You are a psychiatrist. Your qualifications include being a full professor in the U.B.C. Faculty of Medicine and the head of the Forensic Psychiatric Services Commission of British Columbia. You have testified as an expert witness in more than fifty criminal trials but this is the first time you have ever been called to give evidence for the defence.

You first saw Travis Mitchell in early August, 1992. He had been remanded by court order for an assessment of his fitness to plead and stand trial. At that time you were provided with copies of the police circumstances and report to Crown counsel, and Dr. Vinos' opinion. You also had access to Travis Mitchell's medical records. You interviewed Travis Mitchell and arranged for certain psychological testing to be done. Your opinion in August, 1992, was that Travis Mitchell was not insane and that he was fit to stand trial.

In March 1993, you were asked by Crown counsel to consider further matters and to provide an opinion. This required a detailed study by you of the confessions obtained by Sgt. Haney from Travis Mitchell (Exhibits 10 & 11) and of the discussions between Travis Mitchell and Cst. Kake (Exhibit 14). You did this work and prepared a twenty-page report, which was given to Crown counsel.

You will say that, in your opinion, Travis Mitchell is a very passive person who is very dependent on authority persons around him. His ability to deal with stress and pressure is limited; when confronted, he has a clear tendency to yield and "permits himself passively to be led."

You will say that, in your opinion, Sgt. Haney's interrogation would have placed Travis Mitchell under extreme pressure and would have been very threatening to him. As things progressed and Sgt. Haney made it clear that he knew Travis Mitchell was the killer, Travis Mitchell was "encouraged to come up with something" and "wanted to yield to get Sgt. Haney off his back."

You will be asked a hypothetical question "assuming that Travis Mitchell's confessions were indeed false, is it consistent with his personality that he would admit to terrible crimes that he had not committed when interrogated as he was by Sgt. Haney, and later by Cst. Kake?" You will answer, "Yes," to this question, and you will elaborate upon that answer.

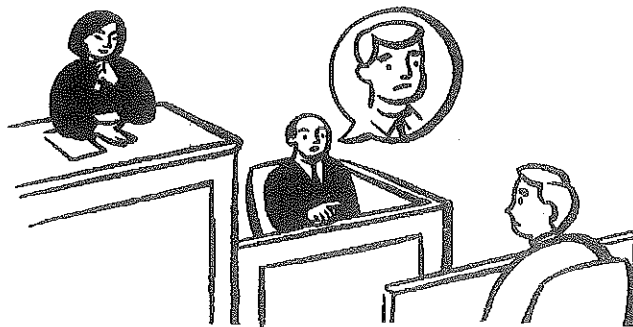
You will be asked how Travis Mitchell might have understood Dr. Vinos, and you will answer, "As an extension of the police team."

Finally, you will say that Travis Mitchell is not a psychopath (and you will describe typical characteristics of psychopathic persons).

On cross examination you will acknowledge that you are not the decision maker: that is the work of the jury. You are merely trying to assist them in understanding why Travis Mitchell might have "confessed" to crimes that he did not commit.

On cross examination you will acknowledge that you (very deliberately) never did ask Travis Mitchell if he really did murder either woman.

Note: YOU WILL NOT BE ASKED IF YOU BELIEVE TRAVIS MITCHELL IS GUILTY OR NOT. YOU WILL NOT BE ASKED IF YOU BELIEVE HIS CONFESSIONS WERE TRUE OR NOT. YOU WILL NOT VENTURE ANY OPINIONS ON THESE ISSUES.



Defence Witness #3 – Cst. F.A. Kake

You are a member of the R.C.M.P. drug squad in Edmonton. You have received special training in memory and note-taking skills.

You were requested to come to town by Sgt. Haney to assist in a very serious and difficult murder investigation. You were to play an undercover role. In that role you were to pretend to be a drug trafficker, and you were to use the name "Lee Ryan."

The plan was that you would be placed in cells along with Roland Mitchell and try to engage him in conversation. You were told that he was to be charged with the brutal murders of two women. You prepared for the role by reading Roland Mitchell's many police and prison files.

On August 3, 1992, there was a late change in plans. You were told that your companion in the cells would be Travis Mitchell, the younger and mentally handicapped brother of Roland Mitchell. You were told that he was now known to have been the killer.

Travis Mitchell arrived in the cell block about 4:00 p.m. He was placed in a cell near yours. You opened the conversation by introducing yourself and asking his name. You then told him that you had been caught cold with five pounds of marijuana and expected that not even your lawyer, the famous, "Slippery Sid," could get you off this time. You asked Travis Mitchell what he was in for, and he told you that he was going to be charged with murder, although he was innocent.

You will recall that you then asked Travis Mitchell if he had cigarettes. He did, and you spent a few minutes transferring cigarettes from his cell to yours, using a blanket to draw them along the floor.

When you received the cigarettes, you asked Travis Mitchell more questions. He maintained that he was innocent and said that he had "confessed" only to get some rest from Sgt. Haney's questions. He also wondered about getting to talk to a lawyer.

You will recall that Travis Mitchell was taken from his cell at 5:30 p.m. You then made notes. Sgt. Haney arrived, and you talked with him briefly, at about 7 p.m. It was decided that it would be necessary for you to take a much more aggressive approach in your discussions with Travis Mitchell. The door of your cell was opened to allow you access to a "bullpen" area.

Travis Mitchell was returned to the cell block about 7:15 p.m. He was also allowed access to the bullpen. A guard brought dinners for the two of you. There were no other prisoners in cells. The only other persons in custody were a couple of noisy drunks in the tank.

While you were eating dinner, you started talking with Travis Mitchell about prison life. He told you about having visited his brother Roland when Roland was doing time in the penitentiary at Matsqui and said that since it looked like he was going to get a long sentence, he hoped to go to Matsqui, also. But when he kept insisting that he was really innocent, you told him that you did not believe that and figured him for a "bullshitter" who would be laughed at and beaten up by other inmates at Matsqui. Travis Mitchell then said he would not "bullshit you" as long as you did not rough him up.

After that, Travis Mitchell told you that he had indeed killed the two women.

Travis Mitchell was removed from the cell area at 8:45 p.m., and you then made more notes.

You did not see Travis Mitchell again until August 9, 1992, when you were once more in cells together. On that occasion, Travis would not talk about his charges. He told you that his lawyer had told him not to say anything more to anybody.

You will read out your entire notes of the discussions between Travis Mitchell and you, which took place on August 3, 1992 (Exhibit 14).

You will not be cross examined.

