Students still mum about Shawn Reineke's death:

An unsolved homicide from 1984 at the University of Saskatchewan

by

David Scharf

**A thesis submitted to the Faculty of Graduate and Postdoctoral Affairs in
partial fulfillment of the requirements for the degree of**

Master

in

Journalism

Carleton University

Ottawa, Ontario

© 2016 David Scharf

Abstract

On September 29, 1984, 18-year-old Shawn Reineke was dropped down the garbage chute of a student residence at the University of Saskatchewan. Shawn suffered horrific injuries. He died the next day.

This work provides a biography of Shawn and historical context to his death.

This work reconstructs the night of September 28/29, 1984, and the Saskatoon Police Service investigation into Shawn's death.

This work concludes with an analysis of why nobody has ever been charged, as well as an account of what may have happened between 3:30 and 3:45 a.m., September 29, 1984.

This work is based on: an extensive review of sworn testimony at the Saskatchewan Coroner's Inquest into the Death of Shawn Reineke, February 4 – 6; a review of contemporaneous newspaper reports, television broadcasts, and archival photographs; contemporary interviews with Shawn's family, friends, and acquaintances; and contemporary interviews with students and police officers who were present in 1984.

Preface and acknowledgements

Sometime in November 2015, while chatting with my Carleton University journalism colleague Kelly Hobson, the conversation turned to university residences. Kelly had been a residence assistant at the University of Western Ontario. I told her the tale of “the young man who died after being put down a garbage chute” at a University of Saskatchewan residence when I was an undergraduate student in the 1980s. If you are my age and you are from Saskatoon, you have at least some memory of this story.

“Dave, you have to write this,” Kelly said. She has an insightful mind and superb instinct. I wondered if she was correct.

In December 2015 I visited Library and Archives Canada to read all of the *Saskatoon StarPhoenix* news coverage of Shawn Reineke’s death from September 1984 and subsequent coverage of the Saskatchewan Coroner’s Inquest into the Death of Shawn Reineke from February 1985. I abandoned my original thesis concept — a muddled and juvenile idea about the threat of domestic terrorism. Kelly was correct. Suddenly, I *needed* to write Shawn’s story.

I am well connected and well known in Saskatoon, having lived there from birth in 1965 until moving to Ottawa in 2011. I was a popular radio host, “Rambling Dave,” from 1991 to 2011. I started calling friends and associates. I started to learn more about the events of September 1984. The more I learned, the more I knew that I needed to find and talk to Shawn’s parents, Don and Ruby Reineke.

In January 2016 I visited the Reineke farm, now south of Winnipeg. I spent the afternoon with Don and Ruby. We spoke of Saskatchewan, farming, parenting, family, and, of course, about Shawn. I told them of the book I was intending to write. They were concerned about a lot of things, including how this work would affect others — including the people who may have been responsible for Shawn’s death 32 years ago. I asked them to trust me to write this. They agreed.

I asked them how they would feel if, in the end, someone was charged with a crime. “That would be alright but it wouldn’t be the goal,” Don said. “OK? That is not the goal.” Thirty-two years after losing their oldest son in unusual and macabre circumstances, they are not angry. They are willing to forgive. I find this remarkable.

I picked up a copy of the transcript of the Coroner’s Inquest held in February 1985. Analysis of the transcript was more time consuming than I expected. By March I began a serious search for witnesses.

I created and shared ShawnReineke.com to my personal Facebook page on May 11, 2016 with this note: “Particularly my Saskatoon friends, please pass along to anyone you can think of. Shawn was the young man who died in 1984 ... at Seager Wheel Hall, Saskatoon.” Just thirteen of my friends shared my post. Quickly, it was re-shared by others over 1,000 times. Briefly, my world exploded.

One and a half hours later, CBC Saskatchewan called. One hour after that, the *Saskatoon StarPhoenix* called. The next morning, Rawlco Radio and CBC’s *As It Happens* called. Between my little website and the ensuing news coverage, sixteen people were

inspired to contact me — mostly Shawn’s friends from childhood. Every single person from Shawn’s past began their conversation with the same thought. They were all concerned about Don and Ruby.

“You could be really opening a big can of worms,” Shawn’s Uncle Keith said. “There are a lot of people that are going to be affected by this. And I also mean the people involved at the time. They have families. They have kids and I am not sure if this is a good thing or a bad. I am just a little concerned. I am concerned about Don and Ruby. I am more so concerned about my girls. Other people involved that have kids and so on and so forth.”

In those days following the small viral explosion of this story, my motivation changed. I was now writing this, not for me, but for Don and Ruby. This is Shawn’s story, written for his parents. For Don and Ruby, I wish it were more. It is not adequate.

There are many people who contributed to this thesis.

My colleagues in Carleton University’s School of Journalism and Communications. Going back to school at age 50 and spending eight months with people as smart and insightful as this group was inspirational. Special mention goes to Kelly Hobson, Jesse Winter, Nikki Wiart, Spencer Gallichan-Lowe, and Joanne Steventon — colleagues who are particularly influential on me. Journalism is in good hands.

My proofreaders, Scott Hamilton and Mark Shargool. Scott was in the navy with me in the summer of 1983 and Mark Shargool was a childhood friend. Both volunteered to proofread. This gift from two people so far removed from me in time is very generous.

My thesis advisor, Andrew Cohen. With something as complex as Shawn's story, I was frequently tempted to go where I *wanted* to go — to find conclusions where there were none. Professor's Cohen's advice frequently pushed me back on track: "Go where the evidence takes you."

Professor Cohen and Professor Paul Adams lead a seminar, Advanced Writing and Reporting. This was a remarkable experience and nothing has done more to influence my writing than these two professors and those weekly evenings with colleagues.

My sons, Arthur and Oliver. Their keen interest and analysis in every part of this was helpful and motivating. I hope I have set, for them, the example of being a life long learner, of being skeptical, thoughtful, and respectful.

My partner, Monique Dunn. Her easy joy in simple things — sunshine, wine, dark-chocolate, and good food — keeps me grounded. I admit that her occasional pep talk was a key ingredient, too.

Finally, Don and Ruby Reineke. And Uncle Keith. To trust me with Shawn's story was a leap of faith for which I am grateful. You are at the core of a remarkable community of families.

Table of contents

Abstract.....	ii
Preface and acknowledgements.....	iii
Table of contents	vii
Introduction	1
Biography.....	8
Saskatoon, Saskatchewan in 1984	24
The University of Saskatchewan	27
A chronology of events, September 28-29, 1984	37
The morning of Friday, September 28	38
4 p.m.	40
8:30 p.m.	45
9 p.m.	50
11 p.m.	53
Midnight.....	54
1 a.m., Saturday, September 29	60
2 a.m.	64
2:25 a.m.	65
3 a.m.	67
3:15 a.m.	69
3:30 a.m.	74
3:45 a.m.	79
3:55 a.m.	84
4:08 a.m.	91
4:11 a.m.	92
4:29 a.m.	93
The police investigation in the first 24 hours	98
4:11 a.m., Saturday September 29	98
4:29 a.m.	100
4:40 a.m.	104
5:05 a.m.	114

5:07 a.m.	117
5:40 a.m.	121
8 a.m.	122
9:30 a.m.	124
10 a.m.	124
1 p.m.	125
1:40 p.m.	125
3 p.m.	126
3:40 p.m.	126
The police investigation beyond the first 24 hours	128
Could Shawn have gone down the chute?	128
The investigation of Kelly Ham and Ervin Reekie.....	134
The conflicting recollections of Ham and Reekie.....	136
The party in Suite 1002	139
What happened on the 9th floor?	147
What happened in Suite 903?	150
What happened on the way down to the first floor?	156
What happened the next day in Reekie’s apartment in Assiniboine Hall?.....	160
Other interesting things of note	164
Analysis and conclusions.....	170
Why did Shannon Freeman utter Ham’s name at 5:05 a.m.?	170
Was there another agenda to the Coroner’s Inquest?	178
Why was nobody ever charged?.....	180
What may have happened between 3:30 and 3:45 a.m.?.....	184
The investigation in the years since.....	187
Epilogue	190

Introduction

In the small hours of the morning of September 29, 1984 two photographs of 18-year-old Shawn Reineke were taken on the campus of the University of Saskatchewan. In both photos, Shawn's eyes are closed. He is passed out. The photos were taken to record a juvenile prank in an apartment on the 12th floor of a student residence.

In the first picture, the unseen photographer¹ points the camera down at Shawn who is on his back on a couch.² Shawn's head is on the left, his feet are on the right. Shawn is the only person in the photo — he dominates the frame. The three vinyl seat cushions that Shawn is lying on are deep green. One of the back cushions is the same colour, but the other two are mismatched — a much lighter, olive green.

Mixed up furniture was not uncommon in Seager Wheeler Hall. The sturdy commercial grade cushions from these student apartments were often removed from the frames and used in hallways or other apartments to sit on the floor, or even as sleds on snowy toboggan hills.³ Student life in this residence was bohemian.

This first photo is horizontal, taken with a flash. Shawn's right arm is raised, bent ninety degrees at the elbow, his forearm rests on the couch above his head. His left arm, too, is raised but not as far. His left elbow has fallen against the back of the couch

¹ Testimony of Darren Larson, Coroner's Inquest into the Death of Shawn Reineke, Oct 4, 1985.

² Both photos were viewed in the office of the Chief Coroner for the Province of Saskatchewan, Regina, SK on January 11, 2016

³ Interview with Kristy Weins (Seager Wheeler Hall resident), Jan. 11, 2016.

propping up his arm. His left hand is on the seat cushion beside his face; its open palm looks worn, maybe dirty. A working man's hand. A farmer. An auto body repair man.

Shawn is wearing a long-sleeved, navy-blue rugby shirt with two horizontal stripes across the chest — one white, the other pale powder-blue. It has a white collar and white v-neck. The sleeves are bunched up above his elbows. Shawn's forearms are bare. He is not wearing a watch.

His shirt has been pulled up. It has been raised past his solar plexus in the centre of his abdomen. It looks as though someone — an unseen hand — pulled the shirt up after Shawn has passed out. His body weight resisted the pull. Shawn's shirt has not ridden up as high on his sides or back as it has on his stomach — held in place by his body weight. His abdomen is exposed from his waist to just above his ribs.

He is wearing navy blue, boot-cut pants. It is not clear if they are denim or some other material. No belt. A page from a newspaper, the *Saskatoon StarPhoenix*, is stretched out between his legs. At the extreme right of the photograph you can see his right leg, bare shin protruding from his pant leg. His foot cannot be seen as it is outside the frame of the photograph.

And, the juvenile prank. Shawn has been decorated with shaving cream, mustard, and a pickle.

Most of the shaving cream is on his bare abdomen. Presumably, this is why his shirt was pulled up — to give the artists a cleaner canvas for their work. A tennis ball sized blob has been squirted onto his stomach just above his navel. Four lines extend

from the central blob — a long line towards his chin, two shorter lines towards his flanks, and a very short line towards his belt buckle. The shaving cream on his stomach approximates an upside down Christian cross.

They used mustard on his face. A yellow line is sloppily drawn from the centre of his forehead (almost from his hairline), between his eyebrows, across his closed right eye, along the side of his nose and then under his nostrils to form a mustard moustache. Shawn's actual moustache is adolescent peach fuzz. A second untidy mustard line is drawn on his right cheek. A backwards "7" tracing his cheekbone towards his ear and then down to his jawline. The top of the seven is finished with a tiny dot of shaving cream. Was this meant to look like a scar? More likely, it is simply symmetrical mustard face paint that pleased the eye of the artist.

There is shaving cream on Shawn's right forearm. It does not look intentional. Rather, it looks as though, at some point, he has lowered his arm to his side and draped his forearm across his stomach — the cross appears smeared and the shaving cream on his arm appears to match the shape of the smear. There are dots of shaving cream on his left hand — his pinky, his ring finger, and the base of this thumb. Perhaps the result of sloppy pranksters or maybe Shawn stirred and tried to wipe the cream and mustard off his face. There is a one small blob on his left forearm, likely an accidental drop from the can's nozzle.

On his groin, another bit of adolescent silliness. On the zipper of his pants, there is another tennis ball sized mound of shaving cream. A dill pickle is stuck fast, half in and half out. A dill pickle penis.

Just visible under the couch is a powder-blue cowboy boot. It is on its side. The well-worn sole and heel face the viewer, the blue leather boot top is just visible. Also under the couch, another page from the *Saskatoon StarPhoenix*.

In the second picture, the photographer stands at one end of the couch, again looking down. Cleverly, she has rotated the camera ninety degrees so that the photo is vertical, better to capture the action. Shawn's feet are at the bottom of the frame, his head near the top. His position has not changed from the first photo. He is unconscious, a completely unwilling participant.

Three young men are kneeling on the floor, gathered around Shawn's head.⁴ They are posing. The one in the middle has his arms around his co-conspirators. He is laughing. Hard laughter. The one on the left balances himself with his right hand on the coffee table at the front of the couch, his left arm is around his middle compatriot. He wears a big, toothy smile. The one on the right has his arm around the one in the middle, too. The three young men are linked, arms around shoulders, as though in a rugby scrum. The right hand conspirator has his left hand on Shawn's face, his index finger on one corner of Shawn's mouth, his middle finger on the other corner. It appears that he is trying to pull Shawn's lips into a smile. He too, is happily smiling.

⁴ Testimony of Elizabeth Kay, Coroner's Inquest into the Death of Shawn Reineke, Oct 4, 1985.

It is a trophy photo. The hunters posing over their prey.

Shawn's slight build is more apparent in this second photo. He was five-feet eight-inches tall, 145 pounds.⁵ You can see his slender build from this angle. Lying on his back, his arms raised, he is only as broad as half the width the of the seat cushions.

Shawn's feet are at the bottom of the photo. His left foot wears a powder blue cowboy boot — a match to the boot that is under the couch in the first photograph — in this lighting, though, the boot looks more grey than blue. His right foot is bare. A tag is attached to his big toe.

There has been a funeral. A cross has been drawn on Shawn's stomach. Last rites have been recited — although judging by the smiles and laughter it has not been a solemn occasion. And, a toe-tag indicating time of death has been attached.

In normal circumstances, these two photographs would be a jovial record of a college prank. Today, 32 years later, flipping through a college photo album one might see these photos and be reminded of a Friday night party at Seager Wheeler Hall, a long time ago. One might be reminded of the guy that nobody knew. The guy who passed out and got pranked. One might even wonder, "What ever became of that guy on the couch?"

But these two photos are not in a private photo album. They are in a booklet, along with 10 more photos, in the office of the Chief Coroner of the Province of

⁵ Testimony of James Drader, Coroner's Inquest into the Death of Shawn Reineke, Oct 4, 1985.

Saskatchewan. They were entered as an exhibit at a coroner's inquest into the death of Shawn Reineke in February 1985.

One and a half hours after these two photographs were taken, Shawn Reineke was found mortally injured in a steel garbage bin on the main floor of Seager Wheeler Hall.

His right leg was shattered. He went feet first down the building's garbage chute from the 9th floor, landing on a steel and concrete deflection pad on the main floor and being ejected into a steel garbage bin. Shawn suffered a fireman's injury — a fractured calcaneus, the large bone that is the foundation of the heel of the foot. It is an injury that often occurs when a fireman falls from a significant height and lands feet first. He also suffered a fractured pelvis, right thigh, and right ankle.⁶

Shawn's head injuries, though, were the cause of death. Multiple skull fractures, bleeding around the brain, and bruising of the brain. Injuries that will tend to cause the brain to swell, which can be lethal. The brain swells in a "closed box" putting pressure on vital centres. Breathing stops. The heart stops. There were also cuts, scratches, and abrasions particularly to Shawn's forehead and back.⁷

Shawn was declared brain dead at noon on September 30, 1984 — 32 hours after being found. At 8:40 p.m. on Sunday, his parents, Don and Ruby Reineke,

⁶ Testimony of Fergus Murphy, Coroner's Inquest into the Death of Shawn Reineke, Oct 4, 1985.

⁷ Testimony of Fergus Murphy, Coroner's Inquest into the Death of Shawn Reineke, Oct 4, 1985.

consented to donate Shawn's kidneys, some bone, corneas, and other tissue. Life support was withdrawn at 10:30 p.m. Shawn was declared dead at 10:33 p.m.

Nobody has ever been found responsible. Nobody has ever been charged with murder or manslaughter or criminal negligence causing death. Nobody has ever talked. Somebody knows something.

Biography⁸

Don Reineke met Ruby Steinke at a Boxing Day dance in Hodgeville, Saskatchewan, an annual event. Hodgeville was Don's home. Don's grandfather had homesteaded on land north of town. Ruby was from the next community.

Ruby had ridden into town that evening with her brother who was doubling up the annual Hodgeville dance as a farewell party for two hometown friends who were joining the Royal Canadian Navy. They were not there long before Ruby's brother wanted to go home. "I don't want to go home yet," Ruby said. "We just got here."

"I'll give you a ride home," Don offered.

Her brother left without her. Ruby stayed. A courtship began.

Ruby had trained as a nurse at the Palliser Campus of the Saskatchewan Institute of Applied Science and Technology in Moose Jaw (now Saskatchewan Polytechnic). Before meeting Don she had worked on opposite coasts, in Nova Scotia and British Columbia, but a phone call had brought her home to the Prairies. She had taken work in Saskatoon, about 300 kilometers north of Hodgeville.

⁸ This section, Shawn's biography, is drawn from interviews with Shawn's parents, Don and Ruby Reineke, his uncle Keith Reineke, and his friend and acquaintances, Michael Liggett, Colin Weinbender, Andrea Dyck, Brent Twist, Gary Seidler, Darwin Seidler, Curtis Forkert, and other people who asked to remain anonymous.

As the courtship progressed, Don stayed close. In winter he drove a taxi in Saskatoon. In spring, summer, and fall he worked on his father's farm (his dad having taken over from his grandfather).

In February 1966 Don and Ruby got married. They quit their jobs. They took a honeymoon. They were back in Saskatchewan by spring, in time for the prairie ritual of seeding. Don, again, went to work on dad's farm. Ruby took a job at the local hospital in Hodgeville, then a population of about 400. It was a small hospital — too small to accommodate obstetrics — and their first son, Shawn, was born July 13, 1966 at the Gravelbourg hospital, 50 kilometers to the southeast. Shawn arrived early, a harbinger of his personality — always busy and in a hurry. He was just five pounds, six ounces when Ruby took him home, a harbinger of his size — always a little smaller than his friends.

The young parents stayed on the farm through the summer of 1966 and that fall they moved to Calgary. Don enrolled in the millwright program at the Southern Alberta Institute of Technology (SAIT). After a year in SAIT, Don finished his certification and the young couple decided to see the world. Nurses, like Ruby, had no trouble finding work.

There followed eight years of travel. Sometimes they were back in Saskatchewan, helping on the farm. They worked one winter in Montreal. Don worked in potash mines in Saskatchewan and lumber operations in British Columbia. Ruby never had trouble finding work.

Their second son arrived, Trent, in 1969.

The two boys were distinctly different from one another, right from birth. Shawn was busy and extroverted; Trent was calm and quiet. The boys may not have shared a lot in common but they were respectful of one another. Close, at times.

Don and Ruby began to consider farming as a full time career. Shawn had started school and Trent was nearing kindergarten. Both parents were working shiftwork. It was chaos. They felt exhausted and like raising a family in those conditions was impossible. Industrious, busy, hardworking people, Don and Ruby lived on one income; they saved the other. Life was meager.

As they had both been raised on farms, they decided it was time to go home. With the money they had saved, Don and Ruby bought land beside the Reineke homestead and added it on. Don took over the family farm. Shawn started Grade 2 in Hodgeville, Trent started kindergarten.

Shawn was always active, like his dad. Maybe even “hyperactive” as that was the term then, now having been replaced by Attention Deficit Hyperactivity Disorder (ADHD).

“To be a farmer you have to be kind of a workaholic,” Don says. “And Shawn was that kind of person. My brother Keith used to always say ‘there goes the farmer.’ There is no doubt about it. If he would have lived, he would have taken over the farm.”

Ruby recalls the same. Often it was Shawn, bringing his mom along to help him fix something on the farm. Like Don, Shawn was always in motion.

Don bought Shetland ponies when Shawn was still quite young. Shawn began to ride. Younger brother Trent did not have much interest. “Shawn was so much like Don and Trent was so much like Don’s dad that sometimes you wonder if they forgot my side of the family,” Ruby says.

Shawn loved to ride. As a youngster, away from the view of mom and dad, Shawn and his cousin would press their skills — standing up in the saddles and stunting.

Risk taking may be a family trait. Shawn may have learned it from his dad. “Don was a total daredevil,” recalls a neighbour, Andrea Dyck (nee Paulson). “Don would drive 1,000,000 miles per hour coming home from church to give us a thrill.” Like father, like son.

Shawn was such a busy boy that around age 12 he was prescribed Ritalin to “slow him down.” One of his teachers suggested it. Ritalin is used to treat ADHD. It can help increase one’s ability to pay attention, stay focused on an activity, and control behavior problems. But it can have side effects: nervousness, trouble sleeping, loss of appetite, weight loss, dizziness, nausea, vomiting, and headaches.⁹ In Shawn’s case, nightmares. Ruby did not keep Shawn on it for long, “I thought he doesn’t have to be on

⁹ WebMD.com retrieved July 9, 2016 from <http://www.webmd.com/drugs/2/drug-9475/ritalin-oral/details>

that drug, just keep him active, that's all." A mother's instinct. And correct. Shawn definitely needed to be active.

Shawn's restlessness may have been the cause of the Reineke barn fire.

Shawn was about eight years old, younger brother Trent was about five. They were playing with matches. Hay bales in the barn were soon ablaze. Shawn ran for help, to get mom and dad. Younger brother Trent hid in the nearby trees, crying.

Don had a broken leg at the time, in a cast. Despite this, he went for the tractor to push the bales out of the barn. Ruby sent Shawn in to the house to call the fire department.

In 1974 the Reineke farm was on a "party line" (as was most of rural Saskatchewan). Four households, neighbours, each had their own telephone number and distinct ring on a shared telephone line. If you called the Reineke farm, for instance, there would be a particular ring pattern so that the neighbours would know not to answer the phone. But neighbours could pick up the receiver in one house and listen to the conversation in any of the other houses on the line. You did not want to attempt a private phone conversation in rural Saskatchewan, fearing your neighbours might be listening in.

Shawn did phone the fire department. Probably curious because of the smoke he could see coming from the Reineke farm, one of the neighbours was "rubbering" the call

— he was listening in. Shawn hung up and ran to report to Ruby that he had made the call. Don was still madly ploughing dirt and burning bales with the tractor when the neighbour arrived to tell Ruby that the fire department was not coming. They thought it was a prank call, after all it was the tiny voice of eight-year-old Shawn. Ruby told the neighbour, “Go to the house, get on the phone and phone them. You’re an adult!”

In the end, Don’s efforts were for naught. By the time the fire department arrived “things were pretty out of hand.” The barn burned down. Nobody was hurt.

