**COMMISSIONERS:**

**Mr. Wayne Perinchief- Acting Chairman**

**Lynda Milligan Whyte, BA., B. Ed., M. P.A.., J.D.**

**Ms. Maxine Binns**

**Mr. Jonathan Starling**

**Ms. Fredrica Forth**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION OF MEETING: WILLOWBANK, 126 SOMERSET ROAD, SOMERSET MA,06**

**DATE: 26 March 2021**

**TIME: Afternoon Session(a)**

**W. Perinchief-Chairman** 00:06: All right, we resume this session of the Brown matter after having lunch. Counsel I'm aware that we wish to move with some expediency. So, I'll defer to you for any comments. And I know that Mr. Hanson wishes to start by having a question of Mr. Adams' report. Just as a reminder. Counsel you're here?

**Senior Counsel Harrison** 00:44: Yes, Mr. Chairman.

**Michael Hanson-Attorney** 00:54: Chairman, would you like me to proceed or, are you are you asking Counsel for commission?

**Chairman Perinchief** 00:58: Counsel, are you aware of the process? I'm going to allow Mr. Hanson to ask the question of Mr. Adams' report, which I would request be put up on the screen.

**Senior Counsel Harrison** 01:13: Chairman.

**W. Perinchief-Chairman** 01:14: Yes

**Senior Counsel Harrison** 01:15: Chairman, the, the, the report of Mr. Adams is not an exhibit.

**W. Perinchief-Chairman** 01:23: Not yet.

**Senior Counsel Harrison** 01:24: We don't know in what ,what direction Mr. Hanson is going. So, before we get to Mr. Adams', statement and even before hearing from Mr. Adams, we have to allow Mr. Hanson to go first. And I think as he goes along the direction he's going, it will unfold. And we could take it from there. Chairman.

**Chairman Perinchief** 01:46: Thank you very much Counsel. Mr. Hanson, if you would start with your response this afternoon.

**Michael Hanson-Attorney** 01:55: Thank, Thank you, Mr.Chairman. Can, can I check again, that everyone can hear me including Mr. Brown? Yeah.

**W. Perinchief-Chairman** 02:01: Yes, everyone can hear you. Mr. Hanson.

**Senior Counsel Harrison** 02:04: Thank you very much.

**Michael Hanson-Attorney** 02:06: Mr. Brown, in the spirit of the Commission suggested yesterday to try and move away from a more adversarial approach. I'm hopeful there're some base, baseline facts we could agree to before I ask some specific questions around the report. And if I can just go through those through those quickly. So we're all on the same page as to where these things sit. Mr. Brown, you don't, there's no dispute that Mr. Virgil's will was drafted on the 21st of May 1964. Correct?

**Charles Brown** 02:42: Correct.

**Michael Hanson-Attorney** 02:45: And it's not in dispute that Butterfield, and when I say Butterfield I'm of course referring to the Bank of Butterfield Executor and Trustee Company Limited the origin.., you know, the proceeding entity. So going forward, I'll call them "Bank". I'll call them "Butterfield" but that's who I'm referring to generally. Um. That entity became the executor of the estate on the 17th of January 1972. When Mr. Virgil passed away. That's accepted?

**Charles Brown** 03:14: No.

**Michael Hanson-Attorney** 03:15: That's not accepted.

**Charles Brown** 03:16: Correct.

**Michael Hanson-Attorney** 03:17: Okay, so what's, what's,what's your position on that?

**Charles Brown** 03:23: The will was drafted in 1964. And it is our position that when it was drafted, the Bank of NT Butterfield & Son was the named executor at that time that the will was drafted.

**Michael Hanson-Attorney** 03:40: Oh, so your talking about the legal, the legal sort of crystallization of when someone becomes an executor, you think that occurs on the date the will is drafted, and not on, doesn't occur on the date of death.

**Charles Brown** 03:51: That's my understanding.

**Michael Hanson-Attorney** 03:52: Okay, well, we can. We can. we can park that for now. So, post 1972, there isn't a dispute here that the Brown family or your family or benefit, the beneficiaries became very concerned about the inheritance or in particular the lack of land that was bequeathed to them in Sandy's following the, following the passing of Mr. Mr. Virgil? That's correct, right? That's when the concern started to arise. So, between 1972 and 1978, there was various as you've detailed, complaints, concerns, issues raised on in many different forums. That resulted, did it not? In the bank instructing Appleby to draft a report on the 30th of October 1978, to look into title. Now, Mr. Brown before you go, I appreciate you have concerns, ancilliary concerns around how that all came to be. You've raised things like conflict of interest on behalf of the bank, and all of that, and I appreciate that. What I'm just asking is that Appleby drafted that report on behalf, on request from the bank.

**Charles Brown** 04:30: Correct. That's our understanding. Yes.

**Michael Hanson-Attorney** 05:13: Right.

**Charles Brown** 05:14: Yes.

**Michael Hanson-Attorney** 05:15: Okay. And that, that is in the pack. Apologies, if I get the new, the lettering wrong, my draft is a bit faint. But I believe it's CNLB 8? It's the Appleby report 1978? If we could have, could we put that on screen so everyone can see that?

**Charles Brown** 05:33: It's the Butterfield report.

**Chairman Perinchief** 05:36: Yes. If the Secretariat could put that report up, that exhibit up, CNLB 8, Exhibit 8.

**Michael Hanson-Attorney** 05:42: Yeah, It's the...That's right. So could, could we please go to paragraph 50 of that report, please. Thank you. Mr. Brown would you mind reading paragraph 50 out or I can, but would you mind reading 50 out?

**Charles Brown** 06:22: Certainly. But, before I do that, you indicated that this was the Appleby report? And we describe it as the Butterfield report.

**Michael Hanson-Attorney** 06:36: Okay.

**Charles Brown** 06:37: I don't know if that's significant to you.

**Michael Hanson-Attorney** 06:38: You, you can describe it as the Butterfield report. That's fine.

**Charles Brown** 06:42: Okay, so, paragraph 50: By an indenture of conveyance dated 15th April 1969, between John Augustus Alexander Virgil of the first part, Russell Levi Pearman of the second part, and David Edmund Wilkinson, of the third part. John Augustus Alexander Virgil conveyed Brown acre to Russell Levi Pearman to use to bar dower (?), in consideration of a payment of 7000 pounds. From this date therefore, John Augustus Alexander Virgil did not own any part of the said track.

**Michael Hanson-Attorney** 07:35: Thank you, Mr. Brown. So your family took extreme issue with this view, Correct? As, in that it was not correct.

**Charles Brown** 07:43: Yes.

**Michael Hanson-Attorney** 07:44: And over, over the course of time that culminated in a report, you instructed Bermuda, Caribbean Engineering Consultants to carry out about 18 years later, in respect of the title. Is that correct?

**Charles Brown** 07:58: That is in part, correct.

**Michael Hanson-Attorney** 08:01: Okay, thank you. So, could we go then to that report, please? That's a CNLB 5, I believe on your pack. This is the Bermuda Caribbean Engineering Consultants report into the title. If we could have the on screen that would be appreciated. Thank you. And the conclusion that we're looking at is on page 6. Up, up, up a bit I believe it's the conclusion. There we are. Conclusions. Now, Mr. Brown, could you read paragraph 3 under the heading conclusions for us?

**Charles Brown** 09:06: The research on which this report is based did not reveal any record of John Augustus Virgil, disposing of lot 4, plan 7 or, any part thereof between 24th January 1962 and 17th January 1972 when he died, or before that period.

**Michael Hanson-Attorney** 09:35: Thank you. Um, So, Mr. Brown, I mean, looking at this report that your family commissioned. I think any objective person would have a significant understanding and empathy for the position that you've raised. Because the expert that you have, that you have paid to to look into this for you as effectively validated your concerns on title.

**Senior Counsel Harrison** 10:03: Chairman, I'm just wondering whether Mr. Hanson would like Mr. Brown to answer the question rather than an objective view of. Him indicating what an objective person would would believe.

**Michael Hanson-Attorney** 10:18: Sure. That's no, no, no problem. Mr. Brown, um do, do you do? Did you have significant concerns on the back of this report, about the title?

**Charles Brown** 10:33: The concerns that the family had about the title remain up until today. In that we are still seeking. We are still seeking to present our story as it relates to this property.

**Michael Hanson-Attorney** 10:53: Thank you, Mr. Brown. Um yesterday in the questioning from Counsel for Mr. Swan you were emphatic, were you not, that you stood by this report?

**Charles Brown** 11:08: We stand by parts of the report. Indeed.

**Michael Hanson-Attorney** 11:14: Okay. So, do you? So, do you stand by this part of the report? That there was no evidence that there was a transfer of title?

**Charles Brown** 11:28: I believe that Mr. Somers, based on what he had available at the time, drew the conclusions that, as we see here, we accepted it. We accepted that he did the work he said he did.

**Michael Hanson-Attorney** 11:44: Thank you. But now, on the 26th of March 2021, in hindsight of all the documents that you've provided to the Commission, do you still consider that there was no documentary evidence of the transfer of property or the conveyance of property? Or do you now amend your position just in respect to that, not in respect of all the context, all the other issues you've raised, just in respect to this particular issue? Do you now revise your position on that issue?

**Charles Brown** 12:17: We maintain that the sale, the supposed sale of land from John Augustus Alexander, Virgil, to anyone is in question, as we understand that there was never any sale of his property.

**Michael Hanson-Attorney** 12:46: Thank you, Mr. Brown. Yes, you've made that very clear. I think what I'm trying to separate out for the benefit for you and the Commission is, just so we're all clear, is whether or not your your issue now, today, is not that these documents didn't exist, as you provided them in your evidence, you know. Not that they didn't exist, but that the circumstances around them was suspect. And that's why the transfer shouldn't have taken place or didn't take place. But the document exists itself, the conveyance document of the 15th of April 1969. Now, I know you have concerns about the document, but the document itself exists, exists, doesn't it?

**Charles Brown** 13:29: We have seen a conveyance Yes.

**Michael Hanson-Attorney** 13:32: Okay. Alright.

**Charles Brown** 13:32: April/15/69 which we've entered uh, as part of our evidence submission um recently, back in November.

**Michael Hanson-Attorney** 13:41: Thank you. So, it was just, it was just to clarify for the Commission's benefit. The issue isn't so much whether or not the document exists. You think it does. And the issue is more surrounding the party's intentions at the time, the contracting parties, all the issues we raised over the course of yesterday and in your evidence. Is that correct is that fair?

**Charles Brown** 14:03: It's I'm sorry. The, I believe the answer is yes. But I I would, would you kindly repeat the question? Sorry about that.

**Michael Hanson-Attorney** 14:16: Maybe, maybe I could phrase it another way. Today, giving evidence under oath. Your position is, is it not? The 1969 conveyance document itself did exist, but you have concerns about it or its authenticity.

**Charles Brown** 14:39: Correct.

**Michael Hanson-Attorney** 14:40: Is that is that right?

**Charles Brown** 14:42: That is right.

**Michael Hanson-Attorney** 14:43: Okay, so, so your evidence is that it did exist, but there's concerns about its authenticity and and, and as we've seen, we have a an expert, a handwriting expert who's going to give evidence to that etc., in respect to the authenticity of the documents and the signatures correct?

**Charles Brown** 15:00: Correct.

**Michael Hanson-Attorney** 15:01: Thank you. But at the time, Mr. Brown, you accept that the parties at the time they were dealing with these documents in front of us now. As you, as you have them in, as you've, you provided.

**Charles Brown** 15:18: That the parties to the fraudulent conveyance?

**Michael Hanson-Attorney** 15:22: What you say is a fraudulent conveyance. But yes, the parties at the time being the bank Mr. Pearman, the solit.., the lawyers involved, etc. These were the documents that they were working off. The, you know, you question the signatures, and I understand that, but these were the documents everybody was working off at the time in 1969.

**Charles Brown** 15:42: That's our understanding. Yes.

**Michael Hanson-Attorney** 15:43: Thank you. Okay. Another impression that I received Mr. Brown, from your evidence as you were giving it, an, and from Mrs. Brown was the the passion you felt in respect of no independent body or person looking at these issues, without the conflict problems that you've raised before. And that's one of your main problems. Is that, is that fair?

**Charles Brown** 16:13: I'm not certain that we would characterize it as no unbiased person. We haven't had the opportunity. We haven't had the legal representation we've sought and, we haven't had the the avenues of justice open to us as we had desired.

**Michael Hanson-Attorney** 16:31: I see. But, but, now you do through the Commission of Inquiry.

**Charles Brown** 16:34: Yes, we believe that this is an opportunity. And we've exercised that right to, to present what we've presented.

**Michael Hanson-Attorney** 16:42: Thank you, Mr. Brown. So, so, so really, we, we're here we are, we're 25 years on from the Bermuda Caribbean Report, which was 18 years on from the original report. So, a large amount of time has passed for that feeling that you that you have in terms of getting justice, and as far as you see it? That's correct. Right? I mean, it's obviously

**Charles Brown** 17:05: I'm a messenger. On behalf of the beneficiaries and they have um, the remaining surviving beneficiaries. Yes, they have long suffered and they're grateful for this opportunity.

**Michael Hanson-Attorney** 17:15: Yeah. And, Mr. Brown, again, when questioned by Mr. White, you mentioned a few times um, context, and looking at the entire picture. And that's how you formed your opinions. Okay. So, when you were questioned on specific facts by by Mr. White, um, you know, you you move to, well, my opinion is related to looking at the entire issue. That's correct, isn't it?

**Charles Brown** 17:46: In part, yes.

**Michael Hanson-Attorney** 17:48: Okay. And this, Mr. Brown that, that brings me to my questions in respect of the report, which is the report by Mr. Carlton Adams of November 2020.

**Chairman Perinchief** 18:03: Yeah, I believe this is at the point Counsel, where, if we're going to consider that report from Mr. Carlton Adams that we must have it presented as an exhibit? I am asking your direction Counsel.

**Senior Counsel Harrison** 18:17: No, Chairman, it's uh. The counsel is cross-examining. So he can put the document to the witness and at a point where it's convenient, it could be done, the document has been served on all parties. But I would allow counsel and um, it could be, we have to see where counselor is going first, Chairman. To know if we need to put it in because it really is an internal document, if everybody has been given it. So, I'm not sure if we need to make it a part of the record. I like to see first where counsel is going.

**Michael Hanson-Attorney** 18:56: But Well, well, perhaps I could help. I mean, I'm going to be asking specific questions about about the document itself.

**Senior Counsel Harrison** 19:04: I'm in your hands counsel over to you.

**Michael Hanson-Attorney** 19:06: And so I would like it presented and added.. And could we have it on screen as well, please, so I could take the witness through the document?

**W. Perinchief-Chairman** 19:15: Counsel, Mr. Han, Mr. Hanson has requested it as a document and that it'd be presented and stated that he wishes to refer specifically to the document.

**Senior Counsel Harrison** 19:27: Okay. Okay, just for completeness and tidiness. Could I just ask that, Mr. Adams just be invited. He could be sworn just for the purpose of the document being tendered, and then he could be excused and return to the return the, where he was sitting before. But just for completeness and the question will continue of, of Mr. Brown's. You have no issue with that Mr. Hanson?

**Michael Hanson-Attorney** 19:57: No issue at all. Thank you, Counsel.

**Chairman Perinchief** 19:58: Uh, miss, Mr. Adams is in the room. And I would now request him to take a seat beside the Browns at the witness.

**Senior Counsel Harrison** 20:04: Uh Chairman, what I'm proposing, he's just going to take a seat state his name that he gave a report. We're going to tender it. And we won't ask any other questions of him. No, we'll come back to him because counselor presently questioning, Mr. Brown. So, we just for convenience. You just sit, put it in and then return again.

**W. Perinchief-Chairman** 20:27: That will be done Counsel.

**Senior Counsel Harrison** 20:35: So Hanson, you will do it or you want me to?

**Michael Hanson-Attorney** 20:37: Would you mind doing it Counsel?

**Carlton Adams** 20:38: I, Carlton Adams, That the evidence I shall give.

**Attendant** 20:38: I swear by almighty God.

**Senior Counsel Harrison** 20:38: Okay.

**Attendant** 20:38: Shall be the truth.

**Carlton Adams** 20:38: I swear by almighty God.

**Attendant** 20:38: That the evidence I shall give.

**Carlton Adams** 20:38: And nothing but the truth. Shall be the truth.

**Attendant** 20:39: The whole truth.

**Carlton Adams** 20:43: The whole truth.

**Attendant** 20:56: And nothing but the truth.

**Senior Counsel Harrison** 21:18: Good afternoon Mr. Adams.

**Carlton Adams** 21:21: Good afternoon Counsel.

**Senior Counsel Harrison** 21:23: You prepared a report, which is dated November 2020?

**Carlton Adams** 21:30: Correct.

**Senior Counsel Harrison** 21:31: You gave it a title, review of the George and Charles Brown submission to the Commission of Inquiry into Historic Land Loss.

**Carlton Adams** 21:40: That's correct.

**Senior Counsel Harrison** 21:41: And you had written submitted by Carlton Adams?

**Carlton Adams** 21:44: Correct

**Senior Counsel Harrison** 21:45: It's consists of 14 pages?

**Carlton Adams** 21:49: Correct.

**Senior Counsel Harrison** 21:50: Thank you. And at the 14th page you have your name, Carlton Adams, consultant investigator?

**Carlton Adams** 21:59: Correct.

**Senior Counsel Harrison** 22:00: Do you have a signed copy of that document?

**Carlton Adams** 22:03: Um, I believe I submitted that to the Secretariat.

**Senior Counsel Harrison** 22:09: Okay. I'm just going to ask them to provide one for you that you could sign however, but I'm just going to ask at this time Chairman, the document could be tendered and admitted as CA, the initials of Mr. Carlson Adams. And for the purpose of the. I know we have other matters where Mr. Adams gives evidence, but in this case, I'll just ask that it will be labeled CA, CA 1?

**W. Perinchief-Chairman** 22:45: Yes.

**Senior Counsel Harrison** 22:47: But just for completeness to ensure that we know which method is CA 1 - 015. Zero one five is just the, the claim number in this matter. But I just don't want, don't want us to mixed-up with the other exhibits that he has in other matters. So, it's CA 1

**Chairman Perinchief** 23:08: Yes, Counsel the, a report submitted by Sir Carlton Adams investigator in the, to the Commission of Inquiry be labeled CA 1 - 015, which indicates the number of the matter that is reporting on be made exhibit CA 1 - 015.

**Senior Counsel Harrison** 23:30: Thank you. At this time. Mr. Adams, I could just ask you just to. We're going to continue we'll return to you shortly. So, you could return to the seat you had before and we will revert to shortly. Over to you Mr. Hanson.

**Michael Hanson-Attorney** 23:46: Thank you. So, Mr. Brown. Have you seen the report by Mr. Adams?

**Charles Brown** 23:56: Yes, Counsel. I got sight of it last evening.

**Michael Hanson-Attorney** 24:00: Sorry, it got started last week? Did you say?

**Charles Brown** 24:02: Last evening.

**Michael Hanson-Attorney** 24:03: Last evening? Oh excuse. Would it be helpful if the Commission, we could put it on the screen? Thank you. Thank you. So, Mr. Brown. So, this is a report, isn't it? commissioned by the Commission of Inquiry itself, and not any of the parties directly involved as it appears. Is that correct?

**Charles Brown** 24:38: That's what I understand. Yes.

**Michael Hanson-Attorney** 24:40: Thank you, Mr. Brown. Could I take you to page 3, please. And under the. Where it says introduction. Mr. Brown would be helpful. Would you mind, would you mind reading the first paragraph under, there under the word introduction for us.

**Charles Brown** 25:02: Certainly.

**Michael Hanson-Attorney** 25:03: Thank you.

**Charles Brown** 25:07: This report follows review of the content of the George and Charles Brown submission to the Commission.

**Senior Counsel Harrison** 25:19: I'm sorry, I'm sorry. Where are you reading from Mister? Please assist me. I'm Sorry.

**Charles Brown** 25:25: Page 3. Subheading: Introduction.

**Senior Counsel Harrison** 25:30: Oh, okay. Thank you. Thank you.

**Charles Brown** 25:36: Start from the beginning.

**Michael Hanson-Attorney** 25:36: Thanks Mr. Brown yeah, start at the beginning that would be helpful.

**Charles Brown** 25:41: This report follows review of the content of the George and Charles Brown submission to the Commission, containing allegations of fraud and conspiracy relating to the alleged loss of land suffered by their mother, Barbara Lucille Brown, and other beneficiaries of the will of her uncle, John Virgil. The content of the report is an attempt to place the events surrounding the perceived loss into context to provide clarity. For this purpose, content derived from the investigative report of Detective Sergeant Casson and other material contained within the submission was utilized. In addition, entries in the Sands Parish vestry registers for transfer of land and ownership sorry, have also been examined.

**Senior Counsel Harrison** 26:55: Counsel before Chairman and before the witness answers. I'm just wondering whether or not both Counsel um, require Mr. Adams to remain in the room when these questions are being asked, or you have no objection to that or, you'd prefer to go with the usual protocol we observe in the courtroom?

**Michael Hanson-Attorney** 27:15: I have no concerns, and

**W. Perinchief-Chairman** 27:19: They have no concern and Counsel.

**Senior Counsel Harrison** 27:21: Mr. White? Sorry. Just making sure our Chairman.

**W. Perinchief-Chairman** 27:33: Yes, correct.

**Michael Hanson-Attorney** 27:35: Sir, sorry I didn't hear Mr. White. I don't know if his microphone is not on or what he's not on my screen. I'm assuming there was no, there's no issue. I still can't hear him.

**Senior Counsel Harrison** 27:45: Yes sir, yes. I have not seen nor heard Mr. White.

**Kim White-Attorney** 27:46: Sorry, I have no concerns.

**Senior Counsel Harrison** 27:47: All right. Thanks.

**W. Perinchief-Chairman** 27:47: That was loud and clear.

**Michael Hanson-Attorney** 27:55: Thank you. So, Mr. Brown I'm going back to my earlier question on context, you the overall context. Do you agree that for the purpose of this report, Mr. Adams was trying to give context to provide clarity to the Commission?

**Charles Brown** 28:15: I'm not convinced of that. I'm not convinced of that. Based on my read and our discussions with Mr. Adams.

**Michael Hanson-Attorney** 28:26: So you don't you don't agree that you think that sentence in this introduction? In particular, I can, I can read it out. The content of the report is an attempt to place the events surrounding the perceived loss into content context to provide clarity. You don't agree with that sentence?

**Charles Brown** 28:44: No, I do not.

**Michael Hanson-Attorney** 28:45: Thank you. Thank you, Mr. Brown.

**Charles Brown** 28:48: And the reason we do not is because.

**Senior Counsel Harrison** 28:52: Mr. Brown, nobody respectfully and nobody with your being cross-examined you haven't been asked if what, what the reason is? Respectfully, please wait for the question. Wait for the question.

**Charles Brown** 29:04: Certainly.

**Michael Hanson-Attorney** 29:05: Thank you, Counsel. Yes, Mr. Brown. I'm trying not to be adversarial as instructed by the Commission earlier. So.

**Charles Brown** 29:09: Okay. I'll take my lead from you sir. Thank you.

**Michael Hanson-Attorney** 29:13: Yeah. So, so the.. You disagree with that, Understood. Could you, please go to uh, page 13 of the report.

**Charles Brown** 29:38: You said page 13 sir?

**Michael Hanson-Attorney** 29:40: Page 13, yes, that's right. It's shown on the screen there.

**Charles Brown** 29:41: Yes, I'm there.

**Michael Hanson-Attorney** 29:42: Yeah. Okay. You'll see that from the third paragraph down. I Unfortunately, would ask you to read a few paragraphs here if that's okay, Mr. Brown. It's from the third paragraph down to the end of the page. Would you mind reading that out?

**Charles Brown** 30:01: I would, I will. Of note. Is that your reference, the third?

**Michael Hanson-Attorney** 30:07: The third paragraph down. It starts off note is that an entry in the Sandy's parish of note. That, that one

**Charles Brown** 30:13: Of note is that an entry in the Sands Parish vestry register relating to John Augustus Alexander Virgil, for transfer of land referred to above dated April 1962. Reflects the transfer of land ownership to Jones at sheet number 12 of the register. Likewise, an entry dated July 1969. In the same register on the same sheet, number 12. reflects the transfer of land ownership to Russell Pearman and then to John E. Augustus. A further entry recorded for John Augustus at sheet 24a reflects transfer of the land ownership from Pearman to Augustus. The aforementioned information relating to transfer of land ownership of Virgil's land subsequent to sale was not included. I'm pausing I suspect we may have lost okay. The aforementioned information relating to transfer of land ownership of Rogers land subsequent to sale was not included in report compiled by Bermuda Caribbean Engineering Consultants during 1996 at the behest of the beneficiaries of Rogersville. Under, under the heading contingent and limiting conditions, at page 1, paragraph 4. The statement reads in part: thorough searches have been made of the applicable registers in Bermuda and the old parish vestry records, Supreme Court records and, the Ministry of Works and Engineering records. Clearly, the statement is not accurate. Given that the entries referred to above at sheet, were 12 made in the Sands vestry records in 1962 and 1969. Well before the report compiled by Bermuda Caribbean Engineering, yet the effect of them was not noted or articulated in the report, thus creating the misleading impression that there was no indication of virtually having

disposed of land after January 1962. David Somers, President of the Bermuda Caribbean Engineering, Consultants Limited and author of the mentioned reports, mentioned report sorry, were shown a copy of sheet number 12 from the past vestry records on the 9th November 2020. Would you like me to continue sir?

**Michael Hanson-Attorney** 33:51: Yeah, would you mind just doing the quote there, Mr. Brown. On the second, page 14 for us?

**Charles Brown** 33:57: I can confirm that I did not have sight of the parish vestry records for science when preparing the report. But relied on verbal communication with the parish vestry clerk.

**Michael Hanson-Attorney** 34:13: Thank you, Mr. Brown. So, we're in we're in agreement, and I think you are in agreement now in respect of the documents in insofar as Mr. Adams is, is right. And the Bermuda Caribbean report was wrong about that specific issue.