Around Grade 7, about when Ruby decided that Ritalin was not the right choice for her son, Shawn began to blossom. Conversations with his friends and neighbours from this era — Shawn from Grade 7 to Grade 12 — inevitably come around to a few characteristics which *everyone* who knew him mentions. Shawn was kind, he was an extrovert, he could be stubborn, and he was always active. School was not his thing. He was a good athlete but hampered by his smaller stature. Among the community’s parents and kids, everybody liked Shawn.

Andrea Paulson was eight years younger than he was, a little girl living with her family just to the southwest of the Reineke farm. Just as Shawn’s great-grandfather had homesteaded here, so had Andrea’s great-grandfather. Four generations of Saskatchewan farmers on adjoining properties. They were close families. Shawn’s grandfather had grown up with Andrea’s. Don was a little older than Andrea’s father but

they were close then and remain in contact today. A back road joined the two farms. You could see one farm house from the other.

“I was little and I was very, very shy,” Paulson recalls. “Shawn was so kind and always so outgoing and so fun. I remember that on the school bus he would always invite me to sit with him at the back of the bus with the *big kids*.” This was a high honour. *Only* the big kids sat at the back. That is, the big kids and little Andrea. She knew that Shawn was doing this for her, taking her under his wing to lift this shy little girl’s spirits and make her feel special. It worked. And she appreciated him for it.

“When I was six, I missed a few days of school and he called me to find out how I was doing,” Andrea said. Shawn liked making people feel good, making them laugh, lifting them up.

Shawn was often sent to the Paulsons, a dairy farm, to get milk. He would ride his motorcycle, a dirt bike, along the back road that connected the farms. He would strap the milk jugs across the back of his bike for the ride home but before going would often give little Andrea a ride around the property.

Hodgeville and area was a tightknit community. Most everybody knew everybody else and their business. Shawn’s childhood friend Curtis Forkert still lives there. “I think Hodgeville is closer than most,” he says. “Most people get along here. They try to. There are a lot of good people around here.”

For Shawn growing up, local families took turns hosting friends and neighbours — birthdays, anniversaries, holidays, whatever — rotating houses between the Paulsons, Twists, Seidlers, Liggetts, and more. The church was often at the centre of socialization, for the Reinekes this was the Zion Lutheran church, out of town, as opposed to Trinity Lutheran, which was in town. This cloister of families depended upon one another. They socialised together. They helped each other. And their kids worked on one another's farms from time to time. One summer Shawn and Michael Liggett worked for Don. That fall Shawn worked for the Paulsons. The families in the community cared about one another.

Their boys shared childhood and activities — dirt bikes and skidoos, hockey and football, school and parties.

Dirt bikes played a prominent role in young Hodgeville men's entertainment and freedom. Aside from using them for chores like picking up milk from the neighbour's farm or riding the fence line to survey and repair, they were ridden endlessly on the open prairie. Shawn rode with his friends, mostly, perhaps with his best friend Michael Liggett, "We would come home from church on Sunday and Don would say 'you guys need to get on the bikes' and we would leave the farm at 1 p.m. and spend all day on our dirt bikes just traveling around, sitting by a pond, throwing rocks, for whatever."

Just as a bicycle may be the first taste of freedom for a city kid, dirt bikes were the first taste of Cinderella liberty for Shawn and his friends. Amidst the chores and hard work of farming, their dirt bikes were fun, freedom, and transportation. Shawn rode

with Michael Liggett, Brent Twist, Colin Weinbender, Curtis Forkert, Darwin Siedler... all his friends, all spring, summer, and fall.

Shawn's dirt bike became his truck, a 1958 Apache. Uncle Keith gave it to Shawn. He and Don lovingly restored it. "One of the things that was really important to Shawn was his girlfriend Sherry Seidler," says childhood friend Brent Twist, "and the other thing was his truck that he and Don had rebuilt."

Don still has Shawn's 1958 Apache. It sits in a copse of trees just meters from the house near Stuartburn, Manitoba where Don and Ruby now live.

"Shawn was the love of my sister's life," Gary Seidler says of Sherry. "This was a part of her life that was stolen from her." Gary, like a lot of people, is moved to tears as soon as he begins to talk about Shawn.

Sherry Seidler is the younger sister of not only Gary but also Darwin, the friend that Shawn lived with in Saskatoon at the time of his death. They started dating when Shawn was in grade 10. They were still together when Shawn died in Saskatoon after Grade 12.

It was a relationship — young love — that left a lasting impression. Everybody knew that Sherry was Shawn's girlfriend. In a phone call between Don and Sherry, the mention of Shawn's name instantly dissolves Sherry into incoherence and tears. Now, 32 years after Shawn's death, she still cannot talk about him.

“The Reineke house was a common place to congregate,” Gary recalls. “They had a bigger house. There are six kids in my family. We take up a half acre pretty quick. And the Reinekes had Shetland ponies. We would all go over and we would all go for horse rides and Shawn and Sherry would disappear off into the corner somewhere.”

Theirs was not a relationship without conflict, without the indulgence and impetuosity of youth. Sherry could get angry. “I remember we were headed north on highway 19 in Shawn’s truck and Sherry was sitting in the middle,” Liggett recalls. “I don’t remember what Sherry was angry about but she just grabbed the wheel and the next thing you know we are in the ditch. I went ballistic.” If Shawn was angry, he did not show it. “Shawn never said a thing. He never said a word. He never raised his voice and he never, ever said a bad word about her.”

Sherry loved him. When Shawn died, before the funeral, Don nailed a black cross onto the sign at the entrance of his farm. Some years later the cross was removed by Sherry’s husband. Despite having married, she was still moved to tears every time she passed the black cross at the entry to the Reineke farm.

Shawn was a good athlete, albeit small. What he lacked in skill and size, he made up for with heart and desire.

At five foot, eight inches, Shawn was the same height as both his mom and dad, Trent is a little shorter. As Ruby is the shortest member of her family — both Shawn and Trent inherited the smaller Reineke stature.

He played hockey with, among others, his best friend Michael Liggett. “He was small but he had no fear,” Michael recalls. “He had absolutely no fear with anybody. He was not the most skilled guy but I never saw a guy with more work ethic. He was always the first guy in the corner. He was always the guy taking the punishment.”

This is in keeping with Don’s recollection of Shawn. “If I sent Shawn out to fix the fence he would go out and fix the fence and do something else too,” Don says. Like his father, Shawn was always busy. He could not be still.

He played football with, among others, Brent Twist, “Shawn wasn’t super, super small but he was below average. You know how it is with boys. In football and hockey he was always undersized but he always played 15 pounds bigger than he was. He wasn’t careless but he was carefree. He wasn’t the quarterback but he was a good teammate. He was a starter on defence on our six-per-side high school football team.” The Hodgeville Coyotes, in green jerseys.

Shawn took up figure skating for a while. “He was really good at it,” Don recalls. “But there was no culture to support him. There were no other males.” Still, he taught the younger kids figure skating, including his neighbour, little Andrea Paulson.

“He took what he learned in figure skating and took it back to hockey,” Ruby says. “He was body checking the guys below their knees because he was so small and crouched so low. He would say, ‘they don’t like me playing hockey because I can knock them off their skates but I couldn’t otherwise be competition for them.’”

He was fast. He had heart. But he was too small to have a powerful shot or be a strong physical presence on the ice.

High school in the early 1980s. There was a lot of drinking.

“We went to a lot of parties,” Michael Liggett says, “He was the type of guy who did not like confrontation and people would pick on him and I wouldn’t stand for it. I never ever seen him lay a hand on anybody. Ever. He never would have hurt anyone. Ever.”

If Shawn was small, Liggett was big. Shawn’s protector. “We were always together,” Liggett says. “He was like a brother to me. We were inseparable for a lot of years until he moved to Saskatoon.” Liggett, having failed Grade 7 and Grade 9, was the same age as his best friend, Shawn, but was still in high school and was not free to move to Saskatoon with him.

In one of their first experiences with alcohol, it was Shawn who looked out for Michael. “We went to a hockey tournament in Gravelbourg, we were 14 years old, and we got back to my mom and dad’s. We got into a bottle of my dad’s whiskey.”

Michael drank more than Shawn and slumped onto the kitchen floor, passed out. Shawn, who had two or three drinks from the same bottle, woke up Michael’s parents. They found Michael on the floor, not breathing. “If he hadn’t woken up my parents I don’t think I would be here today.”

Alcohol lowers inhibitions. Already an extrovert, Shawn could get even more friendly at parties after a few drinks. “He could go to any party and not even know anybody and people would talk to him,” Liggett recalls. “Sometimes people at parties would take him the wrong way and that’s usually when I would step in.”

This is a description of extroverted Shawn that is echoed by many of his high school friends.

“Shawn was a guy who liked to have fun,” Brent Twist says. “We were drinking and partying starting around age 14. He didn’t hold his alcohol very well. He was not the kind of guy who after a few drinks wanted to fight everybody, but he was the guy who wanted to hug everybody.” Happy and extroverted, that was Shawn. And, the more he drank, the more extroverted he became. “If we were all having twenty drinks, by drink number five Shawn was like, ‘I love you man.’”

“Shawn was the extrovert of the crowd,” says Curtis Forkert. “He was a pretty outgoing guy. He liked to drink a lot and go to parties.”

Extroverted and kind but also stubborn. Shawn avoided conflict with his friends and with his girlfriend Sherry, but he was not averse to conflict with his parents, Don in particular.

In Grade 11, Shawn wound up living at his friend Michael Liggett’s for a time.

“I came across him downtown sleeping in his truck,” Liggett recalls. “He was 16 at the time and he and Don butted heads and I asked him, ‘What are you doing?’ And he told me about this argument with Don and I told him, ‘You know, Shawn, sometimes your dad is a little wiser than you think.’”

Liggett wouldn’t let Shawn sleep in the truck, so he took him home where Liggett’s father said, “Eventually you need to grow up Shawn but in the meantime you need a place to stay so you can stay here.” And he did.

Ruby recalls that Shawn stayed with the Liggetts for three or four days. She remembers that Shawn figured they were nicer parents but that he quickly came home. Likely, Ruby’s memory is flawed, and it was a lot longer than a few days. Don recalls that it was three months. Likewise, Michael Liggett recalls that it was a “few months.”

At some time while he was sharing the basement at the Liggetts, Shawn and Michael ran into Don at the local Coop store. “Don had come in to town to pick something up. Shawn’s truck wasn’t running very well and I thought those two would talk a little bit but all Don said was, ‘You have to figure it out.’ Don was hardnosed at times. I know he loved Shawn, there’s no doubt about that, but Shawn sometimes when he would get something in his head, there was nobody would get it out and I think that’s why he and Don would get into it sometimes.”

A stubborn son and a father who was hoping to instill the right values. They traded just a few words about the truck. Don went back to the farm and Shawn went back to the Liggetts.

“There was no stopping Shawn. When he wanted to do something he would just do it... We tried to be supportive parents,” Don recalls. “To support Shawn doing what he had to do. Even though he had his time in life in which he wasn’t that good.”

Through thick and thin, through life and after his death, Don and Ruby did support him. They did not just try, they succeeded.

Surreptitiously, Don and Ruby called the Liggetts. Ruby explained that Shawn was angry and that if he could stay with them, it would be appreciated. This was no problem for the Liggetts. Don and Ruby offered to butcher a pig and deliver a gift of meat to defray their cost. “They brought my mom and dad a pig,” Michael remembers. “Don and Ruby were that way. My mom and dad didn’t really want to accept it because Shawn was like another one of our family but Don and Ruby just brought it and there it was.”

Before he finished Grade 11, Shawn returned to the fold. He moved home.

Shawn finished Grade 12 in Hodgeville. He did not have specific life plans when he moved to Saskatoon. He intended to work for a year and then go back to school — maybe to the Saskatchewan Institute of Applied Science and Technology (SIAST) campus in Saskatoon where his friend Darwin was studying autobody or to the SIAST campus in Moose Jaw where his mom, Ruby, had been trained as a nurse. Or, maybe even to university in Saskatoon or Regina, perhaps to study agriculture.

Shawn was not settled when he moved to Saskatoon to live with his uncle Keith in July 1984 but, like the rest of his young life, he was in motion. Moving towards something.

Saskatoon, Saskatchewan in 1984

Saskatoon, Saskatchewan is a small prairie city with a population just over 220,000. In September 1984 the population was around 160,000.¹⁰ The city is neatly bisected by the South Saskatchewan River flowing from southwest to northeast. The downtown business core, on the west side of the river, is anchored by Saskatoon's castle, the stately Bessborough Hotel — a ten-story chateau style railway hotel completed by the Canadian National Railway in 1935. "The Bess" is comparable to the Palliser Hotel in Calgary, Chateau Laurier in Ottawa, and Chateau Frontenac in Quebec City. Today, the river banks in Saskatoon are managed by the Meewasin River Valley Authority. The grand old dame, the Bessborough, is the only commercial property that abuts the river; everything else is set well back from the water. If you have a postcard of Saskatoon, it most likely features the castle-like Bessborough Hotel.¹¹

The river not only bisects the city physically, but also emotionally. There were exceptions in 1984 (and more now) but the west side, excluding downtown, tended to be blue collar with lower per capita income, higher unemployment, and higher crime. Almost all of Saskatoon's murders, for instance, occur on the west side of the river in the inner city, just to the west of downtown. The east side of the city is white collar,

¹⁰ Statistics Canada. 2012. *Saskatoon, Saskatchewan*. Retrieved Dec 28, 2015 from <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/prof/index.cfm?Lang=E>

¹¹ Delta Bessborough Historical Timelines. Retrieved Dec 28, 2015 from <https://www.deltahotels.com/Hotels/Delta-Bessborough/History>

perhaps influenced by its chief tenant, the University of Saskatchewan (U of S), the city's largest employer.

Cliff Wright was the mayor. He held office between 1976 and 1988. According to his obituary, "Perhaps his proudest single achievement in public service was when he was Treaty Land Entitlement Commissioner in the early 1990s and worked with Roland Crowe, Chief of the Federation of Saskatchewan Indian Nations, and the federal and provincial governments to settle long outstanding land claims for twenty-five First Nations in Saskatchewan."¹²

In late September 1984, *Ghost Busters*, starring Bill Murray alongside the screenwriters, Harold Ramis and Canadian Dan Akroyd, played at the Town Cinema on 20th Street, literally the "other side of the tracks." Historically, the western edge of downtown was bordered by the rail yards. Beyond the tracks to the west lay Alphabet City — Avenues A to Y (there is no Avenue Z). Home to the Barry Hotel, pawn shops, and the infamous Dirk's Discount where one could buy pot pipes and sex toys. In 1984 you didn't find a store like Dirk's in the more genteel downtown or on the white collar east side of the river.

¹² Legacy.com, retrieved April 26, 2016 from <http://www.legacy.com/obituaries/thestarphoenix/obituary.aspx?n=clifford-wright&pid=173426290#sthash.ivtjQKBG.dpuf>

The Karate Kid, starring Ralph Macchio and Pat Morita, played at the Capital Four, downtown. On the east side of the South Saskatchewan River, the more gentrified half of the city, Prince's *Purple Rain* was playing at Duffy's Theatres.¹³

Still in September, a radio station, "The Nifty 1250" CKOM in AM stereo, listed the top 20 albums and songs of the week. Twisted Sister, Cyndi Lauper, Tina Turner, and Prince (not just an actor), all had hit songs on the list.¹⁴ So did Bruce Springsteen who was due to play the Tacoma Washington Dome in mid-October. Tacoma is 1700 kilometers from Saskatoon. Sea Mountain Travel and Tours Ltd advertised a "same day charter air package" to and from Tacoma including an in-flight meal and beverage as well as your concert ticket for \$314 + taxes.¹⁵ "Born in the USA," to this day Springsteen's best-selling album, was released on vinyl June 4, 1984. CDs were not yet common.

Not that Saskatoon was without live music. Dame Vera Lynn (a World War II era chanteuse), Roger Whittaker (a pop/folk singer renowned for his whistling), James Cotton (an American bluesman), and Hagood Hardy (a jazz/easy listening vibraphonist) all had fall concerts scheduled in Saskatoon.¹⁶ But to see the likes of a star like Springsteen you had to make a long road trip. In 1984 the biggest indoor venue in the city was the Saskatoon Arena; built in 1937, it seated just 3,300. A National Hockey

¹³ Page C3, *Saskatoon StarPhoenix* (Saskatoon, SK), Sep 29, 1984.

¹⁴ Page C4, *Saskatoon StarPhoenix* (Saskatoon, SK), Sep 29, 1984.

¹⁵ Page C3, *Saskatoon StarPhoenix* (Saskatoon, SK), Sep 29, 1984.

¹⁶ Page C5 and C6, *StarPhoenix* (Saskatoon, SK), Sep 29, 1984.

League sized arena, Saskatchewan Place (now renamed The SaskTel Centre), with seating for over 15,000 did not open until 1989.¹⁷

The northern border of the downtown is defined by 25th Street. Built on flat prairie, streets in Saskatoon can be counted on to go east to west, avenues north to south. Drive east from downtown on 25th Street and you cross Saskatoon's second oldest traffic bridge. Opened in 1916 and always known as "University Bridge" because it connects downtown to the U of S campus, it was only officially given that name in 2006.¹⁸ Where the bridge arrives at the eastern bank of the river — the "top of the bridge" as it is called because the eastern bank is notably higher than the western — you veer left onto College Drive which defines the southern edge of the U of S academic campus.

The University of Saskatchewan

According to local historian Don Kerr, the U of S site was chosen in 1909 because of its stately setting — on the higher, east bank of the picturesque South Saskatchewan — and because there was good farm land back from the river. In the early 20th century, the fledgling province's university needed to serve Saskatchewan's largest constituency, farmers. Land was plentiful. Three hundred acres were set aside for university buildings and another 1000 acres for university farmland. Thirteen hundred acres in what is now

¹⁷ SasktelCentre.com retrieved Apr 18, 2016 from <http://www.sasktelcentre.com/quickfacts>

¹⁸ City of Saskatoon. Retrieved Dec 28, 2015 from <https://www.saskatoon.ca/community-culture-heritage/saskatoon-history-archives/history>

prime real estate in Saskatoon. Central Park in New York City is a meagre 843 acres. The U of S campus is a big swath of land in a small prairie city.

The agricultural focus in Saskatoon and at the U of S is apparent. The *Saskatoon StarPhoenix* does not have a “Business” section; it has an “Agriculture & Business” section. Oil and mining revenue has recently redefined Saskatchewan but, at a glance in 1984, this was still farm country.

Drive east, away from the river, along College Drive and you will pass the College of Agriculture’s barn. Not decorative, this is a working farm in the heart of the province’s biggest city, 1.5 kilometers from Saskatoon’s most prestigious homes and just a five-minute drive from the Bessborough Hotel. You are apt to see small numbers of grazing sheep and cows.

Almost every Saskatoon primary school student visits this barn on a class trip at one time or another. Those approaching age 50 will recall the moment they learned that cows have two stomachs because they were given the chance to actually look inside a living cow and see the stomachs in action. Saskatoon class trips always took in the living cow bisection, a real crowd pleaser.¹⁹

Just south of the College of Agriculture’s barn is Griffith’s Stadium, now part of Potash Corp Park. Home to the U of S sport teams, the Huskies — soccer, track and field, and football. Just beyond the end of the field is another, small barn. Visiting teams from Lavalle or Queen’s can see this barn beyond the end zone. These interlopers from more

¹⁹ The author’s childhood in Saskatoon.

cosmopolitan Quebec and Ontario find Saskatchewan to be, more or less, exactly as they expect it. Farm country. Barns, wheat fields, and cattle.

The academic buildings cluster just to the north of College Drive. Montreal architects Brown and Vallance designed fourteen major buildings in the first decade of the university, 1910 to 1920. Initial buildings were all built with greystone — first local limestone and then Manitoba Tyndall stone — in the style of Collegiate Gothic. The campus has a classic, old-world style, which belies its prairie youth.²⁰

In 1984-1985 tuition was hiked, again. Students in the College of Arts and Sciences paid \$940. Students in the colleges of Medicine, Dentistry, and Veterinary Medicine paid \$1390 per year.²¹

Despite the prestigious location of the campus and the city's student population relative to non-students, Saskatoon is not a "university town" like Queen's is to Kingston, ON. The university is set apart from the city. You do not meet the campus as you navigate the city, you skirt the edges. You will encounter students off campus at popular spots like the Patricia Hotel and the Sutherland Bar, but these bars, and others, are just as likely to be filled with local labourers and professionals. Young plumbers, drywallers, and mechanics; nurses, lawyers, and teachers. There is no neatly defined division between university students and not.

²⁰ Don Kerr, "The Beginnings" retrieved Dec 28, 2015 from http://scaa.usask.ca/gallery/uofs_buildings/history_text1.htm

²¹ Adriane Pavo, "Tuition hikes, quotas greet students," *Sheaf* (Saskatoon, SK), Sep. 7, 1984.

September in Saskatoon, on campus and off, is a celebration. A party. Bar business picks up. City buses are suddenly full. Rental properties are scarce. Many students move from rural Saskatchewan to Saskatoon on September 1st, their first time away from home.

Classes in 1984 began September 10 – 14. To coincide, the University of Saskatchewan Student's Union (USSU) held Welcome Week, a series of events intended to welcome frosh. Monday to Friday there were morning and midday activities in "The Bowl" — the central commons of the academic buildings. Pancake breakfasts, eating contests, Frisbee Olympics, and cow milking competitions (agriculture is never very far away). Indeed, although the academic College of Agriculture classes started on September 10, the College of Vocational Agriculture did not start until the end of September — Voc Ags, as they were known, needed to remain on the farm to help with harvest before starting their classes.²²

Welcome Week wrapped up Saturday night with a cabaret featuring Johnny Dee Fury — a Canadian rockabilly band of minor note. It was at Centennial Hall, a 1300-person conference space in the basement of the Centennial Auditorium, Saskatoon's National Arts Centre. A local band, The Northern Pikes, opened for Johnny.²³ The Pikes would go on to have some modest success including two top-ten Canadian hits and an appearance on the U.S. top-100 in 1990. One-time Canadian Prime Minister Paul Martin once cited the Northern Pikes as his favourite band.

²² *Sheaf* (Saskatoon, SK), Sep. 7, 1984.

²³ Kristian Marken, "Welcome Week scaled down, less expensive," *Sheaf* (Saskatoon, SK), Sep 7, 1984.

In 1984 there was one pub on campus, Louis', named for Louis Riel. From Thursday to Saturday, Sep. 13-15 you could check out a little known Alberta country chanteuse, K.D. Lang, no admission charge.²⁴

Lang will go on to considerably more success than either of the bigger names in town — Johnny Dee Lightning or the Northern Pikes. Twenty-six years later Lang will close the 2010 Vancouver Winter Olympics with a jaw dropping performance of Leonard Cohen's, "Hallelujah," performed "to its blissful state of perfection," according to Cohen himself.²⁵

A review of the K.D. Lang show notes, "One of the most refreshing aspects of K.D. Lang and the Reclines is they do not set their lead singer up to be a sex object... Some members of the audience were confused by Lang's androgynous appearance. A number of young yahoos who could not deal with Lang's out of the ordinary talent and didn't want anyone else to have the chance to either yelled such witty comments as 'boo,' 'get a haircut,' and 'take your clothes off.'"²⁶

The U of S was not a particularly gay-friendly place in the early 1980s. The fledgling Gays and Lesbians at the U of S (GLUS) was still organizing.²⁷ In 1984, according to GLUS, "Approximately 800 people at the University of Saskatchewan are different from the majority in one important respect. They are homosexual. This is a simple fact

²⁴ *Sheaf* (Saskatoon, SK), Sep. 7, 1984.

²⁵ *The Telegram*, retrieved Sep 26, 2016 from <http://www.thetelegram.com/Living/2010-02-18/article-1450348/Leonard-Cohens-son-says-his-dad-deferred-to-k.d.-lang-at-Olympics/1>

²⁶ Wendy Wobeser and Diane Read, "K.D. Lang cuts loose," *Sheaf* (Saskatoon, SK), Sep, 20, 1984.

²⁷ *Sheaf* page 2 (Saskatoon, SK), Oct. 12, 1984.

and ought not create any problems. Unfortunately, in our society the whole question of sexuality is surrounded with so many fears and taboos that any deviation from the so called 'norm' is treated with intolerance and harshness. As a result, many gay people live in fear and disguise their true feelings."²⁸

In the fall of either 1983 or 1984 GLUS hosted a public awareness forum. It took place at "Speaker's Corner" in the lower lobby of Place Riel, the U of S student centre. This lobby, or concourse, connected the USSU offices, by tunnel, to the main library and the arts tower. It was a student hub, frequently used for public events — student elections, lunch time concerts, book launches, and the like. It was an open, public space about the size of a primary school gymnasium. Underground with no windows, Lower Place Riel was darkly appointed with chocolate brown ceramic floor tile and brown or orange vinyl ottomans scattered throughout for seating.

This gay and lesbian awareness forum (note that bisexual, transgender, and queer people were not then included in the movement) featured long time English professor Peter Millard and two other GLUS members — one male and one female — in a panel discussion. Millard was a long-time advocate of gay and lesbian rights. In 1972 he helped found the Saskatoon gay community centre.²⁹

All three speakers were on a riser in one corner of the space. A large, standing-room-only crowd was on hand — approximately three hundred. As Millard spoke to

²⁸ *Sheaf* page 15 (Saskatoon, SK), Oct. 12, 1984.

²⁹ The Encyclopedia of Saskatchewan retrieved April 26, 2016 from http://esask.uregina.ca/entry/millard_peter_1932-2001.html

open the forum, two young men ran down the wide stairs at one end of the concourse and into the crowd.

These two interlopers were dressed in blue coveralls. They wore cowboy boots, cowboy hats, and bandanas tied to cover their faces, western-movie bandit style. They carried cap guns, one each. As they ran down the stairs they were shooting their cap guns in the air — bang, bang, bang. They whooped stock cowboy exclamations, “Yeehaw!” Millard stopped talking. The assembled crowd paused. Most everyone turned to look at these two.

Once they were in the middle of the crowd they paused, pointed their guns at the stage and fired off a rapid volley. They shouted, “Shoot the fags!” And then they continued running and shooting out the other side of Lower Place Riel. They were laughing. It appeared to be intended as humorous. Indeed, many in the crowd chuckled at the interruption. Nobody in the crowd attempted to stop them. Nobody spoke out or shouted opposition, demanding that they leave or be quiet.

Once they had fled, Millard rolled his eyes and simply continued as though nothing had happened. He left the impression that this sort of thing was common — that as a gay man he frequently encountered bigotry.³⁰

³⁰ The incident described is taken from the author’s memory. From the Encyclopedia of Saskatchewan, “In 1995 the University of Saskatchewan established the Peter Millard Scholarship, Canada’s first university-administered scholarship in support of gay/lesbian studies, to honour Millard’s gay activism and his mentorship of gay and lesbian students on campus. Millard retired early to Gibsons, BC in 1992; but in 1998 he returned to Saskatoon, where he resumed most of his earlier activities. He died there on December 8, 2001.”

Personal computers were becoming more popular but most students still depended on typing services. Some professors permitted students to submit handwritten essays, most did not. If you printed them at home, you were not to use a dot matrix printer. Typing Plus is a “reasonable priced word processing service right across the street from campus.” Typing was \$1.20/page or \$12/hour for longer works. Graduating high school students might have taken “Typing” in grades 10, 11, and 12. If they did, it was on an IBM Selectric, not a computer.

Some did have their own computers. Perhaps they had joined the “Hyperion Micro-Revolution” an IBM compatible, Canadian made, Hyperion personal computer with 256K RAM and word processing software bundled in. The left hand of the face featured an amber seven-inch CRT screen. The right hand side, two 320K floppy drives. Highly portable. It came with a carrying case and weighed a scant 21 pounds.³¹ Available at the U of S bookstore for the student special price of \$2495. ³² This amount, in 2015, gets you a computer with 16GB of RAM. That is about 65,000 times more RAM than the 1984 Hyperion.

Set apart from the academic buildings on the main part of the campus, south of the sports fields and Griffith’s Stadium, is McEown Park, a quartet of high-rise student residences. Plain, grey on grey minimalist buildings, in 1984 they clustered in the middle of a grassy park, 100 meters from Cumberland Avenue, the nearest road. Isolated. These

³¹ Dynalogic Hyperion retrieved Dec. 28, 2015 from <http://www.oldcomputers.net/hyperion.html>

³² *Sheaf* (Saskatoon, SK), Sep. 7, 1984. [In 1984 the author was preparing his assignments on a Hyperion courtesy of his father, an employee of the Saskatchewan Research Council.]

four buildings are something of a landmark — the tallest buildings in the neighbourhood.

Assiniboine Hall and Wollaston Hall are one and two bedroom units primarily for upper year undergraduates and graduates, limit two per apartment. There are 211 apartments between the two buildings. Souris Hall is intended for students with children; there are 67 two-bedroom apartments. There is an attached playground, as there was in 1984. And, Seager Wheeler Hall, intended for single students. It is divided into six bedroom suites; occupants share a living room, dining room, kitchen, and bathroom.³³ Here, Seager Wheeler Hall, is where Shawn Reineke was mortally injured on September 29, 1984.

Given the residents of each building — upper year and grad students compared to families compared to single students in groups of six — it is no surprise that Seager Wheeler Hall had a party reputation. Students in the nearby residences note that students at Seager Wheeler Hall were rowdy.³⁴ This reputation endures. Ten years later, residents in the 1990s report Seager Wheeler Hall as a giant party.³⁵

Not all agree, though. In the days following Shawn's death, Andrew Hammond wrote to the *Saskatoon StarPhoenix* to object to the characterization of Seager Wheeler Hall students as "rowdies."³⁶ Hammond was upset that the opinion of a few people was

³³ McEown Park Features retrieved Dec 30, 2015 from

<http://livewithus.usask.ca/incomingresidents/mceownparkfeatures.php>

³⁴ "Students mum about man's death," *StarPhoenix* (Saskatoon, SK), Oct 1, 1984.

³⁵ Kristy Wiens (Seager Wheeler Hall resident 1992-1993), email to author December 30, 2015.

³⁶ Andrew Hammond, "Questions is of hearsay" in Editor's Letter Box, *Saskatoon StarPhoenix* (Saskatoon, SK), Oct 10, 1984.

used to generalize about the 304 people living at Seager Wheeler Hall. At the risk of offending Mr. Hammond now, thirty-two years later, it seems very likely that bad behaviour would happen here, rather than at any of the three companion high-rises.

On the night of September 28, 1984, Seager Wheeler Hall was host to a big, drunken party with little security.

A chronology of events, September 28 – 29, 1984

What happened at Seager Wheeler Hall in the small hours of the morning of September 29, 1984? What caused Shawn Reineke's death? Was he murdered? Was he the victim of a drunken college prank gone desperately wrong? Or, was his death an accident?

The Saskatoon Police spent months trying to answer these questions. The accumulation of the investigation became public at the "Coroner's Inquest into the Death of Shawn Reineke" held in the Saskatoon Courthouse, February 4 – 6, 1985, just over four months after Shawn's death.

The transcript is 727 pages of sworn testimony from 25 witnesses. There were several witnesses who could have testified — police officers at the scene that night, residents present when material events took place, ambulance attendants, private security guards, and more. However, only three days were set aside. There was not time to hear from every possible witness.

Also, a coroner's inquest is not a criminal trial, at which one might expect the prosecutor to be thorough and meticulous.

There is a cornucopia of evidence in those 727 pages but it is scattered and disorganized. It is often difficult to understand the point that the crown prosecutor, Benjamin Wolff, was trying to make. Contemporaneous news coverage in the Saskatoon StarPhoenix seized upon the most dramatic elements but missed much of the nuance. Much of the compelling story was put forward by Wolff, who was a Saskatchewan

Crown Prosecutor. He was seconded to act, not in a prosecutorial role, but as the instrument of the coroner to determine both the time and cause of death of Shawn Reineke.

What follows is a chronology of events taken from testimony in 1985, amplified and clarified by interviews done in 2016 with police, residents, and other witnesses.

The morning of Friday, September 28

September 28, 1984. Saskatoon had come through a few cool days, as much as 10 degrees Celsius below normal, but on that Friday it was due to warm up. The forecast was for a high of 12 degrees, just below the seasonal average of 15. It was to be a sunny, fall day with a brisk westerly breeze.³⁷ The Saskatoon Police reported just four robberies and 22 assaults for the week previous. No murders.³⁸

Shawn Reineke had only been away from the family farm for three months. In July and August, he lived with his uncle. Keith Reineke is 10 years younger than Shawn's father Don, making him not that much older than Shawn. The two were close.³⁹ At the beginning of September Shawn left Keith's home and moved into a basement suite on the west side of the city with Darwin Seidler — a childhood friend from Hodgeville who had moved to Saskatoon to attend the Saskatchewan Institute of Applied Arts and Science (SIAS). Darwin was enrolled in the pre-employment autobody course.⁴⁰

³⁷ Weather, *StarPhoenix* (Saskatoon, SK), Sep 29, 1984.

³⁸ Page 3, *StarPhoenix* (Saskatoon, SK), Sep 29, 1984,

³⁹ Interview with Keith Reineke, May 12, 2016.

⁴⁰ Email interview with Darwin Seidler, June 24, 2016.

In these three months Shawn frequently went home to Hodgeville for weekends — to help mom and dad on the farm and to see his girlfriend Sherry Seidler, Darwin's sister. He had originally planned to drive home after work on this day. He phoned his dad on Wednesday, September 26, to say he was planning on coming home for the weekend, a 280-kilometer drive. Don told Shawn to stay in Saskatoon, to relax and enjoy himself.⁴¹

High start-up cost, high net worth, low cash flow — the reality of family farming in Saskatchewan. It is a tough business to get into unless your family is already in it. Parents hope that the kids will take over the family farm but they know this is uncertain. The story of Saskatchewan since 1920 is shrinking towns and growing cities. The provincial population has remained more or less constant since the 1920s but the cities have grown as towns and farms have shrunk. In 1926 Saskatchewan was home to over 800,000 people, 29 percent living in cities (568,000 live rurally). By 1986 the province was just over 1 million but 61 percent were now city-slickers (390,000 rural). In this same period Canada went from about nine to 27 million, a 200 percent increase. If you raise your children in rural Saskatchewan, there is a good chance that your kids will not stay on the family farm.⁴²

Knowing this trend and knowing his son, Don told Shawn to skip the long drive home, "He said he wanted to come home for the weekend. I told him to stay [in

⁴¹ Terry Craig, "Reineke's parents look for answers," *Saskatoon StarPhoenix* (Saskatoon, SK), February 4, 1985.

⁴² The Encyclopedia of Saskatchewan, "Population Trends," retrieved Dec 31, 2015 from http://esask.uregina.ca/entry/population_trends.html

Saskatoon] and make a life for himself.”⁴³ Don knew that Shawn loved his parents. He knew that he cared for his brother Trent. He knew that he still spent time with Sherry on the weekends that he was home. He even expected Shawn to take over the farm. “There is no doubt about it,” Don says. “If he would have lived, he would have taken over the farm. My brother used to say, ‘There goes the farmer.’”⁴⁴ But Don Reineke is a practical man. He also knew that Shawn was not ready to take up farming. He needed some time to find himself. To grow up, away from mom and dad.

4 p.m.

Shawn left Walker’s Automotive after work. He had a dance to go to. Darwin had been called by his Hodgeville area friend, David Myles, the previous day, inviting him to a dance at his university residence, Seager Wheeler Hall. David was Darwin’s friend but he was kind enough to include Darwin’s roommate, so Shawn was going too. Residents got in free. Guests like Shawn and Darwin would have to pay \$1 each.⁴⁵

Shawn’s first stop after work was the bank. Shawn’s driver’s license had been suspended for driving while impaired and he had just gotten it back. Shawn’s bank had been convenient when he was commuting to and from Walker’s Automotive by bus but he had his truck in Saskatoon and he was going to start driving to and from work. Although there were automated tellers in Saskatoon in 1984, they were not as common

⁴³ Terry Craig, “Reineke’s parents look for answers,” *Saskatoon StarPhoenix* (Saskatoon, SK), February 4, 1985.

⁴⁴ Interview with Don and Ruby Reineke, January 9, 2016, Stuartburn, Manitoba.

⁴⁵ Testimony of David Myles (Page 67), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

as they are now and many, like Shawn, still depended upon visiting the bank to deposit paycheques and withdraw cash.

According to Ruby, Shawn planned to close his account at his branch, take that money as well as his paycheque, and open a new account at a bank closer to his home. Shawn's roommate, Darwin Seidler, recalls that Shawn was paid on September 28 and did close a bank account that day.⁴⁶

Shawn and Darwin lived on the west side of the city, in a blue-collar neighborhood, in a basement suite of a house at 1406 23rd Street West. One block to the south is 22nd Street, which was starting to decline by 1984. 22nd Street is dotted with squat, three-story, unimaginative brown-brick apartments along with small businesses — gas stations, convenience stores, and local restaurants. A popular family restaurant, the Blue Diamond, was just two blocks from Shawn and Darwin's place.

Three blocks away from Shawn and Darwin's rental, just across busy 22nd Street, was "the stroll" where prostitutes plied their trade. But this is Saskatoon. Their neighborhood might have been rough compared to the new subdivisions then being built as eastern suburbs, but it still felt safe. They did not live in the best part of town but Shawn and Darwin would have been comfortable walking to a nearby convenience store or throwing a football in Leif Erikson Park, just a block away from their suite. They lived in an older neighborhood. Low rent. Starting to wear but still safe and affordable.

⁴⁶ Testimony of Darwin Seidler (Pages 83-84), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

University of Saskatchewan students not living in residence tended to live on the east side of the river in Sutherland — Saskatoon’s student ghetto. Sutherland has good access to the U of S but is an older neighbourhood featuring affordable rents. Shawn and Darwin lived on the west side in the working class neighbourhood. Blue collar. Westmount, like a lot of the older neighbourhoods in Saskatoon, built up over a few decades. It has one-and-a-half story homes built in the 1920s⁴⁷ mixed with bungalows built in the late 1940s and early 1950s.⁴⁸

Darwin was enrolled in SIAST’s Kelsey campus. The place they rented was just three kilometers from Kelsey. Walkable, but most days Darwin drove his truck to school, “unless I was too hung over or still too inebriated to drive.”⁴⁹ These were two young men on an extended stay away from home for the first time, enjoying a relaxed lifestyle.

After three months in Saskatoon, Shawn had discovered most of the popular watering holes. The Patricia Hotel, downtown, was a favourite. The Pat mixed rock and top forty music with cheap draft beer. As downtown is easily walkable from campus, The Pat was frequented by U of S students.

Confetti’s was all dance-mix and lighting. Riley’s featured live bands. Both of these bars were closer to SIAST, farther from the U of S, but Saskatoon is small and no club was out of reach for anyone. Both would be full on Friday and Saturday nights.

⁴⁷ Realtor.ca retrieved Jan 2, 2016 from <https://www.realtor.ca/Residential/Single-Family/16233554/108-M-AVENUE-S-Saskatoon-Saskatchewan-S7M2K2>

⁴⁸ Realtor.ca retrieved Jan 2, 2016 from <https://www.realtor.ca/Residential/Single-Family/16093334/225-Q-AVENUE-N-Saskatoon-Saskatchewan-S7L2X5>

⁴⁹ Email interview with Darwin Seidler, July 24, 2016.

Fast Freddy's, The Keg, Mad Mary's, The Artful Dodger, Sammy's Grape Escape, and Esmerelda's were also popular spots, scattered around the city. Saskatoon was small and if you were looking for a party on a weekend you did not necessarily stick to your corner of the city.

Friday, September 28, 1984 was also the end of Hell Week. Traditionally, the College of Engineering Students Association hosted Hell Week two weeks after the start of class. On campus, engineering students in their red jackets and agriculture students (Agros) in their blue jackets dominated school spirit. Both were rowdy colleges and proud of it.

Hell Week started with a pub night on Monday, of course. But the real highlights were at the end of the week. "The Crucifixion" was on Thursday. Early in the week an Agro is captured and held, lightly against his will. On Thursday at noon a swarm of red clad engineers take over the Bowl. They erect a high cross, tied to which — crucified — is the drunken Agro they have held captive.

The previous fall, 1983, had included the final College of Engineering Lady Godiva Ride in which, as part of the fun of the Crucifixion, a naked young woman (allegedly a stripper imported from Calgary) was paraded around campus on horseback. In 1984 this was deemed inappropriate and discontinued.

Hell Week ended on Friday night with the Hell Dance.⁵⁰ Like the Welcome Week dance, this dance was downtown, off campus, in Centennial Hall. It was sold out at

⁵⁰ "Engineers," *The Sheaf* (Saskatoon, SK), Sep 20, 1984.

1,300 attendees, the biggest party in town. That year's Hell Dance featured two local bands, the new unrecorded Trouble Tones and the signed, first-album, Frantics. It was a well run, fun, well attended event.⁵¹

Shawn and Darwin met up at home. Darwin was even newer to Saskatoon, moving two weeks before on the weekend of September 15-16, to start school on Monday, September 17. Moving together to Saskatoon with Shawn was a continuing life adventure for the two friends. Shawn and Darwin knew each other from childhood. "As long as I can remember," says Darwin.⁵²

David, Darwin's friend from Hodgeville, had phoned Darwin only the day before to invite the two of them to that night's university sanctioned party at Seager Wheeler Hall. Before planning on attending this campus party Shawn had tried to make other plans. He had called a Saskatoon friend, Carla Hogg, to see if she wanted to hang out but Hogg was not available.⁵³

Shawn was an extrovert, comfortable among strangers. Sitting home alone on a Friday night would not have been his thing and when the invitation came from David, through Darwin, he likely jumped at the chance to go this U of S party.

They got dressed to go. Shawn wore his ubiquitous, powder blue cowboy boots with jeans and rugby shirt — a popular fashion for men in 1984. Darwin recalls that

⁵¹ Doug Sanders, "Hell dance fails to disappoint," *The Sheaf* (Saskatoon, SK), Sep 27, 1984.

⁵² Testimony of Darwin Seidler (Page 77), "Inquiry into the death of Shawn Reinke," Saskatchewan Justice, Feb. 4, 1985

⁵³ Interview with Carla Hogg, May 24, 2016.

Shawn thought “quite a bit of those boots.”⁵⁴ They were a favorite, both for function and for his sense of style.

Shawn and Darwin each drank one beer at home before leaving for the dance.⁵⁵

They left their west side residence around 8:15 p.m. in Darwin’s truck and drove just over five kilometres to Seager Wheeler Hall. They needed to stop for beer, though, probably at the Patricia Hotel. Darwin bought a dozen stubbies. Labatt Blue. Shawn did not bring any liquor with him.⁵⁶

8:30 p.m.

Seager Wheeler Hall is a 14-storey student residence built in 1970. The main entrance is on the south side of the building. There was a security door and panel, one numbered button for each suite. Once through the security door there was a small, square lobby. There were two elevators to the left, in the west wall of the lobby. Across from the elevators on the east wall there were two doors leading to stairwells going up. Between the two stairwells there was a small security office. On the north wall, opposite the entrance doors there was a door to the refuse room.

The main floor also had residences: two suites of six, one suite of four, and one suite of two. The small suite on the main floor was home to the chief residence assistant

⁵⁴ Testimony of Darwin Seidler, (Page 92), “Inquiry into the death of Shawn Reinke,” Saskatchewan Justice, Feb. 4, 1985

⁵⁵ Testimony of Darwin Seidler, (Page 78), “Inquiry into the death of Shawn Reinke,” Saskatchewan Justice, Feb. 4, 1985

⁵⁶ Testimony of Darwin Seidler (Page 79), “Inquiry into the death of Shawn Reinke,” Saskatchewan Justice, Feb. 4, 1985

— the senior student charged with watching the building when security was not on hand. There were also emergency and utility entrances. Photos of the refuse room from 1984 show double exterior doors so that large garbage bins could be wheeled out and emptied into waiting trucks.⁵⁷

Floors two through thirteen were identical. The elevators are the only openings on the west wall, emptying into a small, almost square lobby (26 feet by 25 feet). Opposite the elevators, there are two doors at either end of the east wall leading to the two stairwells. The east wall is concrete cinderblock, painted white. Residence assistants or security guards typically patrolled the building by exiting one stairwell, walking through the small lobby, and then going up or down the other stairwell. In this way, they would briefly visit every floor on their appointed rounds.

Leaving the elevators, to the left on the north wall there are three doors behind a glass firewall. This firewall creates a hallway within the lobby, isolating the north wall suites. It was floor to ceiling glass and, except for a 10 inch wooden railing at waist height, it did not obstruct line of sight. One can see across the lobby into the suites opposite if both doors are open. At opposite ends of the north wall there are doors to suites, 903 closest to elevators and 904 closest to the stairs. In the middle of the north wall is a third door, inset about 12 inches. This smaller door opens to a shallow 16-inch alcove with a garbage chute door on the back wall.

⁵⁷ Interview with Carl Millar, May 1, 2016 As well as photographs obtained by request from the Saskatchewan Archive.

Leaving the elevators, to the right there are two doors at either end of the south wall; 901 is closest the elevators and 902 is closest to the stairs. There is no firewall to the south, those suites exit directly into the small elevator lobby.

There were four suites per floor. Each floor had the same layout. Each corresponding suite was identical. The layout of Suite 1102, for example, was identical to Suite 1202. You enter into the shared living room. There is a utilitarian, three-cushion couch (vinyl cushions on a wooden frame). There are three armchairs. A small settee. A coffee table. A large window. To one side of the living room, with no dividing wall, is the kitchen/dining area. A short counter, eight feet long with double basin sink and cupboards above and below. One fridge. And a small dining table with four chairs. On the opposite wall is a hallway to the bedrooms, of which there were six. Each bedroom is just big enough for a standard bed, closet, dresser, small desk, and sink. The shower and toilet are in the shared bathroom, also down the hall.

Six people per suite. Four suites per floor. The suites themselves were not co-ed — in 1984 they were either all men or all women — but the floors were. Two male suites and two female suites per floor. 901 and 903 for women, 902 and 904 for men.