**Charles Brown** 34:28: I don't draw that conclusion.

**Michael Hanson-Attorney** 34:32: Thank you, Mr. Brown. If you could turn to page 11 of the report. And if we go down to adverse finding. The Secretariat. It's in bold. Mr.Brown, please could you read the, the adverse finding paragraph there for us?

**Charles Brown** 35:03: Adverse finding: Were Pearman and Doars alive today, It may be as adverse findings, would be appropriate with respect to their actions, and those of Pearman's lawyer, David Wilkinson. However, all of them are deceased. And in the absence of evidence of wrongdoing, there does not appear to be grounds or justification for such a finding with respect to entities and individuals against whom allegations have been asserted. These being, Appleby, Spurling and Kempe, The Bank of Butterfield Executor, and Trustee Company Limited. Sir John Swan and individuals to whom property was sold, following subdivision into individual lots.

**Michael Hanson-Attorney** 35:59: Thank you, Mr. Brown. So, what, what the report is saying, isn't it? Is that perhaps Pearman and Doars, and I maybe pronouncing that wrong? Your probably pronounced that better. There may have been adverse findings in respect of them. Keyword may. And as well as those of Pearman's lawyer, David Wilkinson. Keyword being may. But that does not, there is not evidence, there is an absence of evidence in respect of the other name parties. And of course, one of those being the Bank of Butterfield Executor and Trust Company Limited. That's what that says. Right?

**Charles Brown** 36:43: It certainly is uh, what Mr. Adams has included in his report.

**Michael Hanson-Attorney** 36:47: Thank you. Now, Mr. Brown, for the first time in in 50years, we have someone who's not connected to the parties, appointed by the Commission of Inquiry, review the historic documents that were available to Butterfield or, the bank at the time of this transaction, and has come to the conclusion. There's no grounds of justification to proceed with any finding adverse findings. And my question, Mr. Brown on that is,

**Senior Counsel Harrison** 37:23: I'm sorry. Just a minute, could cause to indicate who, who is referring to that this person who has looked at everything my words and come to this conclusion. Are you referring to the Adams, Mr. Adams ?

**Michael Hanson-Attorney** 37:36: Yes.

**Senior Counsel Harrison** 37:36: Okay?

**Michael Hanson-Attorney** 37:37: Yes . Mr. Brown, do want me to start again. Are you? Are you still with me?

**Charles Brown** 37:44: I'm still with you.

**Michael Hanson-Attorney** 37:46: Thank you. So we now have this. Mr. Mr. Adams report saying that has that in any way changed your view? in respect of any of the issues he's he's raised? Or are you still have the firm view that all these parties together are still equally at fault?

**Charles Brown** 38:08: Our position is that the the document prepared by Mr. Adams lacks credibility. And it doesn't do justice to the, the evidence that was presented. And so the conclusion that I've or the the sentence that I've just read is we are not able to accept and so by extension, cannot accept that this was an objective and unbiased assessment of all of the facts that are available., The, the entirety of available facts, were not included, and there are implications, and other statements that are not supported.

**Michael Hanson-Attorney** 39:03: Thank you, Mr. Brown. So, so, your position is the Commission of Inquiry, investigation by Mr. Adams, is not correct.

**Senior Counsel Harrison** 39:14: And just before the witness answers that question, the, respectfully in terms of this document which is titled report, I don't know if it's fair to say that this in itself is the investigation of the matter, because if you want to call this a trial, trial for want of a better term. There are 3 Commissioners in front of us who are actually trying the issue so one could not properly say that this report was trying the issue and that this report is the end all. Just, I just put Counsel on notice with regards to the way the. It's probably the way the question was phrased.

**Michael Hanson-Attorney** 39:53: Thank you, Counsel. Point taken although, I think the question is, Mr. Adams, as instructed by the Commission of Inquiry, findings, Mr. Brown you do not agree with them?

**Senior Counsel Harrison** 40:05: No, no and respectfully. You have presumed Counsel, that the Commission of Inquiry asked for this report that I'm not going to give evidence, but I allow you to go in that regard to but respectfully, that's a question you should have asked. You could, we can ask Mr. Adams.

**Michael Hanson-Attorney** 40:22: Okay. Thank you, Counsel. So, I'll leave that question then. And that's it for me. Thank you, Mr. Brown. It's much appreciated.

**Charles Brown** 40:30: Certainly. Thank you, sir.

**Chairman Perinchief** 40:31: Uh, Mr. Hanson. Yes. Are there further questions from yourself, of the witnesses or, Mr. Adams?

**Michael Hanson-Attorney** 40:46: No, no, no, Chairman. That's it for me.

**Senior Counsel Harrison** 40:51: Chairman probably at this time, you could invite Mr. White and Miss Virgil. If they have questions which arise from the questions posed by Mr. Hanson. I will. I will follow after.

**W. Perinchief-Chairman** 41:07: Yes. I'll just take a question from Mr. Brown.

**Charles Brown** 41:13: I wanted to know if, is this an opportunity for our concerns with respect to Mr. Hanson's claim to be raised?

**Michael Hanson-Attorney** 41:30: No.

**Chairman Perinchief** 41:33: Counsel, the question from Mr. Charles Brown is, is there? Is this an opportunity or occasion when the witness, Mr. Charles Brown, should be able to question Mr. Hanson about his client, Butterfield's involvement?

**Senior Counsel Harrison** 41:50: That Chairman, they claim submitted by the Browns was evidence. So, the evidence is already in respect of the concerns they had in respect of the persons to whom adverse notice was issued. So, when we get to the point, if, when we get there that if at the end, Mr. Hanson, we have on behalf of Butterfield Bank decides that they wish to give evidence or say anything, that is where we get to that stage, but we're not there yet. And properly speaking. And at that time, I will put the questions depending if there's any witness or person who's going to speak on behalf of Butterfield. But we're not there yet.

**Chairman Perinchief** 42:32: Yes. Mr. Charles Brown has indicated that he understands the process.

**Charles Brown** 42:36: Thank you, Chairman.

**W. Perinchief-Chairman** 42:39: So at this point, I asked, I'll ask Miss Virgil first if she has a question to be put to the witnesses or, a statement to be made about the report that has now been released. of Miss Adams uh, Mr. Adams his report, ither one.

**Myra Virgil** 43:05: No, Mr. Chair. There's only one mention of the late John Alfred Virgil and I think that, the right. I take the report as it stands.

**Chairman Perinchief** 43:17: Oh, Miss Virgil we just like to see your face more completely. Can you tilt your camera? I see a lovely smile. Yes, thank you. He just wanted to see to whom we were speaking. Thank you very much. That was a request from one of our Commissioners.

**W. Perinchief-Chairman** 43:19: So at this point, we'll continue. Mr. White, do you have questions to be put on the report or about the report from Miss Adams or to miss them?

**Myra Virgil** 43:32: Okay.

**Kim White-Attorney** 43:47: Well, I do have questions for Mr. Adams. He's not in the box. It's Mr. Brown. I have questions for Mr. Brown. Mr. Brown? Yes.

**W. Perinchief-Chairman** 43:55: Mr. Brown.

**Kim White-Attorney** 43:55: Yes.

**W. Perinchief-Chairman** 43:55: You have questions for Mr. Brown.

**Kim White-Attorney** 43:57: Yes. So, Mr. Adams' report illustrates that the Sands Parish vestry register was not examined by Mr. Somers and had documents which related to the transactions in question that he was in commissioned by your family to look at. Is that not correct?

**Senior Counsel Harrison** 44:16: I'm sorry, .Counsel, could you repeat that question? I'm sorry.

**Kim White-Attorney** 44:22: The Adams report contains information about the Sands Parish vestry register relating to John Augustus Alexander Virgil, sheet 12 . Which Mr. Somers did not examine in his report, which was commissioned by your family.

**Charles Brown** 44:44: You're asking me if that's in the report?

**Kim White-Attorney** 44:46: Does it not say that? Page 13.

**Senior Counsel Harrison** 44:49: Yes, but to be fair to the witness. To be fair to the witness, Counsel. And the witness is asking and I'm not giving evidence. He's asking. You're asking if it's in the report, or your actually asking if in fact that was not done.

**Kim White-Attorney** 45:02: What's in the report, he can only speak about what's in the report because he wasn't there to do the examination. That's correct. But he can, he has the report in front of him doesn't the report say that?

**Senior Counsel Harrison** 45:06: And it wasn't his report ither. Right, okay. That's a different question, fine sure.

**Kim White-Attorney** 45:17: Does the report not say that?

**Charles Brown** 45:20: What you just read from the report you asking me if it's in the report?

**Kim White-Attorney** 45:23: Before I paraphrased from the report, page 13.

**Charles Brown** 45:27: And so what you paraphrased

**Kim White-Attorney** 45:28: Yes.

**Charles Brown** 45:31: On page 13.

**Kim White-Attorney** 45:33: Third paragraph.

**Charles Brown** 45:33: Of note?

**Kim White-Attorney** 45:36: Of note. Yeah, doesn't it say, talk about the Sands Parish Registry document set? And then further on at the end, Mr. Somers, on page 14 says I can confirm I did not have sight of the parish register records?

**Charles Brown** 45:54: I'm reading what you just read and it is here.

**Kim White-Attorney** 45:57: Yes, it is. Thank you. And that together with what I cross examined you on yesterday, JS-1 is another document which Mr. Somers did not have regard to in his report. The document from the Book of Deeds.

**Senior Counsel Harrison** 46:15: Counselor, Counselor I have no problem with the question, but it's just the way it is. It is phrased. What we have on the one hand is an opinion or a statement of fact by Mr. Adams, in a report prepared by Mr. Adams, which the Browns did not prepare themselves but to, to put the two together. I get your point. I get your point, but in terms of putting the two together.

**Kim White-Attorney** 46:38: I'll put it another way Counsel. The Somers Report does not refer to JS-1, which you request about yesterday. Nor does the Somers Report refer to the Sands Parish Vestry Records.

**Charles Brown** 46:53: We stand by the, the facts and conclusions in the Somers Report.

**Kim White-Attorney** 46:59: So you stand by Mr. Somers saying that there are no records relating to the transfers.

**Charles Brown** 47:06: We stand by Mr. Somers Report.

**Kim White-Attorney** 47:08: Okay, thank you, sir. Thank you. No further questions from me.

**Chairman Perinchief** 47:12: No further questions for Mr. Swan or the witnesses. And I just asked again, if you have any questions of Mr. Adams. directly.

**Senior Counsel Harrison** 47:22: Um, yeah, we have questions but. I just like us to finish with this. Finish with this, with this first. Uh, Mr. Mr. Brown. And, to Mr. White, you indicate that you stand by the Somers Report. In answer to Mr. Hanson, if my recollection serves me, indicate that you stand by parts of the Somers Report. Now, can you just indicate, can you clarify it for us?

**Charles Brown** 47:58: Certainly. The Somers Report makes reference to a transfer of land from John Augustus Alexander Virgil to Mr. Arthur Jones and his wife on January 24, 1962. That statement in the Somers Report is one that we do not support.

**Senior Counsel Harrison** 48:42: Where's where's that in the report? So, it's probably, the easier way, what you can do as we go along through each year. Tell us when what, when I said what parts you agreed on what parts you stand by, tell us what you don't agree with. That's probably an easier way. Tell us what you do...

**Charles Brown** 49:07: We do not agree that Eric Arthur Jones purchased a portion of John Augustus Alexander Virgil's property.

**Senior Counsel Harrison** 49:19: And where is that in the report?

**Charles Brown** 49:20: It is stated on page 3, paragraph number 12. Yes, here we are. We take issue with this transaction because well for several reasons, which we've previously entered evidence to support our position.

**Senior Counsel Harrison** 50:00: Is there any other part of the report you don't stand by?

**Charles Brown** 50:09: I, no. Am I to? May I expand on my disagreement with paragraph 12. on page 3?

**Senior Counsel Harrison** 50:48: No, you just said that you had already expanded on it before. So, I'll just wanted, I just want to I'm limited to asking you what I'm asking you now. I'm just trying to get from you, in respect of two different answers, you get to two different persons on the cross examination. I'm just trying to clarify what you said to one person that you will stand by and another person said, you stand by parts of it. I'm just trying to clarify that point. And I've taken you to what are the parts that you don't stand by. You understand?

**Charles Brown** 51:22: I do understand. Thank you.

**Senior Counsel Harrison** 51:24: That's the only point that you raised, which is at page 3, paragraph 12. That's the only point.

**Charles Brown** 51:32: Yes.

**Senior Counsel Harrison** 51:33: Okay. Now, taking you back again, to a question, that Mr. Hanson had asked you. And forgive me, Mr. Hanson, you're going so fast. So, I have to summarize the question. I may not have gotten the thing accurately as you said it. The question has been asked of you, Mr. Brown. Are you saying that the Adams Report was wrong and, the Somers Report was right? Is that what you? Is that how you put it or, the other way around? So, the question as I wrote it, and I stand to be corrected, is that the question I will put to you that the Adams Report. Sorry, the Adams Report was right and, the Somers Report was wrong. That had been put to you. And you did not agree with that.

**Charles Brown** 52:29: Well Counselor, I recall being asked if if this is the words that I read, if that was in the report, as agreeing with the assertions in the report, and the conclusions is, I see it as a different matter

**Kim White-Attorney** 52:45: To be fair to Mr. Brown, I think you're talking about the question I asked you. He was talking about the question Mr. Hanson asked you. To be fair so he can answer the question from Counsel.