Shawn and Darwin arrived at Seager Wheeler Hall sometime between 8:30 and 9 p.m.⁵⁸ On Friday nights Seager Wheeler Hall had an active security door. When Shawn and Darwin arrived they buzzed David's room, Suite 1102.

⁵⁸ There is slight conflict around the time of their arrival. David Myles said they arrived, "at quarter to 9:00, around there, quarter to 9:00 or 8:30." Darwin Seidler said they arrived, "Shortly around 9:00."

David left his room to go to the front door and let Shawn and Darwin in. Security procedure at Seager Wheeler was that on Friday and Saturday nights, when Flaman Security was contracted to supply a person, remote access via the front door was turned off by security with a switch in the main floor security room. Arrive during the day and a visitor could buzz a suite and be let in remotely. In the evening visitors could still buzz a room but a resident would have to go to the front door to let guests in personally.⁵⁹

There was modest confusion. “I went down to get them but they weren’t there,” David recalled.⁶⁰ Up until about 1981, guests had to be signed in to Seager Wheeler. Things were more relaxed by 1984. Seager Wheeler Hall often had a security person at the front door who would hold would-be guests until a resident came to the door to let them in.⁶¹ Indeed, U of S president Dr. Leo Kristjanson told the *Saskatoon StarPhoenix* that, “guards were hired to ensure that there was no rowdiness at the residence... admission to the residence is controlled by guards, with only residents and guests allowed in the building.”⁶² That may have been the university’s intention but, in reality, getting in to Seager Wheeler Hall was not difficult.

The hired security guard was also tasked with patrolling all the floors of Seager Wheeler Hall as well as visiting the other three residence towers in Mceown park. The

Testimony of David Myles (Page 67) and Darwin Seidler (Page 79), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

⁵⁹ Testimony of William Walker, Flaman Security Officer (Page 346), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985. Also interviews with Carl Millar, May 1, 2016.

⁶⁰ Testimony of David Myles (Page 68), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

⁶¹ Testimony of T.R. Herd, Flaman Security Officer (Pages 421-422), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁶² “Student’s mum about man’s death,” *StarPhoenix* (Saskatoon, SK), October 1, 1984.

front door at Seager Wheeler Hall was frequently not controlled by a security person.⁶³

And, consequently, if there was no security officer at the front door then there was no real control over who gained access to the building.⁶⁴

With 300 residents and a university sanctioned party planned on a busy Friday night, there was lots of traffic in and out of Seager Wheeler Hall. “We always have difficulty with people trying to get in and it wasn’t very much different from any other night.”⁶⁵

Shawn and Darwin were arriving at more-or-less the same moment that Seager Wheeler Hall resident Sherrilee Shorten was leaving to go to downtown to the Hell Week dance at Centennial Hall and Neal Sylvestre was leaving to make the short walk over to Louis’, the campus pub.⁶⁶ Although Darwin could not recall precisely, it seems almost certain that he and Shawn waited for Myles in the vestibule and when someone else entered or left — perhaps Shorten or Sylvestre — he and Shawn slipped in and headed up to David’s suite, 1102. The friends missed each other in transit. After not finding his two friends at the door, David “went upstairs and they were already upstairs sitting at the kitchen table.”⁶⁷

⁶³ Testimony of T.R. Herd, Flaman Security Officer (Pages 421-422), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁶⁴ Testimony of William Walker, Flaman Security Officer (Page 346), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁶⁵ Testimony of T.R. Herd, Flaman Security Officer (Page 441), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁶⁶ Testimony of Sherrilee Shorten (Page 116) and Neal Sylvestre (Page 255), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

⁶⁷ Testimony of David Myles (Page 68), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

The 12-pack of Labatt Blue, box still sealed, was opened upon David's return to his room. The three friends sat together and drank Darwin's beer, probably all of it. "I had four," David recalled. "[Shawn had] an equal amount. [And Darwin] had the same." Four beer each.⁶⁸ There was still more beer in David's suite as he had some of his own on hand.⁶⁹

9 p.m.

Shawn, Darwin, and David were then joined by some of David's university acquaintances, "the girls next door came over... and the girls across the hall came over and three other guys."⁷⁰ The group that gathered in David's room was between eight and 10. Shawn knew Darwin who knew David, but did not know any of the others. Introductions were made. The group left, en masse, for the dance on the 14th floor. They used the south stairs.

In 1984 the 14th floor at Seager Wheeler Hall was a partial floor. There were no student suites. There was a rooftop atrium, "The Lounge." There were locked machinery spaces (elevators, heating, and cooling), washrooms, and laundry facilities. The lounge was the site of the dance.

⁶⁸ There is some disagreement. Myles recalls them each having four beers, Seidler recalls them each having two or three beers, although Myles is more unequivocal. Testimony of David Myles (Page 68) and Darwin Seidler (page 79), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

⁶⁹ Testimony of Darwin Seidler (Page 79), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

⁷⁰ Testimony of David Myles (Page 69), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

By the time that Shawn arrived on the 14th floor the dance was well underway. In addition to the usual Friday night security officer posted at the front door, there was a second security officer from Flaman, a private company, posted at the entrance to the party. This guard's duties included controlling access to the lounge and making sure that no liquor was taken in or out.

The liquor policy was not well enforced at Seager Wheeler Hall. Residence assistants, for instance, were responsible for ensuring that liquor remained within suites. That was the official policy. But, as long as people were behaving well, it was often consumed in the floor lobbies and residence assistants ignored this. The policy was a guideline.

The lounge was not a particularly large space. The approved occupancy — listed on the temporary liquor license which had been issued for the night — was for 96 people. At times, there were from 150 to 175 people, residents and guests, crowded into the space. It was packed, standing room only.⁷¹

There was a lot of coming and going from the dance on the 14th floor. Ken Mark, a second year engineering student, went up to the party from his suite, 904, around 9 or 9:30 p.m.⁷² Shannon Freeman, a resident of 1001, went to the dance “with the guys next door in 1002” at about 10:15 p.m.⁷³ Carey Barrett, from his suite, 1202, went to the

⁷¹ Testimony of William Walker, Flaman Security Officer (Page 356), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁷² Testimony of Kenneth Mark (Page 386), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

⁷³ Testimony of Shannon Freeman (Page 532), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

dance around 10:30 or 11 p.m.⁷⁴ Monica Faber from 903 around 11 p.m.⁷⁵ Many students went back and forth over the course of the night. They returned to their suites to have a drink or use the bathroom and then returned to the dance. There were many people going in many directions throughout the night.

Just as a single security officer had little control over the main building door, so too there was little control over the door to the lounge. Officially, residents were only permitted two guests but the security reports from the night show individual residents bringing in as many as 10. William Walker, the Flaman Security officer working on the 14th floor did not even know there was a limit. "I never knew of any rule or regulation that stipulated how many people could be let in by one person... as far as I know you can let five, six, or seven people in, as many as you want," he said.⁷⁶

The three Hodgeville friends — Shawn, Darwin, and David — spent most of their first hour at the dance together. David bought beer tickets. Shawn bought beer and wine tickets. They talked. They danced. Shawn was having a good time. He was getting along with everyone. He was not "moving in on anyone," he was just drinking, talking, dancing, and having fun.⁷⁷ At times, Shawn separated from David and Darwin to mingle.

⁷⁴ Testimony of Carey Barrett (Page 198), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

⁷⁵ Testimony of Monica Faber, (Page 489), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

⁷⁶ Testimony of William Walker, Flaman Security Officer (Page 354), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

⁷⁷ Testimony of David Myles (Page 73), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

This is no surprise, Shawn was an extrovert. Witness after witness recount that there were no problems at the dance — no fights, no commotions of any kind.

11 p.m.

Shawn and Darwin left the party around 11 p.m. Darwin drove his truck back to their basement suite on the west side so that Shawn could get more money. He had started the night with about \$30 and it was gone. Darwin had started the night with about \$40. At the party, one beer was \$1.25 and a bottle of wine was \$3.75. Darwin bought and drank only beer. Shawn bought both beer and wine. The National Institute on Alcohol Abuse and Alcoholism defines a “standard drink” as anything which contains 14 grams of pure alcohol (about 1.2 tablespoons). Thirty dollars could have bought Shawn between 24 and 40 standard drinks.⁷⁸ Shawn must have been buying drinks for others and, still, the two friends got more of Shawn’s money in order to buy more liquor.

Darwin does not know how much money Shawn brought with him on this second trip but he knows he had cash at home. It was payday and Shawn had closed a bank account. They were gone for half an hour at the most and had no trouble getting back into the building. They did not buzz David’s room, they just got in as people were coming and going constantly.⁷⁹ David and the girls they met earlier in the night were still

⁷⁸ National Institute on Alcohol Abuse and Alcoholism, “What is a standard drink?”, retrieved May 10, 2016 from http://pubs.niaaa.nih.gov/publications/Practitioner/pocketguide/pocket_guide2.htm

⁷⁹ Testimony of Darwin Seidler (Page 81), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

at the dance on the 14th floor when Shawn and Darwin got back. Everybody continued drinking.

It is not known how many drinks Shawn paid for. It is likely that Shawn bought drinks for others just as David had done upon arriving at the party. Shawn was, after all, an outgoing and friendly young man, comfortable among strangers. It is certain that all three friends were drunk. When Shawn's wallet was returned to Don and Ruby after his death it contained \$50 — what was left of the money that he had gone home to get.⁸⁰

Midnight

Throughout the night David was up and down between his suite and the dance in the lounge. He last headed up to the dance on the 14th floor at about 12:15 a.m. Shawn and Darwin were in the lounge too. David was the first to leave. "Then I came down again or the girls brought me back down and they put me to bed around 12:30 or 1:00, in there."⁸¹ David was drunk. His friends, the girls from next door in 1101, put him to bed.

Darwin, too, was drunk. He cannot recall how much he had to drink, only that it was "too much." He cannot recall what time he left the party on the 14th floor. He cannot recall if he talked to Shawn immediately before leaving the dance.

⁸⁰ Interview with Don and Ruby Reineke, Jan 9, 2016.

⁸¹ Testimony of David Myles (Page 71), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

Darwin's last recollection of his friend that night is seeing Shawn at the dance. He said, "The last I remember was seeing him upstairs... He was very well intoxicated."⁸²

Darwin headed downstairs with David and the girls from 1101. Shawn stayed at the dance in the lounge. Darwin and David ate some popcorn and then went to bed in David's suite around 1 a.m. They both slept until morning. At the dance, everyone was getting along. Quite a few people there were not Seager Wheeler Hall residents. There were no problems between the different groups and different colleges represented.

Darwin told Shawn that he was going to stay overnight, he was not going to drive home. Drinking continued after the run home for cash at 11 p.m. since Darwin then felt sober enough to drive. Shawn knew that the plan was to sleep in David's suite, 1102.

Shawn told Darwin that he might go home, possibly he felt uncomfortable staying overnight as David was Darwin's friend, not Shawn's. He told Darwin that he was saving enough money to take a cab home if he needed to.

Neal Sylvestre, who had left for Louis' on campus around 9 p.m. — just when Shawn and Darwin first arrived — returned to Seager Wheeler Hall just after midnight. He and Donna Puto, a resident from 1202, had been at Louis' for "two or three hours." Sylvestre considered that he was "feeling good" but was not drunk, despite having consumed five beers in two or three hours.⁸³

⁸² Testimony of Shawn Seidler (Page 85), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

⁸³ Testimony of Neal Sylvestre (Page 257), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

This theme recurs again and again in contemporaneous recollections of the night of September 28th. Many of those who testified at the Saskatchewan Justice Coroner's Inquest held February 4 – 6, 1985 use words akin to Sylvestre's: "I had quite a bit to drink but I wasn't drunk." Such was the attitude, particularly of young men, in the early 1980s. It seems there were three possible states of intoxication: "sober" where one feels none of the effects of alcohol; "feeling good" where one has some sense of intoxication but still has control; and "drunk" where one is starting to lose function. Virtually everyone testifies that they were "feeling good" although almost certainly, many of the people on that night were intoxicated to the point that their judgement, memory, and coordination were impaired. A lot of the young men and women at Seager Wheeler Hall that night were drunk, despite what they thought.

Darwin, for instance, drove the round trip to their home at 11 p.m. so that Shawn could get more money. He had at least six drinks in the preceding two hours. Public attitudes towards alcohol were much more relaxed in 1984 than today. Drunk driving was almost a rite of passage.

Upon his return to Seager Wheeler Hall just after midnight, Sylvestre stopped at his suite, 1302, before heading up to the dance. He left his room to cross the lobby and round up some friends in 1304. Shawn was in the lobby on the 13th floor.

Sylvestre recalls it being about 12:15 a.m. — Darwin and David were likely two floors below eating popcorn with the girls in 1101. "That was the first time I seen Shawn," Sylvestre testified. "He appeared quite drunk." Shawn was alone. He did not

appear to have any liquor, beer, or wine. He had a woman's purse. Sylvestre's suspicion that Shawn was drunk was bolstered by the fact that Shawn asked, not for help finding the woman who owned the purse, but if the purse belonged to Sylvestre, who was unmistakably male. That was their conversation. "I just passed right by him."⁸⁴

Sylvestre was not concerned. Drunken strangers were not unusual for Seager Wheeler Hall on a Friday night in September 1984. There was always a party — so much so that many residents choose not to return after living there for year. Of course, others returned for two, three, or four years *because* there was always a party. "Seager Wheeler Hall was a very good place to exercise your hormones. There was quite a social life. I lived there for four years," said Charles Zlotkin.⁸⁵

Sylvestre left Shawn in the lobby on the 13th floor and entered his friends' suite, 1304. He was there for no more than five minutes. When he and his friends came out to head upstairs, Shawn was gone.

Carey Barrett, a first year university student was the next person to see Shawn.

Barrett lived in Suite 1202. At 10:30 or 11 p.m. he finished up studying for the night and went up to the dance on the 14th floor. It was packed. The mood was happy. Everybody was having a good time. Barrett did not see any trouble. He slipped away around midnight to use the bathroom in 1202. His suite was empty. He went

⁸⁴ Testimony of Neal Sylvestre (Page 258), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

⁸⁵ Interview with Charles Zlotkin, Apr 25, 2016.

immediately back to the dance. After another 30 minutes at the dance, having drunk four or five beers, Barrett left again. The party was still going strong.⁸⁶

At about 12:30 a.m. when he got back to his suite Barrett was surprised to find “Shawn ... laying on our kitchen floor passed out.” Between 12:15 a.m. when Sylvestre saw Shawn, obviously drunk but still able to walk, and 12:30 a.m., Shawn had made his way from the 13th floor to Barrett’s kitchen in Suite 1202.

Barrett had met Shawn earlier in the evening upstairs at the dance. Sometime around 11:00 p.m., presumably before Shawn and Darwin left to get more money. Other than that brief five-minute conversation with Shawn at the dance, Barrett did not know him. He had never met him. And, finding him on the kitchen floor of 1202, did not even know his name.⁸⁷ Shawn was alone. There was nobody else in the common area of Barrett’s suite.

Darwin and David were likely still up, now just one floor below. One cannot help but wonder if Shawn, drunk, decided it was time to join his friends and wandered into the wrong suite. Suite 1202, where Barrett found him, and Suite 1102, where Darwin and David were soon to be asleep, are identical. They are both in the south east corner of the lobby and they have identical layouts. Perhaps Shawn took a seat at the kitchen

⁸⁶ Testimony of Carey Barrett (Pages 198-201), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

⁸⁷ Testimony of Carey Barrett (Pages 201-202), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

table, thinking he was in 1102, to wait for Darwin and David. He passed out and slumped onto the floor in 1202 where Barrett found him.

Barrett noticed a cut on Shawn's hand. Concerned, he cleaned it up. Shawn did not wake. He was unable to communicate. There were two bottles of wine on the kitchen table beside Shawn, one full, the other half full. These were not Barrett's and he did not know where they came from. They did not belong to any of the other residents of 1202, Barrett assumed that the wine was Shawn's.⁸⁸ John Bilawich recalls that he saw people carrying around bottles of wine, maybe Shawn. He heard from others that Shawn had been carrying around two bottles.⁸⁹

Perhaps between 12:15 and 12:30 a.m. Shawn went up one floor, back to the dance in the lounge, found the owner of the woman's purse, bought two bottles of wine, and made his way to 1202. More likely, he had the wine on him when Sylvestre saw him on the 13th floor and he simply made his way down one more floor and into Suite 1202. In either case, getting wine out of the dance was not a problem.

William Walker was the Flaman security guard working the entrance to the dance on the 14th floor. His job was to contain the party and, among other things, make sure that no beer or wine was removed from the lounge. But, he admitted that this was nearly impossible. When asked how Shawn could carry two bottles of wine out of the dance Walker recalled: "Just walk right out the door with them... There were hundreds

⁸⁸ Testimony of Carey Barrett (Page 209) and Timothy Wall (Page 159), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985

⁸⁹ Testimony of John Bilawich (Page 312), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

of people there. You stop as many as you can. If six come out with beer in their hands you can only catch five of them. You do only as much as you can do.”⁹⁰

The residents were all students. Wine was \$3.75 per bottle. It was Barrett’s feeling that if the wine had belonged to someone (other than Shawn) it would have been claimed that night but nobody ever did. It would seem that the already intoxicated Shawn had purchased two more bottles of wine at the dance and brought them to 1202 — possibly intending to go to 1102 and find his friends Darwin and David.

After cleaning Shawn’s hand, Barrett went back up to the dance on the 14th floor at about 12:45 a.m. He found one of his roommates, Blake Wiggins. The two of them returned to their suite, 1202, and moved Shawn from the kitchen floor to the couch in the living room. And, they went back upstairs to the dance.

1 a.m., Saturday, September 29

Barrett, with a reputation for being one of the hardest partiers in Seager Wheeler Hall,⁹¹ did not stay long, only about 15 minutes because “everyone was coming back from the engineering function.”⁹² This was the Hell Week dance downtown at Centennial Hall. Several Seager Wheeler Hall residents attended. Sherilee Shorten left the downtown dance around 1 a.m.,⁹³ Tim Wall arrived back at Seager Wheeler Hall

⁹⁰ Testimony of William Walker (Page 356), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

⁹¹ Interview with Carl Millar, May 1, 2016.

⁹² Testimony of Carey Barrett (Page 204), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

⁹³ Testimony of Sherilee Shorten (Page 117), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

“sometime after 1:00,”⁹⁴ and Darlene McLeod got back to Seager Wheeler Hall at 1:30 a.m.⁹⁵ The dance on the 14th floor was scheduled to end at 2 a.m., but liquor sales cut off at 1 a.m.⁹⁶

Barrett returned to his suite, 1202, around 1:15 a.m. with “other people from the 12th floor.”⁹⁷ Shawn was still on the couch. Still passed out. The atmosphere on the 12th floor was relaxed. Residents were wandering from suite to suite. Many of the suite doors, perhaps all four, were open. People were floating from room to room.

At 1:30 a.m. Darlene McLeod got back to Seager Wheeler Hall. She stopped briefly on the 12th floor to visit her suite and to pop in next door “to see this guy that was passed out on the couch and then I went upstairs.”⁹⁸ Shawn was the guy passed out on the couch. As of 1:30 a.m. nothing else seemed out of the ordinary to McLeod.

Around the same time, Tim Wall returned from the Hell Week dance where he recalls downing eight rum-and-Cokes in four and a half hours. He stopped at his suite, 1204, on the way up to the 14th floor. The dance was winding down and he did not stay long. He went back down to Suite 1201. There he encountered Carey Barrett.⁹⁹ The two

⁹⁴ Testimony of Timothy Wall (Page 157), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

⁹⁵ Testimony of Darlene McLeod (Page 358), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

⁹⁶ Testimony of John Bilawich (Page 310), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

⁹⁷ Testimony of Carey Barrett (Page 204), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

⁹⁸ Testimony of Darlene McLeod (Page 359), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

⁹⁹ Testimony of Timothy Wall (Page 158), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

of them knew each other, having taken up residence on opposite sides of the 12th floor at the start of the school year one month prior, but they were not close friends. Barrett told Wall about the stranger — Shawn — sleeping on the couch in 1202. Wall wandered over and saw Shawn on the couch. He did not know him. He had not seen him before. Wall also noticed the two bottles of wine on the kitchen table. He went back to the gathering in the girls' room next door.

After some wandering from room to room and chatting, Barrett and Wall wound up back in Barrett's suite, Shawn still passed out on the couch. The two of them tried to wake Shawn. They shook him. They shouted, "Wake up." They even poured a little bit of Shawn's wine onto him. They touched ice cubes to his face. Shawn did not even twitch. Nothing. They could not get a response. For a time, they covered him in pages from the *Saskatoon StarPhoenix* and left him. Shawn did not move.

Also at about 1:30 a.m. Wall's roommate Darren Larson arrived back at Seager Wheeler Hall. He too had been at the Hell Week dance. He had "five or six rye-and-Cokes" and then drove a carload of people back to Seager Wheeler Hall. He went directly to his suite, 1204, dropped his jacket in his room, and went next door to the girls' apartment, 1203.

All of the doors on the 12th floor were open and students wandered freely from room to room. This was not uncommon at Seager Wheeler Hall. Suite doors were left open; bedroom doors were locked. Shawn was kitty-corner across the lobby in 1202. Larson could see from suite to suite but he did not see Shawn, at least not initially.

Perhaps Shawn was camouflaged, covered in newspapers. Or, perhaps Larson simply did not notice the guy passed out on the couch in the suite across the lobby.¹⁰⁰

Five and a half hours after Barrett and Wall tried to rouse him, Shawn's blood alcohol content was determined to be 0.15 mg/litre. This means that at 1:30 a.m. when they were shaking him and attempting to wake him, his blood alcohol level was probably about 0.2325mg/litre.¹⁰¹ With a blood alcohol level over 0.20mg/litre people will tend to lose motor control and be confused. They may need help standing or walking and will probably require medical assistance. Over 0.30mg/litre people are severely intoxicated. They may lose consciousness and need hospitalization.¹⁰²

Unable to wake Shawn, Barrett and Wall decide to play a practical joke on him. This was not unlike the sort of prank that one was likely to see in Seager Wheeler Hall when someone passed out. "Like I'm not going to cite any cases but there are other individuals that had had things inflicted on them when they're drunk or whatever," said Wall.¹⁰³ Barrett and Wall set out to mimic the sort of tomfoolery that they had seen before. There was no specific plan, just one small thing after another. Youth, booze, and harmless fun. That was the plan.

¹⁰⁰ Testimony of Darren Larson (Page 136), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁰¹ This number calculated by adding 0.015mg/hour to Shawn's known blood alcohol content from a blood sample taken at the Royal University Hospital, Saskatoon, SK taken at approximately 7 a.m., Sep. 29, 1984. These numbers are approximate and based on averages, not upon specific knowledge of Shawn's ability to metabolize alcohol.

¹⁰² Brown University, "Alcohol and your body," retrieved May 12, 2016 from <https://www.brown.edu/campus-life/health/services/promotion/alcohol-other-drugs-alcohol/alcohol-and-your-body>

¹⁰³ Testimony of Timothy Wall (Page 161), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

None of this was particularly out of the ordinary for Seager Wheeler Hall on a Friday night. Donna Puto returned to 1201 from the dance on the 14th floor. She saw Shawn passed out next door but was not concerned. She ordered pizza with friends. A drunken student was simply not uncommon enough or worrisome enough to raise a concern.¹⁰⁴

2 a.m.

“The things we did to him were just as a joke,” Wall recalled. “We didn’t want to hurt him in any way... I didn’t want to hurt him.”¹⁰⁵

Shortly after 2 a.m., Larson noticed a commotion in 1202 across the lobby — yelling and laughing — and went to investigate. There were several people in the room. Shawn was passed out of the couch. Barrett and Wall were just beginning their prank. Barrett was the leader.¹⁰⁶

Barrett and Wall started by squirting mustard onto Shawn’s face.¹⁰⁷ Then they pulled up Shawn’s shirt and squirted shaving cream onto his stomach, in the shape of a cross stretching from his belt to his solar plexus.¹⁰⁸ They made a toe tag. Barrett removed Shawn’s right boot and attached the toe tag to Shawn’s big toe.

¹⁰⁴ Testimony of Donna Puto (Page 288), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁰⁵ Testimony of Timothy Wall (Page 162), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁰⁶ Testimony of Darren Larson (Page 139 & 142), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁰⁷ Testimony of Elizabeth Kay (Page 102), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁰⁸ As shown in photograph viewed at the Saskatchewan coroner’s office, Jan 9, 2016.

2:25 a.m.

They recorded the time of death on the tag as 2:25 a.m. It was rare on this night for anyone remember a specific time but they did in this case because the stoves in the suites had clocks and somebody checked the time to get it right for the toe tag.¹⁰⁹

The commotion drew a crowd of spectators. “The room was pretty full by that time,” said Larson. Although Barrett and Wall were the main perpetrators, others took part. “One guy was pretending he was doctor and then pretending that he [Shawn] was dead.”¹¹⁰ Wall asked Larson, his roommate in 1202, to perform last rites. Larson did. Nobody was angry. Most everybody was having fun, taking part in this prank or simply watching and enjoying the show.

Shawn did stir, slightly, Larson said, “He had mustard on his face and he made movements to take it off I noticed. That was the only kind of movement I saw. Like the mustard was right under his nose, it looked like, and he was wiping it off a little bit but you could tell he wasn’t really conscious or anything.”¹¹¹

Heather Fornwald, from next door in 1201, brought her camera and she took two photos. One is a horizontal showing Shawn on his back on the couch. The other is a vertical showing Larson, Wall, and Barrett, arms around one another, gathered around

¹⁰⁹ There is disagreement about what was written on the toe tag. Wall recalls it having actual words and a time of death. Barrett recalls it as just being scribbles — presumably to simulate a toe tag’s contents but not have any actual words. Testimony of Timothy Wall (Page 163) and Carey Barrett (Page 207), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹¹⁰ Testimony of Darren Larson (Page 142), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹¹¹ Testimony of Darren Larson (Page 144), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

Shawn's head at one end of the couch. Barrett has his hands on the corners of Shawn's mouth, pulling Shawn's lips into an awkward smile. A trophy photo. Others in the room at the time were invited to be in the photo but refused, presumably out of some sympathy for the unconscious stranger.¹¹² Larson posed in the photo despite not having taken part in the prank, other than intoning last rites. Barrett and Wall were the artists.

Some felt that the joke went too far. "When they started ... it was big joke. When they started putting mustard and then the shaving cream and reading the death certificate over him it was a little too much," said Elizabeth Kay.¹¹³ After the photographs, they left Shawn there. The party continued.

Larson and the girls he had come with went back to 1203. Barrett and Wall left Shawn, they wandered between rooms and floors at Seager Wheeler Hall. They visited the other rooms on the 12th floor and other floors, telling people to go to 1202 and check out their handiwork. It is unlikely that they went to the 10th floor, though, as there was a party in 1002 and Darlene McLeod (who had seen Shawn on the couch prior to anything being smeared or sprayed) who was at the 10th floor party does not recall anyone suggesting people go up to the 12th floor to see Shawn.¹¹⁴ Indeed, several residents of Seager Wheeler Hall confirm that this sort of prank — painting a drunken student with shaving cream or mustard or whatever — would not have been

¹¹² Testimony of Elizabeth Kay (Page 104), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹¹³ Testimony of Elizabeth Kay (Page 108), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹¹⁴ Testimony of Darlene McLeod (Page 362), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

uncommon.¹¹⁵ If you drank too much at Seager Wheeler Hall on a Friday or Saturday night you were apt to be pranked.

There were still lots of people up and around, drinking, talking, and dancing. Several residents went to take a look at Shawn in 1202. There was lots of laughter. Some were eating popcorn and even added some popcorn to the shaving cream on Shawn's stomach. Barrett and Wall may have been the main instigators but many residents took part either by simply observing or by taking a slight role — taking a photo, coming from another floor to gawk, leaving some popcorn, or whatever.

3 a.m.

After 30 minutes of wandering around with Wall and boasting of their prank, Barrett decided that they should move Shawn out of his suite, "We decided that we better get rid of him because when he woke up he wouldn't be too pleased."¹¹⁶ They went up to the 13th floor to enlist the help of their friend Wayne Bausche. Barrett recalls that it was Bausche, Wall, and Larson who lifted Shawn off the couch and moved him to the elevator. Barrett carried Shawn's boot and held the elevator open.

Wall does not recall Larson helping. He remembers it being himself, Bausche, and Barrett who carried Shawn. And Larson recalls that he was watching through the door from inside 1203 when Shawn was moved. He could not see well but was sure that

¹¹⁵ Interviews with Charles Zlotkin, Apr 25, 2016, Carl Millar, May 1, 2016, Lori Whelan, May 15, 2016, and Jim Sheasby, May 16, 2016.

¹¹⁶ Testimony of Carey Barrett (Page 210), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

Wall, Bausche, and Barrett were there. Likely this is correct — Larson was not involved in moving Shawn to the elevator.

Everybody agrees, though, that they carried him horizontally. Shawn could not walk. He was not conscious. They laid him on the floor of the elevator. There were others on the elevator — probably two — but nobody was concerned. None of this was that far out of the ordinary for a Friday night at Seager Wheeler Hall in 1984.

It was between 3 and 3:15 a.m. when they got Shawn into the elevator. He stirred again, slightly. “When we eventually got him into the elevator he started to wake up a bit, I guess, and started moaning and groaning,” said Barrett.¹¹⁷

Barrett put Shawn’s boot on the floor of the elevator beside him. He did not push any particular floor as there were already two people on the elevator. “Well we figured that he would be on the elevator and security would find him or somebody would. Like he was waking up when we put him on there. We figured he would crawl out onto his floor...”¹¹⁸ They watched the elevator door close and they returned to the party. Larson remained in 1203 for the rest of the night. Wall and Barrett went back to wandering around.

¹¹⁷ Testimony of Carey Barrett (Page 211) & Elizabeth Kay (Page 110), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹¹⁸ Testimony of Carey Barrett (Page 214), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

3:15 a.m.

Shawn made an appearance on the 10th floor. Ervin Reekie recalled being on the 10th floor when the elevator door opened revealing a grey cowboy boot. Reekie took the boot off the elevator, looked at it, and “threw it off to the side.”¹¹⁹ Apparently, Shawn was awake enough to get off the elevator, but left his boot behind.

Reekie’s recollection is at least partly corroborated by others. One of the students at the 10th floor party recalls that Shawn was there, briefly, covered in shaving cream.¹²⁰ Darren Cripps recalls being on the 10th floor around 3:15 a.m. when Reekie approached him “with a boot or a shoe and said, ‘I’m looking for my friend that passed out on 12, like I’ve got his boot.’”¹²¹ Carol Bamber recalls a “totally inebriated male who had been at the party for an instant, covered in mustard and shaving cream.”¹²² And Neal Sylvestre heard that Shawn was ambulatory, after being covered with shaving cream, and was looking for his boot. He cannot, though, confirm where Shawn was when he was looking. This was only a rumour.¹²³

There are confusing and only loosely corroborated recollections of Shawn on the 10th floor. There are enough, though, that it seems certain that he did make a brief appearance sometime around 3:15 a.m. and that he recovered his boot but did not put

¹¹⁹ Testimony of Ervin Reekie (Page 685), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹²⁰ Interview with Charles Zlotkin, Apr 25, 2016.

¹²¹ Testimony of Darren Cripps (Page 336), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

¹²² Interview with Carol Bamber, Aug. 14, 2016.

¹²³ Testimony of Neal Sylvestre (Page 282)), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

it on. Tracy Ham, for instance, also recalled being at the party on the 10th floor when the elevator arrived with Shawn standing on it, leaning on the emergency stop. Ham recalls that Shawn was covered in foam and mustard and wearing only one boot. Somebody fetched the other boot from 1002 and handed it to Reekie who gave it to Shawn.¹²⁴

One floor below, Kenneth Mark had returned from the dance on the 14th floor to his suite, 904, around 1 a.m. He sat up talking with his roommate, Victor. A little bit after 3:00 a.m. (“I can’t pin it down. Between 3 and 3:30 for sure”) Mark heard a loud noise from the lobby.

With his roommate Victor (who did not testify at the inquest) at his side, Mark investigated. He opened the door of his suite. There was an intoxicated young man in the lobby, just on the other side of the fire glass. The glass fire door was closed. Mark did not know this person. He did not recall seeing him at the dance on the 14th floor or meeting him at any time. Only later did he learn that this was Shawn.¹²⁵

Shawn was standing, leaning against the other side of the glass firewall that separated Suites 903 and 904 from the elevator lobby. “He had what appeared to be white shaving cream and yellow stains on him... He was just staggering on the wall, leaning on it in a stupor.” Mark does not recall if Shawn was wearing both his boots or

¹²⁴ Testimony of Kelly Ham (Page 606), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹²⁵ Testimony of Kenneth Mark (Page 388), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

was carrying one. It was obvious to Mark that Shawn was drunk. He was staggering, leaning on the wall, and pounding on the glass at times.

Perhaps Shawn was angry. He had woken up to discover himself covered in shaving cream and mustard, missing one of his treasured boots. He had fortunately found his boot minutes before on the 10th floor but now he could not find his friend Darwin.

Mark stepped across the hallway and opened the glass fire door to speak to Shawn, to see if he was OK. Mark asked what he was doing there. Shawn was incoherent. "He was just sort of mumbling, nothing understandable."¹²⁶ Mark retreated into the doorway to 904 for about a minute, watching Shawn. It was clear to him that Shawn was drunk — he did not think that Shawn could walk without leaning on the wall at a minimum. He was supporting himself at all times.¹²⁷

Mark closed the door. He chatted for a moment with his roommate. Victor left him to return to his bedroom in the interior of Suite 904. Mark stayed in the kitchen area, got something to drink, and wondered about Shawn. He was concerned. He considered calling security because this stranger was obviously drunk — even drunker than usual for the wee hours of a Saturday morning at Seager Wheeler Hall.

¹²⁶ Testimony of Kenneth Mark (Page 390), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹²⁷ Testimony of Kenneth Mark (Page 391), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

Mark did not ponder for long. After two or three minutes he again heard noise. He believed it was Shawn pounding on the door to Suite 902, across the lobby. Mark opened the door of his suite again. Shawn had moved. He was now supported by the northern concrete wall on the opposite side of the lobby, near the door to the stairwell and Suite 902. Mark assumed that he had staggered up against the north wall, where he was then leaning. He felt certain that Shawn could not walk very far without support.

Mark stood for a moment, watching Shawn. The elevator door opened. Two people got off.

One was blonde with a moustache, about 5' 8" and 150 pounds. This was Kelly Ham. The other had a darker complexion and dark hair. About the same height, maybe a little bit shorter, wearing a bluish jacket. This was Ervin Reekie. Mark did not see any shaving cream or mustard on either of them. He did not know them at the time but they identified themselves to him later as "the two guys that got off the elevator that night." Mark noted that Ham and Reekie were drunk too, but not as drunk as Shawn. They had beer in their hands when they got off the elevator.

Ham asked Mark where the parties were. Mark said he didn't know. Ham asked if there were girls next door in 901. Mark said that there were. This was the case on every floor. Suites one and three, closest to the elevator on opposite walls, were the female suites. Suites two and four, farthest from the elevators, were male suites. Perhaps Ham was asking about specific girls or perhaps he was not familiar with the

layout of Seager Wheeler Hall. Mark was not sure as Ham did not know which were female rooms and which were male.

Mark had the impression that these two knew Shawn, “They were friendly with him in a way.” Although Mark was not able to articulate anything in particular about their interaction with Shawn that led him to this belief.¹²⁸

The two newcomers slipped behind the fire wall and passed by Mark in the doorway at 904. Shawn was still in the lobby. Ham and Reekie pounded on the door to 903 but nobody answered.¹²⁹ They passed Mark again, crossed over to the other side of the lobby and pounded on the other doors. They discovered the door to 901 was unlocked. Mark watched Ham go in and set off the fire extinguisher. Every suite had a wall mounted fire extinguisher near the door.¹³⁰ Mark assumed that these two miscreants were Seager Wheeler Hall residents. Again, rowdy, drunken behavior — like setting off a fire extinguisher — was not that out of the ordinary.

Ham and Reekie emerged from 901 and took note of Mark, kitty corner, still watching them. Reekie, who was first out the door of 903 said, “Let’s get him.”¹³¹ The tone was not tough according to Mark, “Not really angry, just sort of obnoxious

¹²⁸ Testimony of Kenneth Mark (Page 404), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹²⁹ Testimony of Kenneth Mark (Page 397), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹³⁰ There is some conflict at times between the testimony of Mark, Ham, and Reekie. The only things stated as factual are where there is corroboration between two or all three of them. Testimony of Kelly Ham (Page 610), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹³¹ Testimony of Ervin Reekie (Page 684), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

drunk.”¹³² Nonetheless, Mark felt the safest thing to do was to avoid confrontation.

“Drunk people are rather risky to have any type of fight or anything with. They can do just about anything so I thought I would play it safe and close the door.”¹³³ Ham and Reekie started to run towards Mark, just 26 feet across the lobby. By this time Mark’s roommate Victor, his attention aroused by Mark’s voice, had re-emerged from his bedroom. Victor and Mark closed and locked the door to the suite. Ham and Reekie pounded on Mark’s door, briefly, but they did not try to force their way in.

Almost immediately after closing the door Mark went to bed in his room. He heard nothing else from the lobby. Shawn was alone in the lobby with Ham and Reekie when he was last seen. It went quiet. Mark did not hear anything else from the lobby; he did not hear the sounds of a struggle.

Upstairs on the 12th floor, Elizabeth Key recalls that it was about 3:15 a.m., not long after Shawn had been put on the elevator, that Barrett and Wall began to look for him.¹³⁴

3:30 a.m.

After putting Shawn on the elevator, Barrett and Wall continued socializing. There were still about 10 people up and about on the 12th floor, wandering between rooms. Not long after they put Shawn on the elevator — starting around 3:30 a.m. —

¹³² Testimony of Kenneth Mark (Page 400), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹³³ Testimony of Kenneth Mark (Page 400), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹³⁴ Testimony of Elizabeth Kay (Page 112), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

they decided to look for him. “I don’t know if we were concerned or not or just wanted to make sure he was out of the building or whatever... It’s like an unseen force or something like that, something that popped up, a whim, we decided to go looking for him,”¹³⁵ said Wall. Barrett recalls that they wanted to make sure that Shawn was either safely in his room (they thought he might be a resident of Seeger Wheeler Hall) or safely out of the building.¹³⁶

Neither Barrett nor Wall has a clear memory of the specifics of their search. They asked about Shawn on the 10th, 11th, and 13th floors, all floors on which people were still up. They sometimes took the elevator, sometimes the stairs. Barrett noted that there was shaving cream and mustard on the buttons in the elevator where they had left Shawn. It appeared to Barrett that Shawn had gotten to his feet and pressed at least some of the buttons as the shaving cream and mustard was heavily smeared in those spots.¹³⁷

They spoke to people who had seen Shawn in Barrett’s suite on the couch and, thus, knew who they were asking about. Nobody they spoke to had seen Shawn since Barrett, Wall, and Bausche had put him on the elevator on the 12th floor.

Barrett recalls that he and Wall got in the elevator, rode it down to the first floor and then pushed the button for every floor on the way up. At each floor they would look

¹³⁵ Testimony of Tim Wall (Page 171-172), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹³⁶ Testimony of Carey Barrett (Page 217) and Timothy Wall (Page 172), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹³⁷ Testimony of Carey Barrett (Page 222), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

out to see if Shawn was there. Around the 8th floor, Barrett noticed drops of shaving cream on the floor in the lobby. Barrett and Wall got off the elevator and followed the shaving cream to the stairwell. The trail led them up to the 9th floor.

Wall recalls seeing shaving cream and foam on the floor or on the door leading from the stairwell to the 9th floor lobby, "I remember it was near the ground. I remember that. Like very low to the ground."¹³⁸ Wall felt the stains where in a place that was consistent with someone crawling, as opposed to walking.

The two of them opened the door and entered the 9th floor lobby where Barrett remembers, "there was lots of foam and mustard all over the glass partition by the garbage chute... And it was all over the lobby."¹³⁹ "There was a big mess on the glass. Like I would say more than four feet off the ground and there was what appeared to be shaving cream and mustard smeared and he must have been on this floor,"¹⁴⁰ recalls Wall.

"I think there was two guys and a girl standing outside the apartment door," Barrett recalls. The girl, he surmised, lived at Seager Wheeler Hall, presumably because she was standing in the doorway of 903, a female suite. Barret and Wall asked these

¹³⁸ Testimony of Timothy Wall (Page 173), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹³⁹ Testimony of Carey Barrett (Page 223), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁴⁰ Testimony of Timothy Wall (Page 174), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

three if they had seen Shawn.¹⁴¹ These three were almost certainly Monica Faber, Kelly Ham, and Ervin Reekie.

At about 3:30 a.m. Faber recalls opening the door of her suite to let Ham and Reekie in when, “two people came down into our lobby and asked me if I had seen a guy with shaving cream and mustard on him, but I hadn’t and I didn’t think anything of it.” She does not remember who the two were but she is certain that Ham and Reekie would have heard the question but they said nothing — despite that fact that Reekie had seen Shawn in the 9th floor lobby in the scant minutes prior to being asked.¹⁴² Ham, Reekie, and Faber went into her suite leaving Barrett and Wall in the lobby.

Foam and shaving cream on the north glass wall corroborates Mark’s description of Shawn’s actions on the 9th floor — foam and mustard were on the glass firewall where Mark first saw him and where Shawn was pounding on the glass.

Perhaps Shawn retrieved his boot on the 10th floor and then rode the elevator down to the 8th floor. He got off and made his way up the stairs to the 9th — supporting himself with the walls and handrails. Crawling at times. On the 9th floor, he made his way along the north wall, leaving a trail, before staggering across the lobby and crashing into the glass partition causing the noise that Mark heard. This is where Shawn was leaning against the partition when Mark first looked out and found him.

¹⁴¹ Testimony of Carey Barrett (Page 224-225), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁴² Testimony of Monica Faber (Page 499-500), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

Barrett noticed shaving cream on the knob of the garbage alcove door. Wall described it as a ring around the knob. The alcove door is the smaller door between Mark's suite, 904, and Faber's suite, 903, into which Ham, Reekie, and Faber had just gone.

The alcove door opens in to a shallow space, 16 inches deep that provides access to the garbage chute. The metal garbage chute door is on the back wall of the alcove. The alcove door has an automatic closing spring. To use the garbage chute one had to open the alcove door, hold it or prop it open, pull down the handle of the chute door with one hand, hold it open, deposit one's garbage with one's free hand, and then let the metal chute door go, which would then close automatically. Often, if a garbage bag was sizeable, residents had to assist the chute door closing.

Barrett opened the alcove door. "There was shaving cream and mustard leading into the chute, the garbage chute."¹⁴³ The small, hydraulic chute door was not fully closed, the automatic closing mechanism was broken. There was definitely some shaving cream and mustard on the outside of the chute door and some on the inside as well. There was mustard and shaving cream on the handle of the chute door. There was some on the floor of the alcove. Barrett did not notice any shaving cream or mustard on the walls of the alcove, though.

¹⁴³ Testimony of Carey Barrett (Page 226), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

The picture that the prosecutor Benjamin Wolff was trying to paint was of an unseen hand, with mustard and shaving cream on it, opening the alcove door and then pulling open the chute door.

Barrett wondered if Shawn lived on the 9th floor and had paused to vomit down the chute on the way back to his room. Barrett and Wall joked that Shawn had probably fallen down the chute. Neither of them, though, considered this to be a real possibility as they had enough trouble putting garbage down the chute when they were perfectly sober.¹⁴⁴ They both considered it inconceivable that Shawn had fallen down the chute.

Barrett and Wall left the 9th floor and went back up to the 12th by the stairs. They did not see any shaving cream or mustard going up the stairs from the 9th floor. It appears that Shawn got off the elevator on the 8th floor, made his way up the stairs to the 9th, and that is where Mark saw him leaning on the glass partition wall.

3:45 a.m.

According to Flaman Security guard Roger Herd, he started his rounds at 3:30 a.m. by riding the elevator up to the 14th floor. He passed through the 9th floor at about 3:45 a.m.¹⁴⁵

Herd went up in the elevator on his regular, more-or-less hourly building check. He noted shaving cream and yellow marks around the buttons in the elevator. He recalls

¹⁴⁴ Testimony of Timothy Wall (Page 180), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁴⁵ Testimony of Roger Herd (Page 426), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

getting off the elevator on the 14th floor, checking the lounge to make sure it was locked, and entering the boiler room to check the furnace pressures before winding his way back down to the main floor. He left the 14th floor around 3:40 a.m., it would take him just five minutes to get down to the main floor, alternating stairwells to pass through the lobby on each floor.

The party on the 12th floor was finished. Nothing on the 11th. "The party on 10 seemed to have finished," Herd said. On the 9th floor he exited the stairwell beside 904 (closest to the chute) turned left (away from the chute) and walked to the south stairwell. He noted mustard on the wall beside the door to the stairwell. He noted foam on the wall near the south stairwell. Neither the foam nor the mustard were there when he made his patrol one hour previously. He noted nothing else out of the ordinary on the 9th floor. There was nobody in the lobby when he passed through at about 3:45 a.m. Barrett and Wall were back up on the 12th floor. Ham and Reekie were in Suite 903 with Faber.