**Senior Counsel Harrison** 52:54: Thank you. Thank you, Mr. White.

**Charles Brown** 53:19: Counselor am I being asked a question?

**Senior Counsel Harrison** 53:22: Yes.

**Chairman Perinchief** 53:22: Yes, Um, Counsel could you just repeat the last question to Mr. Brown, Mr. Charles Brown.

**Senior Counsel Harrison** 53:29: Thank you. Earlier, you had been asked a question when you're being cross examined and I'm indicating that I didn't get it. I'm trying to put it in my own words, own words that I didn't get the actual question. But I understood that what you said. Having been, it been put to you that they . Are you saying that the Adams report was right, and the Somers report was wrong? Do you recall that being asked of you, sir?

**Charles Brown** 54:08: I vaguely do. If I could, am I going to be asked that again?

**Senior Counsel Harrison** 54:14: No, I'm going to. No, I'm going to... I'm just putting that in context. And now I'm going to ask my question.

**Charles Brown** 54:20: Because the, go ahead. I'll just...

**Senior Counsel Harrison** 54:24: Right. And you had also indicated that in respect of the Adams report, what is well, what is now known as Adams report. One moment please. That it lacks credibility, does no justice to evidence presented. You are not able to accept it.

**Charles Brown** 54:57: That's correct.

**Senior Counsel Harrison** 54:58: And it is objective and un-bias the question I've asked, you now, to put into context an earlier question. Is it the? Do you accept the Somers report or the Adams report?

**Charles Brown** 55:17: The Somers report.

**Senior Counsel Harrison** 55:22: Thank you. I crave your indulgence a moment. I have nothing further at this time from this witness. Chairman, in spite of the but, I know that this time we both have. Well, we all have questions for Mr. Adams, but I would like to be permitted to with the leave of the Chairman, and also our Counsel and Miss Virgil. There's a document which I had which had been shared with all persons. It had been disclosed but I omitted on the last occasion whether I was asking questions of Mr. Brown, to include it, to show it to the witness. I am just searching for the date when it actually had been served on Counsel and Miss Virgil. The document is dated the 5th of March 2021. It's a document from the Land Title Registry Office. It had been, it had been sent on the 5th of March 2021. It is signed by Mr. Tim Stewart. And also, after that, Chairman, I know we both. We all have questions for Mr. Adams. However, there is a time, an administrative limitation in respect of Ms. Petty who is waiting, and I'm not certain with the time of the day, how that could be facilitated.

**Chairman Perinchief** 58:12: Counsel, if I could give you some precise answer, relief. I'm aware of the time constraint. It's the witness that is going to give some evidence about a signatures. And at this point, I'm so moved to allow that witness to give the evidence. In other words, hold the other questions in advance, since these witnesses and all of us will be available in the future. However, there is a time constraint with Brenda Petty. And I now am moved to allow her to give her evidence uh, Counsel you can advise.

**Senior Counsel Harrison** 58:57: Sir certainly. Thank you, Chairman. I just wish to, as indicated the document dated the 5th of March 2021, that I just wished to have the Secretariat show a hard copy of the document to the witness. It really won't take more than 30 seconds and to have it tendered as an exhibit.

**Chairman Perinchief** 59:18: Yes. If the Secretariat would show that exhibit.

**Senior Counsel Harrison** 59:23: It's dated the 5th of March 2021. It is from the Land Title Registry Office, and it's signed by Tim Stewart, Land Title Legal Officer. Now, could a hard copy be shown to the witness, but one be placed in a witness's hand.

**W. Perinchief-Chairman** 59:56: Yes, that's being done.

**Senior Counsel Harrison** 59:58: Thank you. I just asked that in the meantime, if Miss Petty has a Bible she could secure it for the purpose of being sworn or if she wishes to affirm, then she need not secure the Bible at this time.

**Chairman Perinchief** 1:00:21: All right Counsel, are you requesting that that document be exhibited first on the screens?

**Senior Counsel Harrison** 1:00:27: Yes. Is the document in the possession of witness now Chairman?

**W. Perinchief-Chairman** 1:00:31: Yes, it is.

**Senior Counsel Harrison** 1:00:32: Okay. My application is that the document dated the 5th of March 2021. Re: Records Obtained by Mr. Charles Brown from the Land Title Registry Office and signed by Mr. Tim Stewart, Land Title Legal Officer, I'm asking that it is tendered and admitted as exhibit CNLB 18?

**Chairman Perinchief** 1:01:00: Yes, the document from the Land Title Registry. And give me the date again.

**Senior Counsel Harrison** 1:01:05: It's dated the 5th of March 2021.

**Chairman Perinchief** 1:01:08: Dated 5th of March 21. Be tendered in evidence as CNB 18.

**Senior Counsel Harrison** 1:01:20: Thank you very much. He just said this time, Chairman, I know the concurrence of the Counsel and Miss Virgil, present, that in respect to the question of the Browns, we could defer it until after when we agree a time and date but I'd like now to have the witness, Miss Brenda Petty, called and that your camera could be turned on Oh,

**W. Perinchief-Chairman** 1:01:52: I was a bit confused for a while. Credited to my age. Yes, I now see um, Mrs. Brenda Petty? Is that correct? Madam, do you hear us clearly? I presume she's appearing by Zoom.

**Senior Counsel Harrison** 1:01:58: That is correct.

**Brenda Petty** 1:02:17: Yes, I do. That's

**Chairman Perinchief** 1:02:19: Welcome to the Commission of Inquiry. You are now on Zoom. And we're at a position now where we are prepared to receive your evidence regarding the Brown case. And what I will do is ask that your document with your your, your like your your title, etc., be now put on the screen?

**Senior Counsel Harrison** 1:02:50: Uh Chairman.

**W. Perinchief-Chairman** 1:02:51: Yes.

**Senior Counsel Harrison** 1:02:52: In the absence of any submission by either Counsel, might I just embark on a course in respect of a submission to you delete some evidence so that Miss Petty could be treated as an expert. Might I just crave your indulgence in that regard before we exhibit a document on the screen?

**Chairman Perinchief** 1:03:14: Yes. Are the other Counsel present Mr. Hanson, Mr. White, and the witnesses. Mr. Brown, Counsel will now endeavor to have Miss Petty sworn as an expert witness. That's a certain process that you follow now. Counsel you may continue.

**Senior Counsel Harrison** 1:03:35: Thank you very much. Oh, could we Miss Petty, good afternoon. Do you have a Bible?

**Brenda Petty** 1:03:47: I forgot the Bible in the other room. Can I just confirm?

**Senior Counsel Harrison** 1:03:50: Please, please Thank you. Could just I. Could you state your name?

**Brenda Petty** 1:03:56: I, Brenda. Petty.

**Senior Counsel Harrison** 1:03:58: Could you raise your right hand so we could see it? Do solemnly and sincerely,

**Brenda Petty** 1:04:03: Do solemnly and sincerely

**Senior Counsel Harrison** 1:04:05: Truly declare and affirm, truly confirming Truly declare and affirm truly declare and confirm, affirm.

**Brenda Petty** 1:04:13: Affirm.

**Senior Counsel Harrison** 1:04:14: that the evidence I shall give.

**Brenda Petty** 1:04:16: that the evidence I shall give.

**Senior Counsel Harrison** 1:04:19: Shall be the truth

**Brenda Petty** 1:04:21: shall be truth,

**Senior Counsel Harrison** 1:04:22: the whole truth,

**Brenda Petty** 1:04:23: the whole truth.

**Senior Counsel Harrison** 1:04:24: and nothing but the truth.

**Brenda Petty** 1:04:26: and nothing but the truth.

**Senior Counsel Harrison** 1:04:27: Thank you.

**Brenda Petty** 1:04:28: Thank you.

**Senior Counsel Harrison** 1:04:29: Your name is Brenda Petty.

**Brenda Petty** 1:04:31: Yes.

**Senior Counsel Harrison** 1:04:33: Live in what? Where do you live?

**Brenda Petty** 1:04:37: Duncan, Oklahoma, United States of America.

**Senior Counsel Harrison** 1:04:42: What is your academic? What are your academic qualifications, madam?

**Brenda Petty** 1:04:47: I am a forensic document examiner.

**Senior Counsel Harrison** 1:04:52: Do you have any certification in that regard madam?

**Brenda Petty** 1:04:56: Yes, I do.

**Senior Counsel Harrison** 1:04:58: What is that certification about madam? I am. I have a certification as I using the designation, Certified Question

Document Examiner, Diplomat. Thank you. Now prior to being, prior to today, here giving evidence. Did you know any of the parties who, who had engaged you to give evidence before? Did you know the Brown family before being engaged, madam?

**Brenda Petty** 1:05:29: No.

**Senior Counsel Harrison** 1:05:31: Any of the persons or, the any of the persons or the persons engaged by you or, the persons who you had cause to examine their signatures. Did you know any of them prior to being asked to do so, madam?

**Brenda Petty** 1:05:49: No.

**Senior Counsel Harrison** 1:05:53: Now, what were you what in fact, were you asked to examine, madam? On January 11, I received three documents, a six page conveyance, and two sales agreements that contained four signatures of John, Virgil. And I was asked to compare the signatures with two known comparison signatures of Mr. Virgil. I also received on two of the documents, there was the name of our Algamon Doar's. And I was also asked to compare his signatures with some signatures that had been taken from what I understood at a police department. And there was also a document given to me of a that with a stamp from a central authority agency, and I was asked to look at that a stamp in that document for any oddities in the stamp. I compared the signatures of Mr. Virgil on the question documents to the known comparisons. I compared the signatures of Mr. Virgil. Just a moment, the report. We'll come to that shortly, I'm sorry. We'll come to that shortly. Now, in respect of you, as a forensic document examiner, have you taken any courses and attended seminars in relation to this madam?

**Brenda Petty** 1:07:34: Yes.

**Senior Counsel Harrison** 1:07:35: Could you tell, have you conducted research and consulted experts in your field, madam?

**Brenda Petty** 1:07:42: Yes.

**Senior Counsel Harrison** 1:07:44: Do you also presently attend continuing education classes with Kathryn Koppenhaver, a President of the International Association of Document Examiners?

**Brenda Petty** 1:07:55: Yes.

**Senior Counsel Harrison** 1:07:58: Now, the courses that you have taken to prepare yourself in a, in the field of expertise ma'am when you had enroll and complete when I'm sorry. Counsel, Mr. White and Mr. Hanson, do you have any objection to me leading the witness in this regard? Mr. Hanson?

**Michael Hanson-Attorney** 1:08:19: No objection.

**Senior Counsel Harrison** 1:08:20: Okay. Thank you very much. And Miss Virgil, you have any objection to me leading the witness? Thank you. I'm just leading the witness Chairman in respect of her qualifications with regards to her being treated as an expert, not to her actual evidence of her examination, or findings, Chairman.

**W. Perinchief-Chairman** 1:08:39: I understand Counsel.

**Senior Counsel Harrison** 1:08:40: I, Miss Petty, you enrolled and completed a two year program in International School of forensic document examination from 2006 to 2008?

**Brenda Petty** 1:08:50: Yes.

**Senior Counsel Harrison** 1:08:53: And on this, at this, on this occasion, each test you're required to have 100% accuracy. And to pass a final exam, you're required to have a minimum test score of 85%?

**Brenda Petty** 1:09:06: Correct.

**Senior Counsel Harrison** 1:09:07: You enrolled and completed the program offered by the American Institute of Applied Sciences for Document Examination in 2007, called Question Documents?

**Brenda Petty** 1:09:19: Yes.

**Senior Counsel Harrison** 1:09:20: In December 2006, you received a certificate of completion from West Virginia University in Question Documents.

**Brenda Petty** 1:09:29: In 2016. Yeah.

**Senior Counsel Harrison** 1:09:31: Thank you. In 2017, The International Association of Document Examiner's gave you a test by proxy that took three hours to complete, madam?

**Brenda Petty** 1:09:43: Yes,

**Senior Counsel Harrison** 1:09:44: You got 94% score on that test and you're awarded the Designation of Certified Question Dom Document, madam?

**Brenda Petty** 1:09:53: Correct.

**Senior Counsel Harrison** 1:09:55: From 2016, to the current ma'am, you have studied continuing education classes as stated before with Katherine Koppenhaver, madam?

**Brenda Petty** 1:10:04: Yes.

**Senior Counsel Harrison** 1:10:05: In January 2020, you're awarded a new designation of Certified Question Document Examiner Diplomats, which you mentioned earlier for a variety of different cases that you had examined and fulfill the requirement to earn the designation, madam?

**Brenda Petty** 1:10:21: Yes.

**Senior Counsel Harrison** 1:10:22: Thank you. Now, you have passed all the courses that you have done in document examination, madam?

**Brenda Petty** 1:10:30: Yes.

**Senior Counsel Harrison** 1:10:32: You have passed. And you have received the certificates and in respect of a test you have passed, ma'am.

**Brenda Petty** 1:10:38: Yes.

**Senior Counsel Harrison** 1:10:43: Now you have, you have received a diploma and inter.. from the International School of Forensic Department Examination for two years of study, ma'am?

**Brenda Petty** 1:10:52: Yes.

**Senior Counsel Harrison** 1:10:54: You have completed certificates with the American Institute of Applied Sciences and the West Virginia University in Question Documents?