Herd was not concerned about the mustard. "At Seager Wheeler a lot of things happen that you can't track down so you tend to ignore them and you put them in your report and that's it... I saw the mustard on the wall and also that there was popcorn spread over two floors... I believe 11 and 12, but this is another thing that happens there. You quite often get a mess made."¹⁴⁶

¹⁴⁶ Testimony of Roger Herd (Page 431-432), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

Herd did not hear a loud crash in the garbage room at any time. He would have, he suggests, if he had been in the security office on the main floor. From the upper floors, he would not have been able to hear a crash. This suggests that Shawn went down the chute between 3:30 a.m., when Herd left the main floor, and 3:45 a.m. when he passed through the 9th floor. The prosecutor in 1984 considered this to be important as there was an anomalous piece of evidence from Darren Cripps.¹⁴⁷

Cripps was in Suite 203 when he heard a loud noise, “We heard a crash or a bang or something at about probably ... ten to four. Like I was sleeping on the couch at the time and I heard this crash. I just jumped up. I didn’t know what it was. I asked the people, ‘What was that?’”¹⁴⁸ The police and prosecutor believe that that crash which Cripps heard was Shawn landing in the bin at the bottom of the garbage chute.

Cripps didn’t give it much thought. It sounded like the noise came from an adjacent room or, perhaps, above. “It sounded like somebody had tipped over a fridge. It was that loud... Definitely a bang and we just thought somebody was joking around so we didn’t think any more of it.”¹⁴⁹

Although Cripps thought it was about 3:50 a.m. when he heard the noise, police felt it was probably a few minutes earlier, while Herd was absent from the main floor making his rounds that started at 3:30 a.m. With few exceptions, nobody is very certain

¹⁴⁷ Testimony of Roger Hard (Page 428), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁴⁸ Testimony of Darren Cripps (Page 337), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

¹⁴⁹ Testimony of Darren Cripps (Page 338), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

about exact times. Cripps, for example, had been drinking and was asleep on the couch in 203 when he heard the noise. Whatever the case, it does not seem possible that the times ascribed by Cripps and Herd can both be correct. As Herd's time of 3:30 to 3:45 a.m. is based on his written report it seems to be the more reliable of the two.

Around 3:45 a.m. Barrett and Wall were back on the 12th floor. There they talked to people who were still awake. They talked to Larson (who had posed in the photo with them).¹⁵⁰ They talked with Donna Puto, Neal Sylvestre, and Darlene McLeod. Barrett and Wall wanted people to come and take a look at the chute on the 9th floor. "We were just saying, 'Oh come and see this.' We were just joking around, you know, saying he fell down the chute but we didn't take it seriously as such."¹⁵¹ "Carey and Tim were on our floor and they told Neal and I that we have to see this, like 'You've got to see this, it's really important,' so they said, 'It looks like he went down the chute.'"¹⁵²

Puto and Sylvestre had seen Shawn on the couch so they knew who they were talking about. McLeod, who had spent the previous hours at a party on the 13th floor, knew nothing about anyone covered in shaving cream. She was intrigued, though, by "this trail of shaving cream to the garbage chute and they wanted us all to go down and see it."¹⁵³

¹⁵⁰ Testimony of Darren Larson (Page 150), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁵¹ Testimony of Timothy Wall (Page 180), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁵² Testimony of Donna Puto (Page 290), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁵³ Testimony Darlene McLeod (Page 364), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

Puto's initial reaction was that there was no way that Shawn had gone down the chute because she did not think it was possible for a person to fit through the opening. Nonetheless, she agreed to join Barrett and Wall and go look at the chute on the 9th floor.

Puto, Sylvestre, and McLeod accompanied Barrett and Wall down the stairs to the 9th floor. It was exactly as it had been a few minutes before. Puto noted, "Shaving cream, a trail of shaving cream from about 902 to the garbage chute."¹⁵⁴ The door from the stairs, later photographed by Identification Officer Mainland, is immediately beside the door to 902. Puto's description of the trail is consistent with the others.

There was some discussion about what might have happened but none in the group seriously considered that Shawn may have gone down the chute. Barrett said, "Not in our wildest dreams did we think he would go and ... like he had gone down the chute."¹⁵⁵

There was "puffy" shaving cream on the opening to the chute leading Puto to conclude that it had been scraped off as something passed by, as opposed to smeared on.¹⁵⁶ There was shaving cream on the entrance to the chute. And there was shaving cream on the floor. Puto does not remember seeing any on the walls in the garbage alcove. The shaving cream on the floor looked like it had been stepped on or, perhaps,

¹⁵⁴ Testimony of Donna Puto (Page 292), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁵⁵ Testimony of Carrey Barrett (Page 183), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁵⁶ Testimony of Donna Puto (Page 294), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

was from someone being dragged to the garbage chute.¹⁵⁷ They did not see or talk to anyone else on the 9th floor.

The group of five went back upstairs to Puto's room on the 12th floor. There was a discussion. Barrett thought that Shawn had gone down the chute. Puto did not think this was possible. She kept saying, "No, there's no way. How could anyone fit down there?" But the shaving cream around the chute on the 9th floor made it look like he had and after a brief discussion, all five decide to go the main floor and check the bottom of the chute.

3:55 a.m.

On the way down, the elevator stopped at the 9th floor. Three people got on. Nobody in this group knew them. Initially, a young blonde male with a mustache, Kelly Ham, and a second male with dark hair, Ervin Reekie, got on the elevator. Puto learned the third man's name, Tracy, because the darker haired male held the elevator door open and called into Suite 903, "Tracy, Tracy, the elevator is here."¹⁵⁸ This was Tracy Howell. Darlene McLeod recalls Reekie telling Howell to, "Hurry up."¹⁵⁹

The group in the elevator waited "a few minutes" or "a couple of minutes"¹⁶⁰ until Howell came out of 903 and joined them. Puto knew Faber lived in 903 but she did

¹⁵⁷ Testimony of Donna Puto (Page 294), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁵⁸ Testimony of Donna Puto (Page 297-298), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁵⁹ Testimony of Darlene McLeod (Page 373), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985

¹⁶⁰ Testimony of Darlene McLeod (Page 370), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985

not see her, “She could have been in the apartment.” This made a group of eight people riding down in the elevator to the main floor. Puto did not believe that Howell, Ham, or Reekie lived in Seager Wheeler Hall because she did not recognize them. McLeod recalls it being close to 4:00 a.m. when they were waiting on the 9th floor for Howell to join them.

Nobody else got on the elevator. According to McLeod, there was no conversation on the way down. The group of eight arrived on the main floor very close to 4 a.m.¹⁶¹

Puto led the group to the garbage room door at the north end of the main floor lobby. This door was not normally locked as people living on the main floor needed access to the garbage bins. Residents on all other floors had access via the garbage chute.¹⁶²

Puto tried to push open the door. “I had a hard time opening it and I noticed the bin was right against it. So I pushed on it really hard and it moved,” she said.¹⁶³ Others helped. Perhaps Sylvestre or Barrett and Wall.¹⁶⁴ With help, Puto pushed open the door enough to get a person through.¹⁶⁵

¹⁶¹ Testimony of Donna Puto (Page 300), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁶² Interview with Carl Millar, May 1, 2016.

¹⁶³ Testimony of Donna Puto (Page 301), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁶⁴ Testimony of Neal Sylvestre (Page 273), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁶⁵ Testimony of Carey Barrett (Page 238), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

The bin was bright red steel, a Loraas Disposal bin — a Saskatchewan waste disposal company. It was a typical ubiquitous commercial steel bin, the kind one sees behind restaurants and on construction sites. In Saskatoon these were colloquially called “Loraas Bins” as the company was so widespread that almost all such bins in Saskatoon were from this company.

This particular bin was about 6 feet wide and 4.5 feet deep; the back of the bin was about 5 feet high, sloping to about 4 feet at the front. The wide, flat back of the bin was up against the door. The top of the bin was wide open. The bin was on four wheels, so that the operator of a Loraas Disposal truck could wheel the full bin from its position under the chute, out the large service door, and pick up the full bin with the forklift on the front of the truck, lift it over the cab, and dump the contents into the back.

It would not have been difficult for Puto with the help of one or two others to move the bin a few inches — enough to open the door — as this bin was designed to roll easily, even when full.¹⁶⁶

Puto slipped into the garbage room. She jumped up to get a look into the bin from the back side, the tall side. “And I said, ‘oh he’s here’ and I realized that he was there and at that point everyone else came in the chute room and looked in and we called an ambulance and tried to do the best we could for him.”¹⁶⁷

¹⁶⁶ Photos number 4 and 5 from “Booklet of Photographs” entered as evidence, “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4-6, 1985.

¹⁶⁷ Testimony of Donna Puto (Page 300-301), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

The remainder of the group was still outside the door when Puto reported Shawn in the bin. Even at that point, nobody was concerned. Still nobody thought there could be severe injuries as nobody in this group could conceive that Shawn had fallen nine storeys straight down the garbage chute. Barrett was next through the door, followed by Wall.¹⁶⁸

The open end of the chute was directly opposite the door that Puto had forced open. It was not far, perhaps 9 feet from wall to wall. The chute, which is vertical, ends about 24 inches above a concrete and steel deflection pad which angles down from the wall into the refuse room ending about 4 feet above the floor. Anything falling down the chute hits the deflection pad and is directed into the steel bin. There is very little space between the bottom edges of the deflection pad and the top edge of the bin.

Apparently, Shawn had been shot into the bin with such force that the bin had been moved from one wall to the opposite wall, blocking the door. The steel, wheeled bin had been moved approximately four feet by the force of impact.¹⁶⁹ Shawn's feet were towards the door. His head was towards the chute. Puto felt that he had gone down feet first. Shawn was semi-conscious.¹⁷⁰

The bin was approximately one-quarter full — about one foot of garbage in the bottom. Shawn was lying among the refuse, most apparent being a large number of

¹⁶⁸ Testimony of Carey Barrett (Page 240), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁶⁹ Testimony of Neal Sylvestre (Page 275), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁷⁰ Testimony of Donna Puto (Page 302), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

Labatt Blue plastic beer glasses — many of which were neatly stacked before being thrown down the chute, probably from the cleanup of the dance on the 14th floor. There were full garbage bags, a U of S Bookstore bag, and a page from the *Saskatoon StarPhoenix* — the latter two items stained with what looked to be blood.¹⁷¹

There was a tree in the bin. Puto recalls that it was mostly on top of Shawn.¹⁷² But, there was a tree branch reaching from the chute into the bin in such a way that it would have been impossible for the branch to be in the bin if it had come down after the bin had been moved against the door by Shawn's impact. Shawn's landing knocked the branch over on top of him. It is clear that the tree must have gone down the chute before Shawn.¹⁷³ In keeping with what the photographs show (and in disagreement with Puto) Barrett felt that the tree must have come down before Shawn. "It had to be the tree [that came down the chute first] because the garbage [bin] was away from the chute and if the tree had come down after it probably would land on the floor and not in the garbage," Barrett said.¹⁷⁴

¹⁷¹ Photo number 7 from "Booklet of Photographs" entered as evidence, "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4-6, 1985.

¹⁷² Testimony of Donna Puto (Page 302), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁷³ Photo number 5 from "Booklet of Photographs" entered as evidence, "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4-6, 1985.

¹⁷⁴ Testimony of Carey Barrett (Page 242), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985. Neal Sylvestre (Page 279) does not recall a tree being on top of Shawn.

Barrett, second through the door, climbed into the bin and moved the branches off Shawn who was lying on his side. Barrett knew C.P.R. and emergency first aid. He checked for a pulse and to see if Shawn was breathing. He was.¹⁷⁵

“I jumped into the bin as well,” Sylvestre said. “I wasn’t sure if Carey was going to move him or not so I made sure — like I said, ‘Don’t move him because he might have some spinal injuries.’”¹⁷⁶ Once he was confident that Barrett was going to administer first aid, he climbed back out of the bin to ensure that an ambulance had been called. “I asked around and made sure that somebody called an ambulance and I went back into the room afterwards but I didn’t get back into the bin.”¹⁷⁷

At about 3:55 a.m. security officer Roger Herd was in the main floor security office, fetching his coat to patrol the other buildings, when he heard someone in the lobby say: “Someone has fallen down the garbage chute. Would you call an ambulance?”

Herd went straight to the garbage room. “When I got into the lobby there was nobody there and I went straight to the garbage room and there was one student in the bin with Mr. Reineke and about three other students standing around.” If anyone had

¹⁷⁵ Testimony of Carey Barrett (Page), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁷⁶ Testimony of Neal Sylvestre (Page 276), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁷⁷ Testimony of Neal Sylvestre (Page 277), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

left the building, Herd noted, it was unlikely that they would have gotten back in because the outside door was locked.¹⁷⁸

Shawn began to move. Slightly. “He was kind of moaning, like just softly, and he kept trying to get up. I remember his stomach was exposed and he was breathing really fast and he kept trying to get up but we tried to keep him still, so he was semi-conscious,”¹⁷⁹ Puto said.

Barrett, in the bin, ministered to Shawn, “I called for someone to bring me some clean rags or something that was clean so I could stop the bleeding from his head and cover up his ankle and somebody brought me some rags or towels.”

Wall, who entered the garbage room behind Puto and Barrett, looked in at Shawn, “I didn’t get in [to the bin]. I was too scared. I didn’t know what to do at the time. I just stood back as such.”¹⁸⁰ Wall fetched some paper towel for Barrett.

Shawn began moving. “He was moaning. I don’t know if he was at the conscious level. I remember someone making the comment that he was sort of moving around and we were worried about him moving around, that he might do some more damage to himself, and that was a major concern,” said Wall.¹⁸¹

¹⁷⁸ Testimony of Roger Herd (Page 445), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁷⁹ Testimony of Donna Puto (Page 303), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

¹⁸⁰ Testimony of Timothy Wall (Page 188), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

¹⁸¹ Testimony of Timothy Wall (Page 190), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

The injury to Shawn's right leg was severe. Puto said, "That's the thing I remember most was his foot."¹⁸² Shawn had suffered a compound fracture — one or more of the bones of his lower leg had pierced his skin and were visible.¹⁸³ There was a lot of blood around his ankle.¹⁸⁴ "He was hurt fairly badly there and the boot was lying beside him and I remember thinking if only the boot would have been on."¹⁸⁵

Shawn coughed up a little bit of blood and there was blood around his mouth. Barrett held his head steady and stayed in the bin with Shawn, waiting for help. Upon seeing Shawn, Herd called the police. The ambulance had already been called.

4:08 a.m.

At 4:08 a.m., Constable Brian Trainor and Constable Geoff Brand of the Saskatoon Police Service were in uniform in a police patrol car on the east side of the South Saskatchewan River. They received a two-way radio call from the police dispatcher instructing them to attend at 103 Cumberland Avenue, Seager Wheeler Hall — there was an injured person in the garbage. They were not completely familiar with the roadways into and out of McEown Park where the four university residence high rises are, so their arrival was briefly delayed.

¹⁸² Testimony of Donna Puto (Page 305), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

¹⁸³ Interview with Geoff Brand, May 7, 2016.

¹⁸⁴ Testimony of Timothy Wall (Page 188), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

¹⁸⁵ Testimony of Donna Puto (Page 305), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985

4:11 a.m.

The police constables arrived at 4:11 a.m. Trainor and Brand met Jim McLeod, an attendant with MD Ambulance (a Saskatoon ambulance company) just outside the building. There was a second MD Ambulance attendant there too. They were led to the garbage room by a young woman who had been waiting for them.¹⁸⁶ Barrett was still in the bin with Shawn. Brand recalls that they would have “called in a possible 10-45 which is a death. We would have said, ‘You better get major crimes here.’”¹⁸⁷ Indeed, detectives and an identification officer were called.

Trainor spoke to Barrett: “I told him to get out of the bin as the ambulance attendants wanted to attend to Mr. Reineke.” Barrett did not immediately get out of the bin, he insisted that Shawn needed care. “I ordered him out of the room three times... It’s a common occurrence, and I told him that the medical personnel that had arrived would attend to him and the sooner we got him to the hospital the better for him. And after the third time of ordering him out he finally left whereby he started to tell my partner what we should be investigating.”

With Barrett out of the bin, Jim McLeod and the other ambulance attendant got in. McLeod braced Shawn’s ankle — the most obvious and horrific injury. With two attendants in the bin, and two police officers outside (Trainor and Brand) Shawn was

¹⁸⁶ Interview with Geoff Brand, May 7, 2016.

¹⁸⁷ Interview with Geoff Brand, May 7, 2016.

lifted out and placed on a stretcher. They were assisted by Kelly Ham and Tracy Howell.¹⁸⁸ Trainor thanked Ham and Howell for their help.¹⁸⁹

Shawn was in bad shape. “I remember seeing him. How banged up he was. I didn’t think he would make it,” Brand recalls. “At that point, even only after four years [as a police officer] I had seen a lot of death. I didn’t think he was going to make it.”¹⁹⁰

There was at least one other uniformed police officer who attended the scene, Constable Larry Penteliuk. As Trainor recalls, Penteliuk went directly to the 9th floor, within “a minute or two” of Brand and Trainor arriving. Trainor thinks that Penteliuk stayed on the 9th floor but he does not really know. He assumed this.¹⁹¹ In Brand’s recollection, he remembers Penteliuk being there but is surprised that he would have been by himself. Brand thinks it is likely that there was another constable with him.¹⁹²

4:29 a.m.

Shawn and was gone to the hospital by 4:29 a.m. — just 17 minutes after the ambulance had arrived. Trainor started to interview the people present starting with Donna Puto, the young woman who had been first through the door. Puto was being

¹⁸⁸ Testimony of Ervin Reekie (Page 714), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹⁸⁹ Testimony of Kelly Ham (Page 621), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹⁹⁰ Interview with Geoff Brand, May 7, 2016.

¹⁹¹ Testimony of Brian Trainor (Page 522), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

¹⁹² Interview with Geoff Brand, May 7, 2016.

comforted by Ervin Reekie who offered her his jacket and placed his arms around her to comfort her.¹⁹³

At the hospital, Shawn was treated in the Emergency Department. Shawn's identity was ascertained, almost certainly from his wallet which was on him. And, hospital staff were able to identify Don and Ruby Reineke from Hodgeville, Saskatchewan as Shawn's parents.

"They phoned us," Ruby recalls. "It was really early that morning, to get permission to operate on his leg. And they said otherwise they thought he was OK."¹⁹⁴

After talking to the hospital, Don phoned his younger brother, Uncle Keith, in Saskatoon. It was a relief to have family on hand, especially Keith.

Keith went to the hospital immediately. Don and Ruby planned to drive to Saskatoon but they were not rushing. They thought Shawn was stable. They were getting ready to operate on his leg and he had family — Uncle Keith — by his side.

Keith arrived at the University Hospital just before surgery on Shawn's leg. His initial impression was that they were going to operate through the day and that he would come through fine. While he was there, though, the seriousness of Shawn's condition became obvious. "We were in the hallway and they were taking him up to

¹⁹³ Testimony of Ervin Reekie (Page 714), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

¹⁹⁴ Interview with Don and Ruby Reineke, January 9, 2016.

start doing surgery and he was still stable at that point. And right there in the hallway he hemorrhaged. His brain hemorrhaged.”¹⁹⁵

This is consistent with the practice of emergency medicine in 1984. Emergency physicians would have been general practitioners with some modest training in emergency. There were few clear guidelines. Emergency doctors did the best they could, given their training and experience. It is likely that medical staff focused on the obvious and horrific injury to Shawn’s right ankle. They stabilized the leg. They sedated him to treat the pain. And they monitored his vital signs — heart and respiratory rate — which were within normal range. They were likely not aware that he had fallen nine stories. All they saw was a young, intoxicated male with a badly injured leg which would be consistent with a bad fall off a ladder, for instance.

The emergency department likely consulted an orthopedic surgeon who would have attended to Shawn and determined that surgery to repair the damage to Shawn’s leg was possible. An operating room would have been prepared and once the space and the staff were ready, the emergency department would have been instructed to bring Shawn for surgery.

Dr. de Korompay, who operated on Shawn and fixed his fractured heel and femur noted, “...in all likelihood he went down the chute feet first and these injuries were sustained upon impact at the bottom. He is not likely to have suffered this violence either on his way into the chute or during any of the secondary rebounds on

¹⁹⁵ Interview with Keith Reineke, May 12, 2016.

the way down.”¹⁹⁶ Shawn’s injuries were consistent with an extreme level of violence.

Dr. Murphy would note that these sorts of injuries are also found in automobile accidents and airplane crashes.

Shawn suffered “skull fractures along with bleeding around the brain itself.”¹⁹⁷

This is consistent with an epidural or subdural hematoma. A condition in which there is significant bleeding between the brain and skull. For a time, Shawn would have appeared OK, except for his severely injured right leg. His vital signs would have appeared normal and there would have been no cause for extraordinary alarm. It looked to everyone as though his leg was the medical issue which needed to be addressed. This accounts for the time between the ambulance being called and Keith’s arrival at the hospital when Shawn hemorrhaged.¹⁹⁸

Pressure on the brain builds as the bleeding between the brain and skull continues. As Dr. Fergus described, “All of this causes the brain to swell... this is a lethal situation because the brain is in a closed box and pressure is put on the vital centres and this causes heart rate and respiration to cease.”¹⁹⁹

Getting Don and Ruby to Saskatoon was suddenly more urgent. “I had to phone Don and Ruby,” said Keith. “They weren’t going to rush up. They thought that he was

¹⁹⁶ Testimony of Fergus Murphy (Page 7), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

¹⁹⁷ Testimony of Fergus Murphy (Page 5), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

¹⁹⁸ Interviews with Dr. James Stempien, Head of Emergency Medicine, Saskatoon Health Region, May 27 & 28, 2016.

¹⁹⁹ Testimony of Dr. Fergus Murphy (Page 5), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

just having surgery and that he was just going to be worked on all night and all day and he was going to come through this fine. So then I had to phone and tell them that they had to come immediately but not panic them... there had to be decisions made.”²⁰⁰

Shawn was declared brain dead later that day, at noon, on September 29, 1984, after Don and Ruby had arrived. He died the next day, September 30, 1984, at 10:33 p.m. after he was removed from life support.²⁰¹

²⁰⁰ Interview with Keith Reineke, May 12, 2016.

²⁰¹ Testimony of Fergus Murphy (Page 6), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985. Interview with Don and Ruby Reineke, Jan. 9, 2016.

The police investigation in the first 24 hours

They say the first 24 hours of a criminal investigation are crucial. After that, the odds are against a successful conclusion.

Early Saturday morning three or four constables, one identification officer, and two sergeants went to Seager Wheeler Hall to investigate. Officers at Saskatoon Police headquarters were involved too. Witnesses were interviewed on campus, at the police station, the Royal University Hospital, and at residential addresses. There appears to have been a strong push immediately following Shawn's injury.

This section recounts the police investigation in those crucial first hours.

4:11 a.m., Saturday, September 29

Before the arrival of police, the timing of things tends to be murky. Most students were drunk and tired. They had no particular reason to pay attention to time. But, thanks to Constable Trainor's notes, some times are clear.

Constables Brand and Trainor arrived at the Seager Wheeler Hall at 4:11 a.m. Donna Puto, Neal Sylvestre, Carey Barrett, Tim Wall, Darlene McLeod, Tracy Howell, Kelly Ham, and Ervin Reekie had ridden down in the elevator shortly before. Constable Penteliuk (and his partner) arrived within one or two minutes of Trainor and Brand. The students immediately indicated that the 9th floor needed investigation. As Trainor

recalls, Constable Penteliuk was sent to the 9th floor “fairly quickly” after Trainor and Brand had arrived.²⁰²

Around 4 a.m. Sherilee Shorten was in her suite, 1003, with Darren Armitage and two other women, when Darlene McLeod arrived to tell Shorten and friends that someone had been found in the garbage bin on the main floor. Unlike Barrett, Wall, Howell, Ham, and Reekie, it would seem that McLeod did not wait on the main floor after Shawn was found. There is no record of the police interviewing McLeod on the main floor and Shorten reports her arrival on the 10th floor shortly after Shawn was found. She had been a peripheral member of the search party, a tagalong. Likely, upset at the sight of Shawn in the bin, she fled the scene and found people to talk to. Charles Zlotkin in 1003 says, “I remember a very upset woman telling us what had happened.”²⁰³

McLeod was “pretty hysterical at the time.” Shorten did not know Shawn and had not seen him that night. She knew nothing of the shaving cream and mustard prank; Shawn was described as “the guy that had the grey cowboy boots.”²⁰⁴ An unusual way to describe someone but understandable as McLeod had seen Shawn in the Loraas Disposal bin with one boot on and one boot off, revealing his horrible ankle injury.

²⁰² Testimony of Brian Trainor (Page 522), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁰³ Interview with Charles Zlotkin, Apr 25, 2016.

²⁰⁴ Testimony of Sherilee Shorten (Page 132), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

After learning about someone injured in the bin, Shorten woke up her roommate, Carol Persram, and her boyfriend, Derek Nuhn, and they “just stayed in the apartment [1003].”²⁰⁵

Word was beginning to spread through the building. Elizabeth Kay, visiting friends on the 3rd floor, recalls Linda Parker arriving, looking for Doug Edwards, the chief residence assistant. As chief, Edwards’s room was on the 1st floor where there was a lot going on — police and ambulance. Edwards was not in his room.²⁰⁶ “She knocked on his door but got no reply so she was just going up the floors looking for him because she said there was somebody at the bottom of the garbage chute and there were ambulances.”²⁰⁷ Most residents, of course, were asleep but among those who were still awake — particularly on the 9th, 10th, and 12th floors — word was spreading of a terrible injury.

4:29 a.m.

It took about 15 minutes from the time that Constables Trainor and Brand, and MD Ambulance attendants arrived until Shawn was placed in the ambulance (assisted by Ham and Howell). At 4:29 a.m. Shawn was taken to the Emergency Department at Royal University Hospital, on the U of S campus just 1.3 kilometres away. The two constables began to investigate and secure the scene. They were on their own, no

²⁰⁵ Testimony of Sherilee Shorten (Page 132), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²⁰⁶ Interview with Carl Millar, May 1, 2016.

²⁰⁷ Testimony of Elizabeth Kay (Page 114), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

senior officers had arrived. It was at about 4:30 a.m. that Sergeants Drader and Lieffers, detectives, were called at home and told to get to Seager Wheeler Hall.²⁰⁸

Trainor and Brand, in uniform, left the garbage room and found a circle of students standing and discussing the matter. They began taking statements. Trainor recalls that Puto, Ham, Reekie, and Howell were present. Also Wall, who was quite upset. Barrett was there, too. After Barrett got out of the bin, “he started telling my partner what we should be investigating.”²⁰⁹ Trainor recalls that Barrett switched from being a doctor, ministering to Shawn in the bin, to being a police officer, telling Brand where he should be going and what he should be doing.

The students “all seemed quite inquisitive,” Trainor recalls. They wanted to know what had happened and that was the type of conversation that prevailed.

Trainor questioned Donna Puto first.²¹⁰ She told him that she had seen Shawn covered in shaving cream earlier in the evening on the 12th floor. She went on to say that as of 3:40 a.m., less than one hour previous, she had seen that “the 9th floor was covered in cream and the garbage chute was also covered in cream.”

²⁰⁸ Testimony of James Drader (Page 46), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²⁰⁹ Testimony of Brian Trainor (Page 518), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²¹⁰ Testimony of Brian Trainor (Page 520), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

Urgently, the 9th floor became a place of interest, possibly key to the investigation. Penteliuk had been sent there 20 minutes prior. Now, Trainor was told about foam on the 9th floor by Puto. Brand was told about the 9th floor by Barrett.

Trainor questioned Kelly Ham next. Ham reported seeing Shawn at a party in 1002 around 3:30 a.m. looking for his cowboy boot, covered in shaving cream, and “extremely intoxicated.”²¹¹ As part of standard police procedure Trainor made note of Ham’s address and phone number. Written in his notebook, “128-1128 Mckercher Dr.”²¹²

Finally, Trainor questioned Howell who said that he had been in Suite 903 with Monica Faber and had not seen anything. Trainor noted that Howell was from Frontier, Saskatchewan but had a Saskatoon address on the west side.²¹³

Trainor does not recall if he remained on the first floor until the arrival of Identification Officer Mainland. His notebook, though, records that he interviewed Monica Faber before Mainland’s arrival and that she corroborated Tracy Howell’s testimony — the two of them had been together in her room.

Given that the two constables knew almost immediately that the 9th floor was an area of interest — from some initial conversation and then from interviews with both

²¹¹ Some additional detail was provided in an interview with Brian Trainor on May 17, 2016 in which he read the contents of his notebook from 1984.

²¹² Text message interview with Brian Trainor, June 20, 2016.

²¹³ Text message interview with Brian Trainor, June 20, 2016.

Puto and Barrett — it seems likely that Trainor went up to the 9th floor prior to Mainland's arrival and either met Faber there or knocked on her door, Suite 903.

Faber recalls police arriving on the 9th floor: "I saw them [the police] get off the elevator... I think I asked them what happened. There were uniformed police there... They told me that they had found somebody in the garbage chute."²¹⁴

Faber testified that the police arrived just one or two minutes after Ham, Reekie, and Howell left in the elevator with Puto, Barrett, Wall, Sylvestre, and McLeod at about 4 a.m. As Trainor and Brand arrived at 4:11 a.m. and remained on the main floor until at least 4:29 a.m., the two officers that Faber first encountered would have been Penteliuk and his partner, who had been sent to the 9th floor "fairly quickly" after arriving.

Trainor also took a role of film from Barrett. As Barrett was not the photographer — the photos were taken by Heather Fornwald who lived next door to him in Suite 1201 — it seems additionally likely that Trainor went to some of the upper floors before Mainland's arrival. Perhaps he went to the 12th floor with Barrett to get the film and stopped on the 9th floor on the way down. Or perhaps Barrett agreed to get the film and meet Trainor on 9th floor. It is not known. But given his notes and testimony, what is certain is that Faber encountered Penteliuk and his partner, as well as Trainor, before Mainland arrived.

²¹⁴ Testimony of Monica Faber (Page 507), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

4:40 a.m.

By 4:40 a.m. Monica Faber certainly knew that something big was up. She had encountered Constable Penteliuk and his partner; she had been briefly interviewed by Trainor; she knew that a badly injured young man had been found in the garbage bin on the main floor; and she knew that her floor, the 9th, was of great interest to the police. People were moving freely around the building.

After talking to Constable Trainor, Wall, Barrett, and Puto went back to their suites on the 12th floor. They told Darren Larson what had happened — that the guy they covered in shaving cream was badly hurt and probably went down the chute. “There was a lot of grief” — a much different attitude from when Wall and Barrett had first reported finding foam on the 9th floor when they had been kidding, not seriously considering that someone had gone down the chute. Once Shawn had been discovered, Wall in particular was “hysterical” — almost crying and saying very little.²¹⁵

At 4:40 a.m., Identification Officer Arnie Mainland arrived at Seager Wheeler Hall. Trainor met him at the front door. Staffing decisions were made by a Staff Sergeant at the police station. As incidents developed, the Staff Sergeant would have determined who was required at the scene and dispatched them. In Mainland’s case he was

²¹⁵ Testimony of Darren Larson (Page 151), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

awoken, got dressed, and drove to the scene from his home in the far west side of the city.

The Identification Officer's job is to collect and record physical evidence at the crime scene and at the station. Mainland's job was to take photographs, capture fingerprints, and gather physical evidence. At the station he is called upon to fingerprint, photograph, and document accused persons being taken into custody — height and weight, for instance.

At 4:45 a.m., Trainor turned the roll of film which he had taken from Barrett over to Mainland. This was the film from Heather Fornwald's camera. It appears that a very cooperative Carey Barrett went and got the film from Fornwald in 1201.

Trainor led Mainland first to the garbage room on the main floor, the room where Shawn was found. Mainland took several photos, four of which were entered as evidence at the Coroner's Inquest into the death of Shawn Reineke.

Mainland recorded the position of the Loraas bin as he found it. The bin was midway between the chute and the door on the facing wall — the door which Puto and company had pushed open to find Shawn. This corroborates their impression that the bin had moved against the door — presumably by the force of Shawn's impact.

This first photo shows tree branches stretching from the bin back to the chute — there is no way the branches could have come down after Shawn and wound up in this position. There are some newspapers scatted on the floor and a stretch of what looks to

be paper towel, perhaps 24 inches long, that looks to be blood stained. Possibly the paper towel which was fetched by Wall for Barrett to clean Shawn's wounds.

The officers then put the bin back into position under the chute and Mainland took a photo showing this normal position. Pushed up against the wall, under the chute, it is nearly impossible for anything coming down the chute to wind up anywhere but in the bin. The narrow, vertical chute ends about 24 inches above an angled concrete and steel deflection pad. Anything thrown down the chute falls this last 24 inches, lands on the angled pad, and is redirected in the garbage bin.

Mainland took a photograph of the terminus of the chute. He also took a photo of the contents of the bin — mostly Labatt Blue plastic beer cups although there is a milk carton, three full garbage bags, some newspaper, and a bag from the U of S Bookstore. There is what looks to be blood on the newspapers in the bin. Mainland said, "On the right side ... approximately in the centre of the photograph is red, which appeared to be blood. There is also flesh or what appeared to be flesh along the edge of the container as well. There is other parts of blood along the centre of the photograph. On the left side there is slight smears of what appear to be blood."²¹⁶

Mainland and Trainor then left the garbage room and went to the 9th floor. Further suggesting that Trainor had already been there, he knew where he was taking Mainland. After he interviewed Puto he knew that the 9th floor was of interest. "I

²¹⁶ Testimony of Arnold Mainland (Page 20), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

remember, vaguely, telling someone to go up and secure the 9th floor for the detectives and identification to come.”²¹⁷

Mainland took more photographs on the 9th floor to record the presence of shaving cream. The first photograph was taken from the stairwell leading into the 9th floor lobby. It is a close-up of the door. There is what looks like shaving cream smeared all over the stainless steel door handle — a metal plate attached to the door with six screws, the handle is welded to the plate. The handle has foam smeared all over it, presumably shaving cream. There is also a puffy blob of foam on the left hand side of the door about 24 inches from the floor. This blob is not smeared.

Intuitively, it appears that someone with shaving cream all over his hand has pulled this door open (the door swung into the stairwell, if one was escaping a fire one would push the door from the lobby side). The smeared area of the shaving cream on the handle is larger than a single, well placed hand would leave. Either it has been handled multiple times or whoever grabbed the handle slid his hand along the steel, leaving a mess. The blob of shaving cream on the left hand side of the door has not been smeared. It is puffy, like it has dropped, rather than been wiped off.

It is likely that Shawn was here. He was drunk. Staggering. Using the walls for support. He gripped the door handle with his foam covered hands, some foam dropped off his clothes onto the door. In any event it seems likely that Shawn entered the 9th floor through this door — the fluffy blob being the most compelling reason to think so.

²¹⁷ Interview with Brian Trainor, May 17, 2016.

Both Mainland and Trainor recall there being a trail of shaving cream leading up towards the 10th floor but only a couple of steps. This seemingly contradicts Wall's testimony, who recalls following a trail of shaving cream from the 8th floor up to the 9th, not down from the 10th. Elizabeth Kay, too, recalls that the trail of shaving cream in the stairwell led down from the 9th floor.

Perhaps Shawn staggered off the elevator on the 7th floor and made his way up the stairs to the 9th. At the landing on the 9th floor he sat or fell onto the first two steps leading up. He crawled across the landing, grabbed the door handle and pulled himself up to standing before going through the door into the 9th floor lobby. This would be consistent with Wall's testimony that the shaving cream was low, like someone was crawling. It would also explain the amount of shaving cream on the door handle — Shawn needed both hands to pull himself up to standing.

The next photo is taken on the other side of this stairwell door, in the lobby. Shaving cream is on the short-pile brown carpet. There are three distinct deposits of foam. It appears that someone has exited the stairwell and turned right, towards the chute, perhaps leaning against the wall. The shaving cream on the floor could be foot prints; it is smeared into the carpet. Mainland saw it as a trail: "You can see [the shaving cream] there on the carpet. It continued along until... you came to the garbage chute." The photograph does not show the garbage chute, which was about 20 feet away on another wall. But, the shaving cream went the whole distance. "[It] continued from the exit door just along the carpet to the rubbish chute. It wasn't as much as it is there [in

the photo]. It wore off but you could see that it did continue right up to the rubbish chute.”²¹⁸

Trainor, too, described the shaving cream in this photograph as a trail. “There was quite a definite set of footprints, a trail leading from the side door stairwell area directly to the garbage chute...,” he said. “It was quite identifiable, you know, the points of the cowboy boot going in that direction. Some of those prints are starting to dissolve but you could make out a print of a boot... I would have to say just one, one boot. Possibly a left boot from the steps.”²¹⁹ It would seem that Shawn may have needed support from leaning on the wall but he was ambulatory.

Finally, Mainland took a photo of the garbage alcove. The alcove-door is open. It is on the left hand side of the photo, shaving cream can be seen on the door. In the centre of the photo, the main subject is the steel chute-door, set into the concrete wall at the back of the small alcove. The outer alcove-door is narrow compared to the doors to the suites. Opening it reveals a shallow alcove about 30 inches wide and 16 inches deep. At the back to the alcove, set into the concrete block wall, is a stainless steel garbage chute-door. The bottom of this stainless steal door is 26.5 inches from the floor, the top is 41.5 inches. The garbage chute opening appears to be square, 15 inches per side.

²¹⁸ Testimony of Arnold Mainland (Page 22), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²¹⁹ Testimony of Brian Trainor (Page 525), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

The steel chute-door is open in the photograph. Its hinges are on the bottom. It is opened by grabbing the handle on the face of the door, pushing the thumb-release, and pulling the handle out and down. Normally this door opens approximately 70 degrees. In the photo, though, the door is resting open at 90 degrees. The door mechanism has been broken. Mainland: "It's actually broken. All right? It's been forced beyond its opening capability. In other words, these side portions, these stainless steel side portions have been forced beyond its opening capability and that's why it stays open. It has a spring action that should automatically close it, but the spring action can only close it up to that much because the door has been forced beyond its opening capability."²²⁰

On either side of the chute-door there is a welded steel side which tapers from back to front — a steel triangle with the point at the top of the door and the wide base at the bottom — "these stainless steel side portions." There is a hinged steel curtain over the actual opening to the chute. In the photo, despite the fact that the chute door is fully open, the viewer cannot see into the chute as the steel curtain is in place.

If one were to dispose of a bag of garbage one would open the chute, place the bag on the back of the open door, and then simply close the door. The door's metal sides force the curtain back, creating an opening as the door is closed. Once fully closed, the weight of the bag forces the curtain open the rest of the way and the bag falls into the chute.

²²⁰ Testimony of Arnold Mainland (Page 23), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

There is some shaving cream visible in the photograph. There is a small thumbnail sized smear of shaving cream on the top of the door. And, there is a blob about the size of a grape on the bottom of the right side wall. Mainland reported that, “also inside that chute where it tips off to go into the main chute there was foam... When you lifted this inside door... you could see more foam. In other words, on this slide down and when you put your garbage in it hits this slide. It’s stainless steel and it’s approximately eight inches long and it slides into the main cylinder. This particular piece of stainless steel also had foam and what appeared to be a yellow substance or mustard on it.”²²¹ None of the shaving cream shown in the photo would have been visible if the chute-door had been closed. It is all inside the door or the chute.

There is no shaving cream visible on the two-inch stainless steel frame around the chute opening. Nor is there any shaving cream visible on the chute-door handle which is visible in the photo.

Brand recalls there was a towel in the hallway on the 9th floor. “I don’t know what it was there for but I remember it was covered in stuff... like he [Shawn] was wiped down with it or something... [It was] like one of those gym towels... It’s an in between size. It had mustard on it and stuff like that... I don’t remember if it was just around the corner from the chute or by the chute but it was there. It was on the 9th floor. I noticed it because it was out of the ordinary. Those hallways are pretty clean... You don’t see things and it was lying in the middle of the floor. It would be like if somebody left a

²²¹ Testimony of Arnold Mainland (Page 23-24), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

jacket there or the same sort of thing, it's not supposed to be there."²²² Trainor does not recall seeing the towel but he does recall Brand mentioning it that night.²²³

Mainland conducted a fingerprint examination around the chute on the 9th floor. His description of what he did was curious: "The area in question was again this rubbish chute. The door itself, the edges around the door, the garbage chute front I examined for fingerprints. This examination produced negative and when I say 'negative' I am referring to there were not even smudges of fingers found along the door jam. There was no indication that any fingerprints had been wiped off or the surface had been wiped clean or anything. There were just no fingerprints there... The doorway, the door jamb... that was examined for fingerprints as well as the other side of the particular entranceway. There were not even smudges or fingers that you could say were or had been on there and yet there was no indication that fingerprints had been wiped off."²²⁴

Trainor remembers that night: "I remember looking at that chute with mustard all through the inside but nothing on the handle and that was strange to me because this kid was covered on his hands and everything."²²⁵

There was shaving cream and mustard in several places on the 9th floor. On the floor, a fading trail from the stairs to the garbage alcove. On the glass firewall. On the

²²² Interview with Brian Trainor, May 17, 2016.

²²³ Testimony of Brian Trainor (Page 527), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

²²⁴ Testimony of Arnold Mainland (Page 30-31), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²²⁵ Interview with Brian Trainor, May 17, 2016.

door handle and door in the stairwell. There was a lot of shaving cream and mustard on Shawn. There was mustard and shaving cream on elevator buttons and door handles. And yet, there was no shaving cream on the alcove-door doorknob, door jamb, or chute-door handle. There was next to no shaving cream around the chute opening.

Puto, Barrett, and Wall had seen shaving cream on the alcove-door doorknob and on the chute-door handle when they were looking for Shawn around 3:40 a.m., one hour previous to when Brand, Trainor, and Mainland viewed the area around 4:40 a.m. The mustard and shaving cream had been wiped off. Sometime between 3:40 and 4:40 a.m., the alcove doorknob, chute door handle, and chute surface had been cleaned.

Shawn Reineke did not place himself in the garbage chute.

For Shawn to have placed himself in the chute, one would have to conclude that in his drunken state he managed to get himself through the tiny chute-door without leaving mustard or shaving cream on the walls of the alcove (there was none when the student search party first saw the space). And you would be forced to conclude that after Shawn got himself in the chute, somebody else coincidentally wiped off the knob, jamb, and handle — the places in which fingerprints were likely — but did not clean up anything else.

Shawn Reineke did not place himself in the garbage chute.

It is not clear from his testimony exactly how Mainland conducted a finger print examination. The timeline suggests, though, that Mainland was only on the 9th floor for a few minutes, at least initially. A proper search for latent fingerprints — those that are

left when the bodies natural oils and sweat are deposited on another surface — would involve special lighting, powder, or chemical agents. Latent fingerprints are often invisible to the human eye.

Latent fingerprints are best when they are on a clean, hard, non porous surface — glass, steel, plastic, and paint for instance. There were a lot of places that might have produced good fingerprint evidence on the 9th floor: door handles, glass firewalls, and elevator buttons. Finding a fingerprint in the shaving cream on the stairwell door handle, for instance, may have been very valuable. It would have confirmed that Shawn was in the stairwell or it would have placed somebody else in the stairwell after Shawn. It does not appear that a fingerprint examination was done anywhere other than around the garbage-alcove and that inspection may have been cursory.

5:05 a.m.

Mainland, Trainor, and Brand walked up the stairs to the 10th floor where they found all of the suite doors open. They wanted to examine the garbage chute.²²⁶ There was a group of people in the main lobby area — outside the elevators.²²⁷ The officers noted hysterical crying coming from Suite 1001.

Whichever stairwell the officers used, they would not have been visible from inside 1001 — the suite door was on the east wall at the south end and the two stairwell

²²⁶ Testimony of Arnold Mainland (Page 31), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985 and testimony of Brian Trainor (Page 521), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

²²⁷ Testimony of Arnold Mainland (Page 37), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

doors were on the north wall. A person inside Suite 1001 could not see the stairwell doors, would not initially be aware of the presence of police in the lobby. Brand and Trainor went closer to the open door to 1001 to listen. Mainland stood a few paces away, taking photographs of the garbage chute.

There is some disagreement between the police officers over the number of people present on the 10th floor. Trainor recalls that the lobby was empty, he was leaning against the wall beside the door to 1001. Mainland recalls that “on the 10th floor there was a group of people. They were in the main lobby area... all of the [suite] doors were open.”²²⁸

Trainor recalls this critical moment in the investigation: “I heard some crying and sobbing coming from room 1001, so I looked around the corner and saw — I think I remember approximately four people at the south end of the apartment by the living room windows. One woman was crying and sobbing almost hysterically, quite upset.”²²⁹

Trainor is unequivocal about what he heard her to say: “While I was looking directly at [her] I heard her say, ‘Kelly didn’t know what he was doing. He made a mistake,’ and she was crying and she was extremely upset and crying and another girl

²²⁸ Testimony of Arnold Mainland (Page 37), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985 and testimony of Brian Trainor (Page 523), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²²⁹ Testimony of Brian Trainor (Page 523), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

was trying to console her, calm her down. I looked at officer Mainland and he had heard it also or heard part of it and he confirmed what I had heard.”²³⁰

Kelly didn't know what he was doing. He made a mistake.

The overwrought young woman was Shannon Freeman, Kelly Ham’s girlfriend. The young woman who had invited Ham to the dance on the 14th floor, who had been in the party in 1002 when Ham and Reekie started the beer fight, and who had gone to bed alone in her room in 1001, before Ham’s departure.

Mainland heard some of what Freeman said but is not as certain as Trainor. Mainland testified, “I heard words. I do not know who said them. They were made by a female voice, words to the effect, ‘didn’t mean to do it.’ They were just words that were said louder than, you know, the normal thing and that brought my attention because of what we were investigating.”²³¹ Mainland was not as unequivocal as Trainer. Neither of them heard Freeman say anything specifically about the garbage chute or bin.

Trainor turned to look at his partner Brand, who had heard the hysterical crying but did not hear the words. Brand recalls, “When he turned to look at me his eyes were like... I just remember the look on his face and I thought, OK, we’ve got something serious here.”²³²

²³⁰ Testimony of Brian Trainor (Page 521), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²³¹ Testimony of Arnold Mainland (Page 38), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985

²³² Interview with Geoff Brand, May 7, 2016.