**Brenda Petty** 1:11:02: Yes.

**Senior Counsel Harrison** 1:11:06: And As stated earlier, in December, 8 on December 8, 2017, you're awarded Designation of Certified Question doc, Document Examiner, correct?

**Charles Brown** 1:11:17: Correct.

**Senior Counsel Harrison** 1:11:20: Now, madam, in 2007, you attended 20 hours of training with the School of Forensic Document Examination Training Conference in Dallas?

**Brenda Petty** 1:11:31: Yes.

**Senior Counsel Harrison** 1:11:32: In 2007, you attended 20 hours of training and advanced handwriting training in Dallas, Texas.

**Brenda Petty** 1:11:40: Yes.

**Senior Counsel Harrison** 1:11:42: In 2009, you attended eight hours of training at the White Collar Crime Summit with Frank Abagnale, madam?

**Brenda Petty** 1:11:50: Yes.

**Senior Counsel Harrison** 1:11:52: From 2010 to 2015, you spent 8 to 12 hours yearly in training in the Office of Kurt Baggett in Dallas, Texas, ma'am?

**Brenda Petty** 1:12:01: Yes.

**Senior Counsel Harrison** 1:12:02: There you worked and examined cases in his office?

**Brenda Petty** 1:12:05: Yes.

**Senior Counsel Harrison** 1:12:07: In September 2017, you completed 24 and a half hours of training at the International Association of Document Examiner's Seminar in Denver, Colorado? Yes. In August 2018, you completed 12 hours of training at the International Association of Document Examiner's Fourth Annual Interactive Seminar?

**Brenda Petty** 1:12:29: Yes.

**Senior Counsel Harrison** 1:12:31: And in September 2020, you attended a yearly International of Document Examiner Seminar?

**Brenda Petty** 1:12:37: Yes.

**Senior Counsel Harrison** 1:12:39: You have had apprenticeships as a doctor of the examiner with Kurt Baggett, Robert Bayla, Don Lehugh, Wendy Carlson and you study, you currently study with Catherine Kopenhaver.

**Brenda Petty** 1:12:55: Correct.

**Senior Counsel Harrison** 1:13:00: You have tested with the International Association of doc Document Examiners for certification, madam?

**Brenda Petty** 1:13:06: Yes.

**Senior Counsel Harrison** 1:13:08: And having passed a test, you were then invited to participate a proficiency practice test each year to maintain membership in the IE D as well as other training to maintain membership, membership, madam?

**Brenda Petty** 1:13:25: Yes.

**Senior Counsel Harrison** 1:13:28: Almost finished, madam. Now, you have been privately trained as a document examiner, taken courses and you have apprenticed with other document examiner's who have been qualified to give evidence in courts as experts as well as continuing education, madam?

**Brenda Petty** 1:13:55: Yes.

**Senior Counsel Harrison** 1:13:58: Madam, you, you have rendered an opinion in more than 700 cases throughout the United States and International madam?

**Brenda Petty** 1:14:06: Yes.

**Senior Counsel Harrison** 1:14:08: You have examined more than 20,000 documents and signatures, madam?

**Brenda Petty** 1:14:13: Yes.

**Senior Counsel Harrison** 1:14:18: You have gone through and forgive my pronunciation, the Dombaev Motion in the Courts of the United States, madam?

**Brenda Petty** 1:14:26: Yes.

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**Senior Counsel Harrison** 1:14:29: You have been a document examiner since 2000. June 2008, madam?

**Brenda Petty** 1:14:33: Yes.

**Senior Counsel Harrison** 1:14:36: You are a member of the International Association of document Examiner's Handwriting Experts Incorporated, Oklahoma Sheriffs Association and the Duncan Chamber of Commerce, ma'am?

**Brenda Petty** 1:14:49: Yes.

**Senior Counsel Harrison** 1:14:52: Since 2008, ma'am you have instructed civic and social groups and other groups in terms of teaching training persons in your professional, in a professional capacity, ma'am?

**Brenda Petty** 1:15:07: Yes.

**Senior Counsel Harrison** 1:15:08: You have been a speaker for Oklahoma private investigators, that was in 2009. And your made an honorary member in 2015, ma'am?

**Brenda Petty** 1:15:18: In 2015, I was a speaker for the Oklahoma Administrative Assistant Summit.

**Senior Counsel Harrison** 1:15:29: Thank you. You have actually given instructions to the State of Oklahoma Child Support Administrative Unit on how to avoid fraud in handwriting ma'am?

**Brenda Petty** 1:15:40: Yes. Yes.

**Senior Counsel Harrison** 1:15:40: In 2017, you participated International Association of Document Examiner's Seminar. And you're no you now, hold the position of Nomination Chair with the International Association of Document Examiner's? And at some of the conferences, you have given presentations on handwriting to circumvent fraud and some basic, basics and forensic document examination?

**Brenda Petty** 1:16:06: Correct.

**Senior Counsel Harrison** 1:16:09: You have access to a library and a lab ma'am?

**Brenda Petty** 1:16:14: Yes.

**Senior Counsel Harrison** 1:16:15: In your lab, you have numerous devices and grids, variation of magnification equipment, handheld magnifiers, a light box, HP computer with printer with magnification scanning capabilities, and a Zarbeco Miscope that is also equipped with infrared lighting ma'am?

**Brenda Petty** 1:16:36: Yes.

**Senior Counsel Harrison** 1:16:41: Madam the, this there is equipment such as the electrostatic detection apparatus, or video spectral comparator that you don't have in your lab, but you have access to ma'am, if your need requires?

**Brenda Petty** 1:16:55: Yes.

**Senior Counsel Harrison** 1:16:56: Okay. Now, as we close, you have given evidence in court and have been qualified, 18 times in the United States and Canada and given five depositions?

**Brenda Petty** 1:17:12: Correct.

**Senior Counsel Harrison** 1:17:13: You have testified in Arizona, Arkansas, Georgia, Kansas, Louisiana, Oklahoma, Texas and Canada, ma'am?

**Brenda Petty** 1:17:21: Yes.

**Senior Counsel Harrison** 1:17:22: You have testified in Federal Court, madam?

**Brenda Petty** 1:17:25: No, I haven't.

**Senior Counsel Harrison** 1:17:27: You have given testimony. Okay. Have you ever well, and certainly, you have ever testified in court concerning a document that you have not examined in your lab, ma'am?

**Brenda Petty** 1:17:47: No.

**Senior Counsel Harrison** 1:17:49: When you are given evidence on a case and working on a case more so, you follow a system, our procedure for doing your type of madam?

**Brenda Petty** 1:17:58: Yes.

**Senior Counsel Harrison** 1:18:00: This is, you follow publish industry standard methodologies of writing and signatures on the documents are enlarged and placed in a lineup for side by side comparison process madam?

**Brenda Petty** 1:18:12: Yes.

**Senior Counsel Harrison** 1:18:13: And you also follow standards outlining scientific working group for document examination ma'am?

**Brenda Petty** 1:18:19: Yes.

**Senior Counsel Harrison** 1:18:24: And certainly, the basic principles of document examination, ma'am, one that no two people write exactly the same and no person can duplicate anything that you have written. Correct, ma'am?

**Brenda Petty** 1:18:35: Yes.

**Senior Counsel Harrison** 1:18:37: You have studied in graphology and graphical analysis, ma'am?

**Brenda Petty** 1:18:43: Yes.

**Senior Counsel Harrison** 1:18:46: Chairman.

**W. Perinchief-Chairman** 1:18:50: Yes, Counsel,

**Senior Counsel Harrison** 1:18:51: In the circumstances of my application to you is that Miss Brenda Petty, that she could be treated as an expert, and allowed to give evidence in respect of what she indicated earlier in respect of documents she received and the requests that have been made of her, sir?

**Chairman Perinchief** 1:19:09: Yes, Counsel based on the competencies of Miss Brenda Petty, this Commission of Inquiry grants her the status of an expert, handwriting. handwriting expert.

**Senior Counsel Harrison** 1:19:23: Document Examiner, Letter. Thank you.

**Brenda Petty** 1:19:27: Thank you.

**Senior Counsel Harrison** 1:19:29: Thank you, Chair. Now Miss Brenda Petty. You prepared a report on system and consisting of how many pages, madam?

**Brenda Petty** 1:19:47: Yes.

**Senior Counsel Harrison** 1:19:48: How many pages does the report consists of?

**Brenda Petty** 1:19:50: I think it was 14.

**Senior Counsel Harrison** 1:19:57: Thank you, but you also had included in that document, some other information in respect of your sources and actual documents?

**Brenda Petty** 1:20:06: Yeah.

**Senior Counsel Harrison** 1:20:07: What it is like, Thank you. Just to indicate that to signal Counsel I won't be leading the witness anymore.

**Chairman Perinchief** 1:20:15: Thank you, Counsel. I thought you were going to give them yourself for awhile. That's just an aside.

**Senior Counsel Harrison** 1:20:22: I realize .

**W. Perinchief-Chairman** 1:20:25: Yes.

**Senior Counsel Harrison** 1:20:26: I know we need leadership. I know we need leader, leadership in the world, but I didn't plan to do it this way.

**Chairman Perinchief** 1:20:31: Yes. So, if you would, um, we do have your, your, your evidence here, and uh Counsel if you could start off and request which pages to be referred to.

**Senior Counsel Harrison** 1:20:45: Thank you. Chairman. My first application is that the document consisting of 14 pages. It's a report of Miss Brenda Petty. It's signed by her the 20th on the 25th of January 2021, which is which, which appears on the 14th page. It is also signed by a Stacey Crump, who is a commission. My application is at the 14 pages of this report, Question Document Examiner Letter and Report that you could tendered and admitted as Exhibit BP 1

**Chairman Perinchief** 1:21:27: Yes, that document will be recorded as BP 1

**Senior Counsel Harrison** 1:21:34: For the purposes of the exercise, however, Chairman, I'm just going to ask that also attached to her report, are another 30 pages which include the documents sent to the witness as also bibliography as also, documents indicating training and conferences attended. I'd ask that those other 30 pages my count 30 pages. The witness could indicate how many they consist of that those could be made Exhibit BP 2? So, the report is BP 1. And the attachments that have the bibliography and the documents and, those 30 pages could be BP 2.

**Chairman Perinchief** 1:22:59: Yes, as requested, an attachment to the original Exhibit BP 1, of Brenda Petty., that the 30 pages be added as an attachment and be designated Exibit BP 2.

**Senior Counsel Harrison** 1:23:26: Oh madam, thank you. Your report, which is BP 1, what exactly is the subject of that report, madam?

**Brenda Petty** 1:23:38: The subject of the report is John Virgil. And it also includes...

**Senior Counsel Harrison** 1:23:46: Sorry, could I just ask you just to indicate the subject as appears on page one?

**Brenda Petty** 1:23:51: Uh huh. John Augustus Alexander Virgil and Algernon Doars.

**Senior Counsel Harrison** 1:24:01: Thank you. Now, could I just ask you to, before I allow you to take us through the report. Could you just remind us of the documents you received madam?

**Brenda Petty** 1:24:14: I received three question documents, a six page conveyance two sales agreements, and a document with a central authority stamp on it.

**Senior Counsel Harrison** 1:24:31: Thank you.

**Brenda Petty** 1:24:33: I also received comparison documents that contain the signatures of Mr. Virgil and Mr. Doars.

**Senior Counsel Harrison** 1:24:45: Now, these documents that you received madam, were they original, or what or other type documents?

**Brenda Petty** 1:24:54: They were copies.

**Senior Counsel Harrison** 1:24:57: And before we go, go ahead, go ahead, ma'am.

**Brenda Petty** 1:25:00: The I did not receive the original documents. I was not given the information if the originals existed or not. However, I always request in my report, when I examine documents that I don't see the originals that if the original is available. I will be glad to examine the original.

**Senior Counsel Harrison** 1:25:25: Thank you. Could you just take us through the report from paragraph 3 madam? Please go ahead.

**Brenda Petty** 1:25:33: I had two purported known signatures of John Augustus Alexander Virgil, and I labeled these for my Exhibits as K 1 and K 2. On the questioned documents that I received, there were a total of four. There were three question documents, but there were four questioned signatures that were on those three documents. I labeled the question signatures, Q1, Q2, Q3 and Q4 for Mr. Virgil. On the um, did you want me to proceed to number five?

**Senior Counsel Harrison** 1:26:23: Please, please. Yes, please.

**Brenda Petty** 1:26:25: Okay. On I…

**Senior Counsel Harrison** 1:26:27: Just said just before you do, can I just ask you particularly in terms of the name, John Augustus Alexander Virgil, the spelling of the word Augustus, you have a G. Is that how you? Is that how you? Is that what you got? Or, that's what, I want to speak about that.

**Brenda Petty** 1:26:46: I made the decision. I actually, when I typed the report, the first time I, when. I used the spelling, A-U-G-U-S-T-U-S. as was keyed on the document. But then I noted that Mr. Virgil, on his, on the will, for the

**Senior Counsel Harrison** 1:27:08: The person purporting the person put, the signature purporting to be Virgil's?

**Brenda Petty** 1:27:11: Yes, correct. It was recorded to be his signature on the will, I noticed that he actually spelled his name, A-G instead of A-U-G He spelled it A-G-U. And so, because I then I went through a deliberation process because sometimes documents can have the wrong name keyed on them, but the person usually will spell their name the correct way. And so, I chose since he had spell, or since he had purportedly signed his name as A-G-U, I went back and changed the name instead of A-U-G-U, which would be standard. The standard way of spelling the name. I went back and changed it to A-G-U to match the way that it appeared Mr. Virgil signed his name.

**Senior Counsel Harrison** 1:28:13: Thank you. Now, could you continue to take us through the paragraph? Have you, have you had completed paragraph four?

**Brenda Petty** 1:28:25: Yes. The next purported signatures I received were Algernon Doars and I labeled those C 1a through C 4b . There were uh, there were four of them. And so to have the consistency between the labeling of Mr. Virgil and Mr. Doars, I gave Mr. Doars the C 1a through C 4b. So could explain through the report with consistency, which part of the exam was Mr. Doars compared to what was Mr. Virgil's. And the two sell agreements is where the the question signatures of Mr. Doars was located. And those were the two same sell agreements that Mr. Virgil's name also was on. So I labeled those particular signatures of Mr. Doars. Could you Q 3a and Q 4a.

**Senior Counsel Harrison** 1:29:33: Thank you may proceed madam.

**Brenda Petty** 1:29:36: On the next document, I received.

**Senior Counsel Harrison** 1:29:39: What paragraph, what paragraph are you at now madam?

**Brenda Petty** 1:29:41: Number seven.

**Senior Counsel Harrison** 1:29:42: Thank you very much.

**Brenda Petty** 1:29:44: I received a, the document was, it had a central planning authority received date stamp on it. I was asked to review it for any oddities with the stamp and it was labeled as one. So that differentials, differences between the exam could be easily tracked to each part of it.

**Senior Counsel Harrison** 1:30:12: Thank you, please proceed. In handwriting, we handwriting is always some type of a comparison process and comparing purported known comparison signatures to signatures that are considered questioned. And in the examination of those signatures, there is a balance that we go through and a decision process or an analyzation process, that document examiners go to that brings weight to the opinion. And in good similarities, or in good simulations, when a person is attempting to write the signature of another person, always similarities are expected. And so, whether a similarity is given greater weight, or a significant difference is given weight. In handwriting examination, it becomes important that if there is a complete difference in a handwriting trait, that presents itself, that actually carries a greater weight in the analyzation process to reach the opinion than just a similarity does. And so, in this part of starting in 8, 9, 10. If you could move the document down please, farther please. Ten and through nine, I discuss so that, that those that are reading the report will have just a little bit of information on how the analyzation process goes, when we are coming to form an opinion.

And invalidation of handwriting experts in court, one of the things in our generation that has established that handwriting is individualized, is Mr. Sahari, he created a Microsoft program. And it's used in the United States in the US Postal Office. And with 1500 different samples of handwriting, he was able to show with a 96% accuracy rate, that handwriting could be identified. And so it was, it has been in our generation, one of the things that has produced a, and aided in helping get handwriting into the court system and, and admitting the evidence into the court system. In number 11, I just explained what natural variation is. Every person who writes has their own writing habit. And writing is always formed. The brain, the muscles, and the nerves are always that has the precedence over the way a person writes. If a person learns to write and becomes mature in their writing habit. Like in the beginning, when we're first learning to write the word cat, we have to go C-A-T. But as we mature, and we become uh, usually around the age of 12, the maturity begins that you no longer have to think C-A-T, just automatically spell it. And so, our brain as it, as it comes to this process where it no longer has to think about how a word is spelled and just automatically writes it. Then from that point, people began to leave what is called the copybook style or the way they were taught to write and they begin to individualize their handwriting. And because of the influence of the brain, the muscles and the nerves on handwriting, then it becomes individualized and that's where the basic two basic principles of handwriting identification come in, that no person writes the same, exactly the same every time they write. And no two people write exactly the same or can write exactly the same for any extended period of writing.

On number 12, I go through the process of, of what happened when I received the documents. And, and what I did with those documents when I received them. Could you just take us. Could you take us through that, please. Take us through paragraph 12. Could you just read it for us please?.

**Brenda Petty** 1:35:35: Yeah.

**Senior Counsel Harrison** 1:35:35: Or summarize which ever one. On January the 11th of 2021, I received exemplars by email from Docufraud Canada, with a purported known handwritten signatures of John Augustus Alexander Virgil, and three question documents with the question signatures of John Augustus Alexander Virgil and John Augustus Virgil. Two of the question documents sell, sell agreements also contain the name of Algonan Doars, as well as the name of John Augustus Virgil. I also received comparison documents with the name of Algonan Doars, and one of the documents received contained a date stamp that was to be reviewed for oddities. All of the documents I go through a standardize, it's always important that a document examiner with each case goes through a specific way, a standard way, a systematic way of examining the documents. And so, the documents are scanned in. I labeled the documents according to what kind of document it is, and give that exhibit a label. I enlarge those. I put them into, I make exam sheets and I copy and paste the signatures into the exam sheets and label each of the signatures so that I can go back to the document that it came from. And.. Before you go any further Miss Petty, you and you in fact did this on this occasion, not only what you would normally do you did it in this on this occasion also?

**Brenda Petty** 1:37:16: That is correct.

**Senior Counsel Harrison** 1:37:17: Okay, you may proceed madam.

**Brenda Petty** 1:37:19: On, on the documents that I received, I did my standard a, standard systematic process of labeling the documents of them being scanned in, labeled and then placed into an exam sheet so that I can compare stroke against stroke of the signatures with the comparison signatures against the question signatures. I broke this particular report into three different sections. Since I would, there were three different parts to what I was asked to do. Section one is the illustration process of John Augustus Alexander, Virgil, or John Augustus Virgil and this is, these, these are my exam sheet. These are copies of my exam sheets and the way I laid them out. And...

**Senior Counsel Harrison** 1:38:21: And may I just ask you just to. No, No don't move the, don't move the screen please. Can I just ask you, because this is very important, please just take us through. I know earlier the paragraph before you spoke about exam sheets, please explain to us exactly what is presented here. And please take us through exactly, what exactly we're seeing that which is projected on the screen now. Thank you.

**Brenda Petty** 1:38:46: On the exam sheets, what you are looking at is at the top of each of my pages, I always put the questions signatures, I show in a little box beside them if the box is red, it is it means that two questions signature so I can automatically not be confused when I look at any any of my exam sheets or my documents. If it's in red, I know that it's a question document, I label where I received that document and the date of the signature inside the box so that he carries the information of each of the signatures so they can each be found on the document quickly.

**Senior Counsel Harrison** 1:39:30: I noticed that in your sub title you have lineup of question and known signatures of John Augustus Alexander Virgil slash John Augustus Virgil Why have you written in one instance the two middle names and another instance only one middle name? Could you explain that please?

**Brenda Petty** 1:39:49: Yes, because in in this particular one, the questioned signatures had the full name John Augustus Alexander Virgil And but one of the the comparison documents only listed John Augustus Virgil. And so, I wanted to be as accurate as possible in the report and list of how his name was presented to me in the examination.

**Senior Counsel Harrison** 1:40:23: Thank you, you may continue madam. In terms of the lineups, would you wish to go to another slide or, you?

**Brenda Petty** 1:40:29: Please. Yes, scroll down.

**Senior Counsel Harrison** 1:40:31: Thank you.

**Brenda Petty** 1:40:33: So there were a total of four questioned signatures. And so, on this on page five. At the top, we sit, we have the Q3 and the Q4. And I apologize, there were parts of it that cannot be seen. But then after you go through a copying process it some of the strokes lose even more strokes. So, what you are seeing, some of it looks lighter than it actually looked in my original examination. But for the most part, this this isn't too bad considering it's been copied.

**Senior Counsel Harrison** 1:41:09: Okay. Just before you go further, earlier, you had indicated to us moments or that the questioned documents are placed in red. I see that you will, excuse me, you have a red box rectangular box? Is that what you mean?

**Brenda Petty** 1:41:23: Yes, it is.

**Senior Counsel Harrison** 1:41:24: Okay. And you also said that there are five, five questioned documents what you are, you have taken us to page 5, but there are only two here? That's correct.

**Brenda Petty** 1:41:35: The other two were on page 4.

**Senior Counsel Harrison** 1:41:38: Right. I'm just making sure because you started off by speaking about five. You may continue.

**Brenda Petty** 1:41:45: I'm sorry, say that again?

**Senior Counsel Harrison** 1:41:47: No, you started off when we got to page five to indicate that your five question documents, so I was just, we're now at page five. I'm just trying to ensure that we are on, not just the same page. But we are continuing in the same line of thought. You may proceed madam.

**Brenda Petty** 1:42:03: Yes, yes, I'm. On page five we, the other two questioned signatures are placed with the identifiers in the box beside them. On the below the question documents are the known comparisons. I only had two known comparisons in this case for Mr. Virgil. And in, they are listed, I usually list them it's hard to tell it on this. But the box that outlines them are blue. It's just my,my preference it's just the way that I specifically identify the separation of signatures. And so the K 1 is the signature from the last will and testament that was stated in May 21, 1964. And then there was. I was given a John Virgil signature from a, To Whom It My Concern Letter of March 3, 1956.

**Senior Counsel Harrison** 1:43:07: Now, could I ask you just before you go any further, you indicated that you were only given two, two examples. My word, I think you use the word known signatures. How did this limit you in terms of the opinion that you're giving, given 2, as against 21 or, 2 as against another number? Did it affect your ability to provide the opinion that you're giving us now, having only 2 to work with?

**Brenda Petty** 1:43:39: It does limit. Um, I, my opinion could not be as high with only the two comparisons that I was given. And there was also a disadvantage to the exam, because of the difference in time from 1964 to 1969, was the closest and contemporaneous timeframe that I was, that I had a signature to look at. I was not given any, any information as to Mr. Virgil's health between 64 and 69. As to why that there may have been a decline in handwriting that was exhibited in the question signature. And so, all of these, all of these have to be considered, because what an examination does, it is a search for truth. And it is a search to be as accurate as possible in the examination. And so, it's very important to have as much necessary information and have as much comparison signatures that, that helps in the examination. So that the the exam itself can be as accurate as possible. But you don't ever want to have too much information, more information that could possibly lead to any type of bias. Because as a document examiner, I am not an advocate of the one who engages my services. I have, my services are engaged, to be truthful, to have a good examination and to be as honest in that examination as I can be. And that's what I always might, my intentions are in an exam. And so, this definitely, there was a disadvantage to not having more signatures than what I had received.

**Senior Counsel Harrison** 1:45:47: Thank you very much. Could you continue? Where are you now at paragraph 19, on Page 6?

**Brenda Petty** 1:45:53: On 16, yes. And so, what, first of all, I recognized that there are similarities between the question signatures and the non -signatures. And basically, I state the same thing, I've already stated. There was a five-year difference. And so it is, that it, that is the area that I recognize similarities, I recognize they are there, I recognize that there is a timeframe difference that brings a disadvantage. And so, I recognize the way that they are written. And then on page 6, I begin to go into the significant differences that,

**Senior Counsel Harrison** 1:46:39: Can you take us back to the top of the page, please? thank you. You may continue madam.

**Brenda Petty** 1:46:45: The a, In 19, I explain the similarities that are found, between the question signatures, and the known exemplars or the known comparisons. And he had an unusual way of forming his "X." And that usually has to do with the way a person is taught to write. But with him, he made his "X" so, that the left side look like a sideways you and the right side look like a, the opposite side, a mirror image of that. And he met them together in the center. And so that what, what I was looking for in this is certain writing traits that begin to individualize his own habit and his own style of writing. And so, there were some of his style of writing that was found in the question signatures.

**Senior Counsel Harrison** 1:47:49: Thank you.

**Brenda Petty** 1:47:50: A good simulation will always have similarities that cannot be denied. Anytime someone is attempting to copy another person's signature, they always attempt a pictorial look. It is not in the pictorial look that, that document examiners look for. We begin to look for the differences, or the similarities, that there are in the strokes that are written in that signature, so that we can begin to find the pattern because handwriting identification involves pattern recognition. And so, we began to look at the different strokes in pattern recognition. One of the things, and this examination has, I've already stated was that I did not have but two exemplars or two comparison signatures. But what I did find very concerning in the 4 questioned signatures, were, were things when I began to look at them that, that didn't make a lot of sense, because from the 1964 signature to the 1969 signatures, there was, it had been what appeared to be a decline in writing. And so there were things about the, what appeared to be a decline in writing throughout the signatures, that did not seem to be logical. One of the things about the similarities and the cues. Mr. Virgil had the, he drew he didn't just…

**Senior Counsel Harrison** 1:49:40: Or, what purports to be Mr. Virgil’s signature.

**Brenda Petty** 1:49:44: Thank you for correcting me. What purported to be his signature. At the top of the known comparisons, he would draw on the, on the "J" He would draw the stem down but, he drew separately the loop on the top of the J's. And when I examined the question, "Js", they had that same, they had the same thing that was noted in the known, purported known comparisons. That straight line mark, and then the loop that was drawn on the top.

**Senior Counsel Harrison** 1:50:32: And just before you go any further, I bother to ask you a very important question. Do you see the clients that engage you to sit in the room today?

**Brenda Petty** 1:50:43: Please say that again.

**Senior Counsel Harrison** 1:50:45: The clients that engaged you, do see them in a room today?

**Brenda Petty** 1:50:50: The clients, did you say?

**Senior Counsel Harrison** 1:50:51: Who engaged you? Yes, the Browns?

**Brenda Petty** 1:50:54: I do know, I have not met him face to face and I had not met them or seen their faces until today.

**Senior Counsel Harrison** 1:51:03: Okay, all right. So, we'll, I'll have the Browns answer that later. You may continue. You were in the middle of the sentence, and I interrupted you rudely, please forgive me.

**Brenda Petty** 1:51:18: Okay, if we could scroll back up to the J's one more time, though, the one thing about these J's on the question documents that that was very curious or suspicious, was the smooth execution on these J's. When the, the leg of the J was drawn downwards. He The, the author of these signatures, made a backward sloop cross the stem then come underneath and stopped after crossing, after crossing the leg, or the stem of the J. These were very smooth executions. It doesn't, they were drawn very quickly, they were not started or stopped, it was smooth ex, executions. And the ovals were very, very well made and very well formed. And now if you could go to page seven, please. I noticed that on the Q1 and Q2, the G in Augustus has the top and bottom loop well formed. And you can look at, at that and see that that G is very well formed. But then when you look at the Q and 3, if you can scroll down just a little bit farther. I know it's hard to see from this and this copy. But when you look at the G on the Q, and the 3, the movement of it is is really awkward when compared to the Q1 and Q2. And these were all supposed to have been signed at about the same time.

And so, the G on the Q1 and the Q2 is smoothly executed, the loop is smoothly executed. But you come to the Q3 and Q4. And on the name Augustus, there is a line that, a connection stroke from the A to the U and the G was forgotten, and then

they came back and they filled in that G but they didn't fill it in with a round loop. They didn't fill it in with the bottom of, of the loop coming up. It's just strike. And the same thing on the Q4. The connection stroke went from the A to the U and completely omitted the G. And the G came, was written after, after the fact. And so the, the forgetting of a letter when someone is writing their name, and the forgetting of letter. And then strokes formed after the fact usually represents someone that is attempting to simulate another person's handwriting. And so even though I did not have very many comparison exemplars to compare the Q's to there were things in the Q's there are in the Q1, Q2 Q,

**Senior Counsel Harrison** 1:54:48: Okay. Thank you yes.

**Brenda Petty** 1:54:50: In the in the Q signatures, there were several signs, standard consistent signs. With someone who is attempting to simulate the signature of another person. And if a person has a problem with ovals, they usually have a consistent problem with ovals. And I noticed that on the Q1, the H in John, it had been written in different stages, it was not written all at one time, it wasn't written smoothly. It was written in starts and stops. You can see on the top on the right side of the top of the H when the oval is formed. In the center part of that you can see those two little dots where it came. It's an, it's called an ink blob. But what happens is when they stop writing, the ink bleeds. And so, what happened on that was when the person started to draw the loop on the top of the H, they actually stopped where those little dots are, and the ink bled. And then they continued their movement, and finish forming the loop, come down in first, and formed that first H or, the first leg on the H. And then what they did is they stopped their movement with their pen again, and they drew the bottom part of the H. You can see it squared off. But that's all been done with different movements. It was not done in just one simple movement of continuous movement. It was done with starts and stops, and then continuation. Those are usually signs of simulation, strong signs of simulation. With Mr. Doar's handwriting, the...

**Senior Counsel Harrison** 1:57:03: Sorry, where have you gone, you have gone now to page 8?

**Brenda Petty** 1:57:06: That that's it was scrolled down to

**Senior Counsel Harrison** 1:57:10: You wish to go to 8 now?

**Brenda Petty** 1:57:12: Well, I'd like to finish with page 7.

**Senior Counsel Harrison** 1:57:14: Okay, please go back.

**Brenda Petty** 1:57:17: There were some other things that I wanted to show on the Q1 and the Q2. Another thing that was very strange with the Q1 and the Q2. See how well formed the G is on Augustus. It is formed, the upper loop is formed, the lower loop is formed. And it's a large loop, it isn't small. But when the name. When the G is formed on Virgil, again, we say they leave out the loop. And they have to come in after they've written the name Virgil, they come back and they make, they formed that loop on the top of the G as a completely separate loop. After the name Virgil was written. That was all done after the fact, if,it they came back touched up the signature. On the Alexander on the Q1. It appears when they did the X that they were attempting to make the x look like the X in Alexander the way the purported exemplar was. And they made an error in it. And rather than try to touch it up, they just kind of left it. It looks like an N instead of an X.

On the Q2, they did a better job. They were able to make that left hand and then the right hand to meet in the center like a kiss. It's it's like the x meets in the center like a kiss. And they were able to do that. But on the Q1 they were not able to do that. They messed it up. But rather than try to correct it, they just left it where they actually got it better on the Q2. But the the G's are still messed up the elbows on the GS was written after the fact they came back and drew that circle over the GS after they were written, which are all signs of simulation on the Q3 and Q4. You can see in the Augustus again, that connection stroke from the A to the U it was it was it looks like it's been added you can see where they've started and they've stopped and they made that and then they left out the G and they came back and they wrote that G it's just from a document examiners looking at this, it's just they were attempting to make it look right and they did not get it exactly right.

And you see that on the the connection stroke from the A that went straight to the you after the G not not before. And then they formed that loop on the G afterwards, when scroll down just a little bit please. So, we can see the K document Okay, there is the K 1, there is the purported signature of Mr. Virgil, and how he made the X how he formed the Gs, and we can see that there is a little bit of decline that is starting to happen, there is some a little bit of, you can begin to see a little bit of shakiness that is happening in his writing. But you can also see that he is still has a very high skill level in writing, that by the time we see the question signatures in 1969, the're are, the signatures have digressed. But not only digressed there are many touchups many starts and stops in the writing of the signatures which brings all, which brings the question signatures into suspicion that they are not genuine. Please now to page 8 please.

On Mr. Doars', what I noticed with these questioned signatures, first of all, was they are not, they have a look of being written in cursive. But when you actually look at the way they're written, it's a, there's the connection strokes is missing. They are more, some of them have the look of a cursive like the A and the G. But then looking at the R and the N and the O and the N, they're all separate, like they've been printed. The D has a little at the bottom of the D. It has a little movement at the at the first at the bottom of the first stroke, that movement moves up, and then it moves back down. And then it makes the oval and comes around and there's a loop in the top of it. And then when you look at the rest of it there also, it has more of a printed look than it actually does a written look and scroll down please. When the, Oh wow. It's really hard to see these and I wish you had a better copy of this. But you can tell on the C2 and the C 2a and the C 2b. You can actually see the difference in the formation of those Ds.

If Mr. Doars had written the questioned, the two questioned signatures, it means that he would have had to have changed his writing habit. He does not have at the bottom of the D. He doesn't have that little up and down movement that is seen on the question documents. And he doesn't have the loop. He, he comes straight down. He moves up and he moves over to the left. But he does not make a loop on the top of his Ds. And so it would be easier for me to make the question signature D than it would be for me to make the D that Mr. Doars used are, in the purported comparisons signatures of Mr. Doars. But, But you're looking at a complete change in handwriting habit, handwriting traits. And I don't know how old Mr. Doars was at this time. But most of the time, by the time people reach their adulthood, they have a certain way. And you can look at all of those signatures, the non-signatures of his and see how they were formed. And yet, all of a sudden, we come to those two questioned, signatures, and they're just different. I, does a lay person can see that those signatures are different. Are there similarities, there absolutely are similarities, but those Ds have a completely different in writing habit. And so, in the formation of the opinion as I am balancing these different things, I would say that it would be very unusual that a person would completely change the way that they formed the D in their name to a different type of D. And so, what happens when a person is attempting to simulate another person's handwriting? If they cannot completely control their brain, their muscles and their nerves. And so, what happens, even in simulation, they will revert back without sometimes even realizing it, they will revert back to their own habit. And as a document examiner, I think that is what happened in this, on the Q3 and Q4a. Compared to the C documents was that in the attempt to simulate Mr. Doars signature, they actually deviated back to their own handwriting habit when they formed the D. Okay, page 9 please.

These are still more the signatures and you can see that all of those Ds. They look kind of like a capital O more than they do a D. But they are completely formed differently, then what the Ds are on the question signatures. I think that, I think I've kind of stepped ahead of myself on this. And I've explained all of this already. This was the date stamp. Date stamps can become old have, I have myself in working in offices, used lots of date stamps, and when date stamps become old, it's not unusual for them to begin to miss a few pieces from the date stamp itself. But what's unusual about this state stamp is that it is so out of alignment on the edges. It is the straightness of the lines is completely malformed.

The, on the 1969, you can see that 6, and it looks really good. But that 9 has been written in it does that that is not a a preformed 9, on a date stamp, someone has written that 9 in. The 3 you can tell on the February 3, you can tell the 3 is not complete, and they've went in and it's bigger. See what how size, the size of it, it is bigger. And it you can see a touch up a definite touch up on the bottom of the three where someone has either gone in and changed a number from one number to another number or winning and touched up the bottom of it. But the most unusual thing about that stamp is it looks as though there was a signature that had been written on the line that says par and the straight line. It looks like that there was a signature that was written there that has either been bleached out or whited out in some way. And the reason that you can or, the way that you can tell that there's something that has happened to a signature written there is because in the words planning, part of those signature are part of that writing has also been bleached out where it accommodated that signature that was on that.

And so, I do not have an answer as to why that someone would have needed to have bleached status signature, or why do you doubt his signature or tried to erase a signature, but it's very obvious that's what's happened. Because in the word planning above it, parts of the lettering are gone. And the parts of the lettering that are gone corresponds to what appears to be bleached out or whited out or, erased out ink below it.

**Senior Counsel Harrison** 2:09:42: You wish to go to the next page?

**Brenda Petty** 2:09:48: I think I think I in before we got to that page. I think is we came by this I discussed everything and, and showed all the problems with the stamp as we came by.

**Senior Counsel Harrison** 2:09:59: Okay. And did you, but you may go ahead, go ahead. Continue please.

**Brenda Petty** 2:10:08: So, after going through the examination process, it is my opinion.

**Senior Counsel Harrison** 2:10:14: I'm sorry, I'm sorry. Could you? Could you take us to page 12? Cause I think we skipped page 12? Just continue there, please.

**Brenda Petty** 2:10:24: Okay. So, on page 12, I have on the top part of this, I think I've already described, I think I described all of this when I came across the image on page 11.

**Senior Counsel Harrison** 2:10:40: Okay, thank you. You're now on page 13.

**Brenda Petty** 2:10:45: I think I'm on page 12.

**Senior Counsel Harrison** 2:10:47: Okay, the middle of page 12. Okay, thank you. You may proceed madam.

**Brenda Petty** 2:10:53: And so on page 12, I've rendered an opinion, and expressed that there were four questions,\ signatures of Mr. Virgil. They were labeled Q1, Q2, Q3, and Q4. And that the probability existed, that they were not genuine and were not written by the hand of John Augustus Alexander Virgil, or, John Augustus Virgil. And then my opinion regarding the signatures of Mr. Doars was that the probability existed, that they were not genuine, and were not written by the hand of Mr. Doers. And that the date stamp, it shows typical wear and tear, but it's also noticed there were touch ups on the number 3. The number 9 was completely written by hand, there was an area that looked like some type of bleaching or erasing had happened. And that, you know, I don't have an, I don't have a reason for that. But those were the things regarding the date stamp. And the things that I found in the date stamp that that seem to be odd or out of normal.

On page 13, I just I just go through what we look for as forensic document examiners, in looking at the strokes, the slant, the rhythm, the starts, the stops, everything that happens in the strokes, and in the signatures, when we are in the examination process. So that if we do not find anything that is a fundamental writing habit, then we usually find that that person was the author of of that. But in this case, I could not do that with the signatures of Mr. Virgil and Mr. Doars because I, I found complete differences in writing habit in traits, and therefore, that brought this signatures into a non- genuine status with my examination. And then I just state that I'm willing to testify to the court and willing to render my opinions and explain how I arrived at them.

**Senior Counsel Harrison** 2:13:14: Thank you very much for this report. And your evidence given. I have no further questions. Um, Miss. one, one question however. The document you received for the requests made for the examination. You indicated it was dated. Could you just share? Do you have that document and who the request was made from? Did that come in your request?

**Brenda Petty** 2:13:50: Uh, my request actually came from Docufraud? And..

**Senior Counsel Harrison** 2:13:57: which is...

**Brenda Petty** 2:13:59: I'm sorry?

**Senior Counsel Harrison** 2:14:00: Is that that's a database or central

**Brenda Petty** 2:14:03: Docufraud is the name of the company that contracts my handwriting services in Canada. And they actually sent me the request and the request was for the examination of John Virgil signatures and Mr. Doars signatures and of the stamp. That's what I was requested to do in the exam.

**Senior Counsel Harrison** 2:14:27: All right, thank you very much. I have nothing further Chairman and Commissioners.

**Chairman Perinchief** 2:14:34: Yeah, Counsel at this point, it may be appropriate to ask the other persons who were, which adverse notice has been sent if they have any questions?

**Senior Counsel Harrison** 2:14:45: Certainly Chairman.

**W. Perinchief-Chairman** 2:14:46: Start with. I'll start with Mr.Hanson?

**Senior Counsel Harrison** 2:14:52: No questions for me. Thank you, Mr. Chairman.

**Chairman Perinchief** 2:14:55: No questions. I'll move on to Mr. Kim. White. And I move on to Miss Myra Virgil.

**Senior Counsel Harrison** 2:15:05: No, I'm sorry, Mr. White indicate no questions? Oh, Okay.

**W. Perinchief-Chairman** 2:15:11: Miss Virgil.

**Myra Virgil** 2:15:14: No questions. It doesn't really(?)

**Chairman Perinchief** 2:15:18: Counsel with that, I would I'll ask the witnesses themselves. Mr. Brown and Mr. George Brown Mr.

**Senior Counsel Harrison** 2:15:26: A Chairman, probably we don't um. Well, you may go ahead, Chairman. You may go ahead.

**Chairman Perinchief** 2:15:37: I was just gonna ask if the 2 Browns have any questions, sir.

**Charles Brown** 2:15:43: No questions.

**Chairman Perinchief** 2:15:45: No questions and Commission. Mr. Starling, our Commissioner of the Commission of Inquiry will ask a question.

**Jonathan Starling** 2:15:58: Good afternoon, Miss Petty.

**Brenda Petty** 2:15:59: Good afternoon.

**Jonathan Starling** 2:16:01: I've got a few quick questions. For the, I'm gonna call them the J A V signatures. John Augustus Alexandra Virgil signatures. Would you say that the two K signatures the two that you have as exemplars,were they written by the same person?

**Brenda Petty** 2:16:21: Yeah.

**Jonathan Starling** 2:16:22: Just Would you say that the questioned signatures? Were they written by a different but same person or by different persons?

**Brenda Petty** 2:16:36: I would say that, that they were written by that the Qs were written by one hand, and that the nouns were written by a different hand.

**Jonathan Starling** 2:16:49: Could you repeat that, please?

**Brenda Petty** 2:16:50: Yes. The I would say that that. Let me let me say it because I think I understand what you're saying. So let me see if I can state it more simply and clearer. I think that the four question signatures were written all by the same hand, but it was not the hand of Mr. Virgil. And that the two

exemplars that were comparison exemplars are known exemplars. And Mr. Virgil were also written by one hand, that being from what I could see, would be considered the hand of Mr. Virgil.

**Jonathan Starling** 2:17:30: Thank you. I had a similar question regarding the signatures of Algernon. Doars I can't pronounce his name

**W. Perinchief-Chairman** 2:17:36: Doars.

**Jonathan Starling** 2:17:36: Doars.

**Brenda Petty** 2:17:44: I think the question signatures of Mr. Doars were written by the same hand. But it was not the same hand that wrote the comparison signatures of Mr. Doars. Did that state that more simply incorrectly that that time?

**Jonathan Starling** 2:18:00: I just wanted to underline it from my own understanding. I have one final question for you, Miss Miss Petty. When you were opening, regarding paragraph 11, you talked about how individual handwriting is unique and akin to a fingerprint. But you did happen to say in passing, that no two people could write identical handwriting for an extended period of time. What constitutes an extended period of time you didn't actually write that in the paragraph 11. You but you did give voice to that.

**Brenda Petty** 2:18:36: What I mean by that is, those are two of the basic principles of handwriting identification. And when one person is attempting to write something to look like someone else, that they they may be able to write something that looks like someone else, maybe for one word, or maybe four part of a word, but they cannot without deviating back to their own handwriting. They cannot completely master another person's handwriting without deeping deviating back to their own handwriting habit.

**Jonathan Starling** 2:19:20: Thank you for the clarification, and much appreciated. Thank you.

**Brenda Petty** 2:19:24: You're welcome.

**W. Perinchief-Chairman** 2:19:25: Yes, As at this point, Council, this Commission, wishes to thank the witness, Miss Petty, for her testimony. And if you would have the last word Counsel.

**Senior Counsel Harrison** 2:19:39: Thank you, Chairman. Thank you, Miss Petty. Mr. Chairman. I think it may be a convenient time. It's Friday afternoon and it's 3:25. I'm not certain what the view is of the panel and also Counsel.

**W. Perinchief-Chairman** 2:19:53: Counsel, there's one one thing it's been indicated to me that Miss Virgil wishes to make a statement. Is that correct, Miss Virgil? Yes. Yes. Pleasant appetite

**Myra Virgil** 2:20:08: Yes, It's been a long day.

**Chairman Perinchief** 2:20:09: It's an appropriate time to make your statement, Miss Virgil.

**Senior Counsel Harrison** 2:20:14: Uh,Chairman.

**W. Perinchief-Chairman** 2:20:15: Yes, Counsel.

**Senior Counsel Harrison** 2:20:17: Chairman. I'm not certain that probably the approach that we would take is that we would complete the evidence of the witnesses. We still have some more, we still have Mr. Adams to hear from him. At the conclusion of that, then in the order that the persons to whom adverse notices had been issued, they may then state their case there, then and their Chairman. But we still, we still have to conclude with the evidence of Mr. Adams. I think we all accept Mister. And probably to Hansen too but I know, Mr. White, and I have a few questions for Mr. Adams.

**W. Perinchief-Chairman** 2:21:00: All right. Miss Virgil, you heard Counsel's advice at this point. And I believe your question would have been to the substantive evidence that has been given by the named witnesses, and you have that opportunity. On another occasion. Is that understood?

**Myra Virgil** 2:21:20: Yes.

**Chairman Perinchief** 2:21:22: Yes, it's understood All right, Counsel, I'll hand it back to you.

**Senior Counsel Harrison** 2:21:27: Chairman, I'm wondering whether Monday is convenient for all persons.

**W. Perinchief-Chairman** 2:21:32: Oh.

**Senior Counsel Harrison** 2:21:33: Tuesday?

**W. Perinchief-Chairman** 2:21:35: I'll start. I'll start with Mr. White.

**Kim White-Attorney** 2:21:38: No.

**W. Perinchief-Chairman** 2:21:39: Monday is not appropriate.

**Kim White-Attorney** 2:21:41: To sit down for Thursday and Friday. And we haven't gotten halfway through and I'm afraid I have other things, but I'm just gonna check my, turn my phone on. So, we wouldn't interrupt.

**Chairman Perinchief** 2:21:50: So that that is a no for Mr. White. He represents Mr. John Swan.

**Senior Counsel Harrison** 2:21:57: Yeah, so he's checking. He's turning on his very smartphone to tell us.

**W. Perinchief-Chairman** 2:22:06: Would the requests be made of Mr. White that you give us a…

**Senior Counsel Harrison** 2:22:11: Mr. Hanson and Miss Virgil.

**Kim White-Attorney** 2:22:13: Just give me a second, sir. The phone is turning on. I can just have a quick look.

**Chairman Perinchief** 2:22:16: Oh, he's referring to his smart phone.

**Senior Counsel Harrison** 2:22:19: Very smart phone Chairman.

**Kim White-Attorney** 2:22:23: Smarter than me.

**Michael Hanson-Attorney** 2:22:27: Wednesdays, Wednesdays clear for me but not Monday and Tuesday.

**Chairman Perinchief** 2:22:30: …required. And it is my presumption that you could now leave the meeting. Should you wish.

**Brenda Petty** 2:22:40: Thank you. It was nice to be with you in Bermuda today.

**Kim White-Attorney** 2:22:45: Come visit us soon. We need to see you.

**Brenda Petty** 2:22:47: Thank you.

**W. Perinchief-Chairman** 2:22:51: Thank you.

**Kim White-Attorney** 2:22:52: Sir, I have a Supreme Court matter on Tuesday, which I have not prepared for because I've been here for two days. I will need Monday to prepare for it for Tuesday.

**Chairman Perinchief** 2:23:00: I believe that. And I'll just speak generally, that next week is going to be fraught with obstacles for resumption of these hearings due to I believe, Good Friday. I believe there's a Wednesday holiday. And with deference and respect to Counsel, he has an urgent matter he must attend to. Counsel, I'm speaking on your behalf. It would appear to me that we should, um, that we may only have maybe one window, or so next week, and and it would be certainly after Monday. It can't be Wednesday. Tuesday, you're in preparation for Wednesday. So, I mean, practically, we probably could look maybe at Wednesday or Thursday. But

**Senior Counsel Harrison** 2:23:50: Wednesday, Wednesday? Wednesday will not be convenient for me at all.

**W. Perinchief-Chairman** 2:23:55: So next week looks like a wash. I mean, I'm I'm speaking generally. And I would think that we may have to adjourn at this point and do some

**Senior Counsel Harrison** 2:24:08: Chairman, the following week Monday?

**Chairman Perinchief** 2:24:11: The following week,

**Senior Counsel Harrison** 2:24:12: Monday.

**W. Perinchief-Chairman** 2:24:13: Monday. Miss, Mister. I put this to Mr. White and Mr. Hansen and Miss Virgil.

**John Swan** 2:24:20: That's the 5th right?

**Kim White-Attorney** 2:24:21: The 6th sorry, the 5th. sorry.

**Chairman Perinchief** 2:24:26: Mr. White is still consulting his...

**Senior Counsel Harrison** 2:24:28: It seems that Mr. Hanson has one of those very phones too so we need to..

**Court Assistant #2** 2:24:33: Excuse me. Excuse me Chair. Excuse me Chair. Can the Secretariat make a recommendation that we will deal with these administrative errors at another time?

**Senior Counsel Harrison** 2:24:44: No. Respectfully, we have all of them here in one place. Mr. Simons, please don't let them leave. We have them all here together at the same time. Let's use the opportunity.

**W. Perinchief-Chairman** 2:24:55: Having all the players in the room is very rare.

**Michael Hanson-Attorney** 2:24:58: Monday the 5th, Did you say Chair ?

**Senior Counsel Harrison** 2:25:02: Fifth, 5th..

**W. Perinchief-Chairman** 2:25:02: Monday, the sixth seems like a good Yeah. Monday, the fifth appears to be a possibility Counsel. Should we nail that to the wall?

**Myra Virgil** 2:25:17: Would that be a whole day, are we talking about? Because I'm, I'm working. I've had to take two days off.

**W. Perinchief-Chairman** 2:25:22: Yes Miss Virgil you are working. I understand that.

**Myra Virgil** 2:25:25: Okay. I'm working.

**W. Perinchief-Chairman** 2:25:27: But do you have the capability of appearing by Zoom at all? I mean, from another venue or at all?

**Myra Virgil** 2:25:35: No, so I'm dodging in and out of work. So, are we saying it's a half day? Are you trying to lock a whole day? What's going on here?

**Chairman Perinchief** 2:25:42: Well, plenty we would be planning at 10 o'clock in the morning start. It would be to continue evidence, especially in questions of Mr. Adams in particular, and some rebuttal I suppose evidence from Mr. Brown. But um...

**Kim White-Attorney** 2:26:06: Here at Willowbank Sir?

**W. Perinchief-Chairman** 2:26:08: Say it again?

**Kim White-Attorney** 2:26:09: Here at Willowbank on Monday, the fifth?

**Chairman Perinchief** 2:26:12: Monday, the fifth appears to be the day we're aiming at.

**Kim White-Attorney** 2:26:17: No, the venue sir here at Willowbank?

**Chairman Perinchief** 2:26:21: The venue at this time is. Well, we're aiming for this venue. But you didn't quite at the time we do have we do have a window of opportunity to negotiate or, or change. So, make it a tent, if we can make that a tentative date for Monday the 5th. Um, Miss Virgil and others we'll try to. we will contact you from the Secretariat. But as you can see, there's a bit of wheeling and dealing going on here.

**Senior Counsel Harrison** 2:26:55: Chairman, just to confirm the fifth of April is not a public holiday in Bermuda?

**W. Perinchief-Chairman** 2:26:59: There's no, no Counsel.

**Kim White-Attorney** 2:27:03: Only in the UK,

**W. Perinchief-Chairman** 2:27:04: Only in the UK and in Jamaica, I believe.

**Senior Counsel Harrison** 2:27:07: And Jamaica. Yes.

**Kim White-Attorney** 2:27:08: Oh, no, no Dear.

**Senior Counsel Harrison** 2:27:10: God fear, God fearing Jamaica. It's Easter Monday.

**W. Perinchief-Chairman** 2:27:13: Now Miss Virgil, I understand you're discomfort at this point. But further consultation with the Secretariat will give us a confirmation.

**Senior Counsel Harrison** 2:27:26: And the Browns Chairman. It's convenient for the Browns?

**W. Perinchief-Chairman** 2:27:31: Mr. George Brown and Mr...

**Charles Brown** 2:27:32: Yeah, we'll make it convenient.

**W. Perinchief-Chairman** 2:27:34: The Browns are indicating that they can make it, Counsel. So, I think it is Friday. And it's been a long, tortured bout. And I suggest that everybody be happy that we'll adjourn at this point unless there's any disagreement. And I just want to thank all the witnesses present and everybody who contributed to this afternoon's hearing. Thank you very much. We adjourn until Monday the 5th.

**Kim White-Attorney** 2:28:11: All rise.

END OF TRANSCRIPTION at 2:28:11