The investigation suddenly became very focussed. Upon hearing the name “Kelly,” Trainor thought immediately of Kelly Ham who had helped get Shawn out of the garbage bin and who Trainor had questioned in the main floor lobby just 30 minutes previous. “When she mentioned Kelly I said to Geoff [Brand] we need to go and grab these guys.”²³³

Trainor did not take a statement from Freeman. “Neither one of us approached her at the time,” he said. “I felt it might be better if a plain clothed detective went in and talked to her rather than uniformed. Sometimes it’s intimidating and, you know, in her emotional state it would be best.”²³⁴ The other possibility is that there was no time. Trainor and Brand were called to the main floor by radio.

5:07 a.m.

Sergeants Drader and Liefers arrived at Seager Wheeler Hall at 5:07 a.m. Trainor and Brand met them at the front door. This was just two minutes after Trainor had heard “Kelly” mentioned by Freeman on the 10th floor. Trainor did not question Freeman, “I advised the detectives at the scene that I had heard that immediately and I would assume they would carry that out.”²³⁵

Drader recalls that the four police officers had a discussion. For the most part, this would be Constables Trainor and Brand bringing Sergeants Drader and Liefers up to

²³³ Interview with Brian Trainor, May 17, 2016.

²³⁴ Testimony of Brian Trainor (Page 530), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²³⁵ Testimony of Brian Trainor (Page 521), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

speed about what they knew — someone had been found badly injured in the garbage bin, there was evidence on the 9th floor suggesting that the victim entered the garbage chute from that floor, and there was a young woman in Suite 1001 who has just attached the name “Kelly” to the apparent crime.

There were a number of students still awake and about — in the main lobby, on the 9th floor, and on the 10th floor. Trainor and Brand walked Drader and Lieffers through the scene. They made a quick examination of the garbage room and Loraas bin on the main floor and then went to the 9th floor for another brief examination of the chute. Then they went to the 10th floor.

Drader took statements from Donna Mulvey, John Bilawich, Darren Armitage, Carol Bamber, and Donna Puto. In Suite 1001, Trainor pointed out the young woman who had named “Kelly.” Drader identified her as Shannon Freeman (Trainor did not know her name, having not spoken to her). “Through my statement taking there was certain comments made, not with any solid grounds to them but just reflections or comments with regard to possible persons responsible, but there was no direct indication that anyone had seen any person being placed in [the chute] by anyone.”²³⁶ There were no eyewitnesses. At least none that were willing to speak up.

In the course of taking statements, Drader received a message that there was a conversation between Shawn and the nurses at the hospital. The injuries did not seem

²³⁶ Testimony of James Drader (Page 60-61), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

that serious. Shawn had not yet hemorrhaged. Most of the students that officers were talking to were under the influence of alcohol — Armitage and Bilawich in particular.

Drader also noted mustard and shaving cream on the control buttons on the north elevator. Not in any particular area of the control buttons, “It was all over them.”²³⁷

Mainland made a fingerprint inspection. As there was only 25 minutes between his arrival and overhearing Freeman in Suite 1001, it is likely that he went about his work after Drader and Leiffers arrived at 5:07 a.m. It is not clear if he actually “dusted for prints” but he made an interesting finding.

Mainland examined the 9th floor alcove-door doorjamb. “It’s white. It’s metal and it’s a good source to find fingerprints on if they should be there or fingerprint smudges. They should be seen on the surface. It’s painted, clean... There were not even smudges or fingers that you could say were or had been on there and yet there was no indication that fingerprints had been wiped off.”²³⁸

Mainland inspected the corresponding doorjamb on the 10th floor. “I also examined the door edges for fingerprints. There were smudges on the insides of those doors. I went down to the 8th floor... I examined it for fingerprints. There was smudges on one side of the door on it.”²³⁹ Human contact was clearly apparent on doorjamb on

²³⁷ Testimony of James Drader (Page 65), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²³⁸ Testimony of Arnold Mainland (Page 31), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²³⁹ Testimony of Arnold Mainland (Page 32), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

the 10th floor and the 8th floor but not on the 9th. Mainland was unwilling to declare with certainty that the doorjamb had been wiped clean but he was mystified that there would be no marks of any kind on the 9th floor.

Mainland felt that to place a person into the chute that the alcove-door and the chute-door would both have to be held open because the alcove was only 16 inches deep. It would be impossible to enter the chute or put someone in the chute without both doors being open.

“Whoever cleaned that area cleaned the whole thing at the same time and there was no... just rubbing in a certain area. There were not even finger marks. You can grab an article and not leave a fingerprint but you will leave a mark, or you should, especially here because people were moving around. They would be warm and there should have been some sort of marks. I found nothing.”²⁴⁰

Mainland was suggesting that the normal day-to-day use of the garbage alcove would result in marks on the doorjamb, simply from residents disposing of their trash. There was no shaving cream or mustard on the 8th or 10th floors, but there were lots of finger smudges. On the 9th floor, there was lots of shaving cream and mustard but there were no finger smudges.

²⁴⁰ Testimony of Arnold Mainland (Page 41), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

5:40 a.m.

After touring Drader and Lieffers through the crime scene — the garbage room on the main floor, the chute on the 9th floor, and pointing out Freeman on the 10th floor — the two detectives dispatched Trainor and Brand from Seager Wheeler Hall to take Kelly Ham into custody for questioning. They were not going to arrest him but detain him and bring him to Saskatoon Police Headquarters.

It was a quick trip to 1128 McKercher Drive — a short drive of 5 km which would take 10 minutes or less at that time on a Saturday morning in Saskatoon. Ham and his houseguest, Tracy Howell, were taken into custody by Trainor and Brand at 5:40 a.m.²⁴¹

This was not voluntary on Ham and Howell's part. "We can hold him, so that's what we do. We take him to the station and hand him over to the plain clothes guys that would have been Drader and his partner.... We were detaining him. You have read him his rights already and he's in the back of the car and he's not saying anything."²⁴² Brand recalls that there was no conversation in the police car on the way to the police station, but there rarely is in such circumstances.

Ham was at the police station for between four and five hours. According to Ham, the first officer who spoke to him was "a jerk." He swore at Ham, repeatedly. Ham made a written statement. At some point, Ham was told that police were going to (or

²⁴¹ Interview with Brian Trainor, May 17, 2016.

²⁴² Interview with Geoff Brand, May 7, 2016.

were considering) charge him with “attempted murder” (note that Shawn was still alive when Ham was at the station Saturday morning).

Ham recalls that police initially thought that Howell was involved too but dropped that idea once Howell’s alibi was established — that he was alone with Faber in her room.²⁴³ Ham was released sometime around 10:30 a.m. Police again attended at his house later in the day and took a second statement from him — this time they wrote it as they interviewed him and Ham signed it.²⁴⁴

8 a.m.

Shawn’s friends David Myles and Darwin Seidler got up around 8 a.m. Shawn was not there. They checked the 14th floor. They checked the girls’ rooms — 1101 and 1103. There was no Shawn and nobody had seen him. Nor did anyone mention anything about anyone going down the chute.²⁴⁵

Darwin and David checked the truck. No Shawn. Darwin phoned their basement suite and let the phone ring for a very long time. No Shawn. They assumed that Shawn was drunk, asleep at home, and was not answering. They left and washed Darwin’s truck. Darwin dropped David back at Seager Wheeler Hall and headed home to see if

²⁴³ Testimony of Kelly Ham (Page 652-653), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁴⁴ Testimony of Kelly Ham (Page 630 & page 647), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁴⁵ Testimony of David Myles (Page 74), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

Shawn was there. No Shawn. Darwin started to worry. He headed back to Seager Wheeler Hall to look for him.²⁴⁶

While Darwin was making his trip to their apartment, David spoke to Ervin Reekie, "He came over and told me, 'Did you hear that somebody went down the chute last night?' I laughed, you know, thought it was funny, and then I told Darwin about it [after he got back] and then we thought... so I phoned the hospital just to check and yeah, it was Shawn Reineke that was the person that was admitted to the hospital."²⁴⁷

Drader and Lieffers remained at Seager Wheeler Hall for most of the day. They inspected the 9th floor. Drader's recollection coincides with others, "[A] person had been walking or staggering and there were marks on the wall along that wooden railing [of the glass firewall] and I also observed that the garbage chute bin was open beyond self closing."²⁴⁸

"We interviewed numerous persons [at Seager Wheeler Hall] that date and also some at the station as well." These interviews confirmed that Shawn was, "extremely intoxicated, unable to walk without support and this was sort of substantiated by the smear marks on the wall."²⁴⁹

²⁴⁶ Testimony of Darwin Seidler (Page 88), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁴⁷ Testimony of David Myles (Page 75), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁴⁸ Testimony of James Drader (Page 54), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁴⁹ Testimony of James Drader (Page 56), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

9:30 a.m.

Around 9:30 a.m. Drader and Leiffers took a statement from Ervin Reekie at his apartment in Assiniboine Hall, just across McKeown Park from Seager Wheeler Hall.²⁵⁰

Freeman's exclamation at 5:05 a.m. had quickly focussed the investigation on Ham.

Within four and a half hours, the police had identified Reekie as someone that they were also interested in — they had tied Reekie to their number one suspect, Ham.

There were many interviews being done but the building was not locked down; residents were coming and going. Key witness Kenneth Mark, for instance, left in the morning to play tennis. He passed a number of people in the main floor lobby, including police, but they did not attempt to stop him.

Sometime on Saturday, he does not remember exactly when, Drader requested phone taps on Ham and Reekie's phones. His superiors did not feel that there was enough evidence on Saturday and the request was refused.²⁵¹

10 a.m.

Word was spreading. Kenneth Mark, who had seen Shawn the previous night around 3:30 a.m. on the 9th floor when Ham and Reekie arrived, learned of the events at 10 or 11 a.m. Saturday morning. He was at the tennis court about 500 metres north of Seager Wheeler Hall when his neighbour, Monica Faber from 901, told him that

²⁵⁰ Testimony of Ervin Reekie (Page 717), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

²⁵¹ Interview with James Drader, June 21, 2016.

someone had fallen down the chute the previous night — entering the chute between their two apartments — and been seriously hurt.²⁵²

1 p.m.

Around 1 p.m., Reekie dropped in on Freeman. Reekie wanted to get Ham's phone number, ostensibly to go out with him that night to a movie.²⁵³ He phoned Ham from Freeman's apartment and they arranged to meet at Reekie's apartment around suppertime. Ham must have been very tired. He had been in police custody from 5:40 until 10:30 a.m.

1:40 p.m.

The two sergeants drove to the station at 1:40 p.m. and interviewed Freeman. Drader recalls: "She was concerned but not extremely cooperative at the time... she was taken back to Seager Wheeler Hall and we returned as well."²⁵⁴

During this interview Freeman told the police that she did not remember mentioning Kelly at all the previous night. This was fuel on the fire. The police became more convinced that Freeman knew something and was withholding the truth.²⁵⁵

²⁵² Testimony of Kenneth Mark (Page 402)), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

²⁵³ Testimony of Ervin Reekie (Page 706), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

²⁵⁴ Testimony of James Drader (Page 49-50), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁵⁵ Question posed by Benjamin Wolff (Page 546), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb 6, 1995.

3 p.m.

Around 3 p.m., Darwin and David went to the University Hospital. David waited in the truck, Darwin went in. He lied. He told the staff that he was Shawn's brother. He got in to see him. Shawn was in the Intensive Care Unit. He was not able to speak with this friend. Shawn was not conscious.²⁵⁶ In fact, Shawn had been declared brain dead three hours prior to Darwin's arrival.

3:40 p.m.

Freeman was taken back to Seager Wheeler Hall at 3:40 p.m., Drader and Leiffers returned then, too.²⁵⁷ Upon returning, Drader seized a fire extinguisher. "It was an exhausted one and it was in the office, the maintenance office, on the first floor. It had been taken there by the maintenance people from room ... 901. There was white powder around in the room, the suite area, the kitchen and the living room area."²⁵⁸

Sandra Sprecker, who lived in 901 and was asleep throughout the night confirms the existence of white extinguisher powder all over the suite on September 29. In the morning, the pin from the fire extinguisher was on the floor, the extinguisher was on the wall where it belonged but, in her opinion, it had been removed from the wall and sprayed throughout the kitchen and living room. Specifically, birdcages which were covered in towels at the far end of the room, away from the extinguisher and at a 90-

²⁵⁶ Testimony of Darwin Seidler (Page 89), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁵⁷ Testimony of James Drader (Page 50), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁵⁸ Testimony of James Drader (Page 50), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

degree angle from the nozzle had extinguisher foam on them. Sprecker does not think it was possible for the extinguisher contents to have gotten on the towels without the extinguisher being removed, discharged, and replaced.²⁵⁹

Drader continued questioning people, “I interviewed... a person by the name of Kelly William Ham. There was also another person by the name of Ervin Reekie who lives ... [in another] apartment in the same area of Seager Wheeler.”²⁶⁰ Neither of these interviews were at the police station but, rather, at Ham and Reekie’s respective homes. The officer that had interviewed Ham at the police station and threatened to charge him with attempted murder was neither Drader nor Lieffers, the two detectives now in charge of the investigation.

It was when he was interviewed by police that Reekie learned the name of the man injured in the bin, Shawn Reineke.

²⁵⁹ Interview with Sandra Sprecker, May 31, 2016.

²⁶⁰ Testimony of James Drader (Page 50), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

The police investigation beyond the first 24 hours

Could Shawn have gone down the chute?

Donna Puto and Carey Barrett pointed the police to the 9th floor almost immediately after Constables Brian Trainor and Geoff Brand arrived. There was foam and mustard on the carpet, walls, door handles, and elevator buttons. And, there were Shawn's horrific injuries. Almost immediately, it was the prevailing theory of the police that Shawn had been placed into the chute on the 9th floor against his will, or at least without his consent. Nonetheless, Identification Officer Mainland investigated to ensure that it was even possible for a person to enter the garbage chute through one of the small, steel chute-doors. Like Donna Puto and others, Mainland wondered if a person could fit. Intuitively, the chute-door seemed too small for a person.

Mainland took careful measurements of the chute-door, including its height from the floor and distance from the alcove side walls. With the chute-door open to 90-degrees — past its normal opening position, as it was found by police on the morning of September 29, 1984 — the opening to the chute was 12 inches by 15 inches (30.5 cm x 28 cm). The functional chute opening was reduced by a half-inch door jam that the chute-door would rest against when closed by the hydraulic mechanism. Thus, the opening that Shawn would have to fit through was just 11 inches by 14 inches.²⁶¹

²⁶¹ Testimony of Arnold Mainland (Page 25), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

It is no surprise that when Barret, Wall, Puto, Sylvestre, and McLeod found shaving cream and mustard all around the chute-door the 9th floor that there was debate about the simple possibility that Shawn could have gone down the chute. Puto, for instance, did not think an adult could even fit through this small opening.

The bottom of the chute opening was 26.5 inches from the floor. A typical dining chair height is 18 inches. A standard Canadian kitchen counter is 36 inches. The bottom of the chute was a big step, but not impossible. Even someone Shawn's size, 5 feet 8 inches, could step up onto the open chute-door if motivated to do so.

Mainland tested this possibility. He returned to Seager Wheeler Hall in January 1985. He enlisted the help of a resident about Shawn's size — Mainland guessed that his volunteer was 5 feet 8 inches tall and 150 pounds. "I used a subject to indicate that one can stand up on that particular garbage chute door... The subject used the top of the [garbage-alcove] door... [He opened the chute] He just put his foot on it just to hold it there, reached up with this left hand, grabbed the door, reached up with his right hand and grabbed the door opening... and just pulled himself up."²⁶²

Mainland took a photograph which shows a young man in stocking feet, sweat pants, and a sweatshirt aloft, standing on the open garbage-chute door. The garbage alcove is so small that the young man's head is above the door frame near the ceiling, in the hallway. It is a tight squeeze, the alcove is small, but the subject managed by

²⁶² Testimony of Arnold Mainland (Page 28-29), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

himself to get into a position that would have enabled him to navigate his feet into the chute opening.

Mainland established that it was physically possible for a person, alone, to climb into the garbage chute on the 9th floor of Seager Wheeler Hall. But it would require some coordination and dexterity, not to mention motivation. Sergeant Drader, who was present in January when the photo was taken “felt it was possible” for a person in a high state of intoxication to enter the chute on his own but that it was more logical that “he was assisted in being placed down there.”²⁶³

The chute itself was a cylinder, with a diameter of 24 inches. This tube was set back from the chute-door by 12 inches. A downward angled ledge connected the chute-door to the chute itself. As long as a person did not stick his or her hands more than 12 inches past the chute-door, one was protected from being struck by anything falling down the chute from above.

It was 66 feet from where Shawn entered the chute on the 9th floor to where it ended on the main floor. Anything falling exited the chute near the ceiling in the main floor garbage room, fell an additional 3 feet onto the angled, steel covered concrete deflection pad, and was redirected 90-degrees into the waiting steel garbage bin.

Mainland constructed a replica of the chute opening, 11 inches by 14 inches. “We made an actual size opening of that chute to see who could go through it and who

²⁶³ Testimony of James Drader (Page 57), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

could not go through it. I had no trouble going through that chute myself as long as my hands were above my head attempting to go through it. If I didn't change my shoulder position I could not go through it.... My hips had to go through on the long side... My hips were wider than 11 inches."²⁶⁴ In 1985 Mainland was 6 feet tall, 184 pounds — considerably bigger than Shawn.

Dr. Fergus, a pathologist at the Royal University Hospital, made a similar investigation. He found a subject the same size as Shawn and made measurements of the width of the shoulder with his arms at his sides or above his head. Dr. Fergus found that "...with his hands over his head then he fits into the diagonal [of the chute opening] quite nicely... he would pretty well have had to have gone down feet first with his hands above his head."²⁶⁵ Shawn was turned sideways to fit, his right or left hip pointing at the ceiling as he went through the opening.

The chute-door, though, needed to be broken. In his tests, it was determined that the chute-door needed to be open past its normal opening limit for Mainland to fit. Normally, the door stopped short of 90-degrees at about 60-degrees. This shrank the opening to just 12 inches by 11 inches and Mainland's hips did not fit through this reduced size. The door mechanism must have been broken prior to Shawn going through — either in the moments prior to Shawn going down the chute or, coincidentally, broken at some earlier time making the opening big enough for Shawn to

²⁶⁴ Testimony of Arnold Mainland (Page 34), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁶⁵ Testimony of Fergus Murphy (Page 10), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985

fit. Likely the former, broken by the perpetrators fitting Shawn through the opening. No students recalled the chute-door being broken prior to that night.

Finally, Mainland tested the fit in a 24-inch diameter tube, the size of the chute itself. "There was no problem with me fitting inside there. You've got lots of room in two foot. You couldn't turn over in it or bend down and touch your toes but you have no problem."²⁶⁶ A person entering the chute feet first would exit the chute feet first.

Mainland's comment: "Once you got into that chute you're gone."²⁶⁷

Shawn Reineke did not send himself down the chute at Seager Wheeler Hall. This is beyond any reasonable doubt. He was so intoxicated that he was having trouble walking, let alone climbing onto the chute door and wriggling through an opening barely large enough for him to fit. While Shawn lay injured in the bin on the main floor, several people saw foam and mustard around the chute-door. A short time later, when Mainland took photos, the chute-door was clean. Somebody wiped down the parts of the garbage alcove on the 9th floor that would have likely had incriminating finger prints.

Even ignoring the witnesses who saw the foam, Mainland photographed the chute. There is next to no shaving cream and no mustard in the photo. Yet, there was shaving cream and mustard in several locations on the 9th floor: a fading trail from the

²⁶⁶ Testimony of Arnold Mainland (Page 36), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁶⁷ Testimony of Arnold Mainland (Page 44), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

stairwell door to the chute, some on the lobby side of the glass firewall across from Kenneth Mark's suite, shaving foam in the stairwell. There was foam and mustard on elevator buttons. Where Shawn went, there was a trail. He could not have wriggled through the opening of the garbage chute without leaving more than the trace that is shown in Mainland's photograph. He certainly would have left a trace of mustard or shaving cream on the alcove doorknob or garbage chute handle.

It is preposterous that these areas were coincidentally wiped down between the time of Shawn going down the chute and Mainland's arrival on the 9th floor. The chute was wiped, purposefully, and almost certainly by one or more people anxious to remove evidence of their presence.

Mainland, the second witness to testify in February 1985, explained at some length what he had done to determine the mere possibility of a person fitting through the opening and falling down the garbage chute at Seager Wheeler Hall. His investigation established that it was *possible* for Shawn to have entered the chute on his own, however unlikely.

One is left to wonder if the six-person coroner's jury was confused by the attention paid to the mere possibility of Shawn fitting into the chute by no less than the second witness to testify. It seems that the jurors may have focussed too much on the possibility and not enough on the possible perpetrators.

The investigation of Kelly Ham and Ervin Reekie

From the moment that Shannon Freeman uttered Kelly's name at 5:05 a.m., Saturday, September 29, the investigators focussed on Ham. He was taken into custody just one and a half hours after Shawn was found injured. He made a statement early that morning at the Saskatoon Police station. He was questioned again later that day at his home. Initially police thought Ham's hometown friend, Tracy Howell, was involved but they quickly excluded Howell because of his alibi. Ervin Reekie was soon included, perhaps because of Ham's statement in the hours following Shawn's injury or perhaps because of an accumulation of other witnesses tying Reekie to Ham. The police narrative that developed:

Police came to believe that two young men, Ervin Reekie and Kelly Ham, were drunk and causing trouble throughout Seager Wheeler Hall on the morning that Shawn was injured. They believed that these two young men were engaged in childish, destructive university pranks. Ham and Reekie's morning culminated when they found themselves alone on the 9th floor with Shawn around 3:30 a.m. With one final prank, they dropped the drunken, cream and mustard covered Shawn down the garbage chute. Instead of owning up, they covered up.

One or both of them wiped their finger prints from around the garbage chute on the 9th floor. Or maybe a girlfriend was enlisted to wipe things down.

They took a vow of secrecy, agreeing that neither would reveal what they had done.

And the police concluded that at least one female resident of Seager Wheeler Hall, perhaps two or three, assisted with their subterfuge.

In the days following Shawn's death, police consulted almost every Seager Wheeler Hall resident. Sergeants Drader and Leiffers worked on the case, more or less continuously, for three months. "There's three hundred and four [residents] in the building," Drader recalled. "I believe we got all of them except one or two that had moved out of the area completely."²⁶⁸

These police interviews were often cursory. In one instance, for example, all six women living in a suite on the 13th floor were interviewed collectively. "The asked us to meet them at a specific time and we were all there and they asked us if we knew anything and we all said no and then that was it."²⁶⁹ This is not really surprising since the large majority of residents were long in bed, asleep, when Shawn was dropped down the chute. Most residents knew nothing of events until rumour spread through the building the following day.

These resident interviews, coupled with statements taken at the police station (sometimes with a polygraph) began to form a narrative that, as far as police were

²⁶⁸ Testimony of James Drader (Page 53), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

²⁶⁹ Interview with Lori Whelan, May 15, 2016.

concerned, explained Ham and Reekie's means and motive. This was the story that was poorly put forward by the prosecutor, Benjamin Wolff, at the Coroner's Inquest held in February 1985.

Interestingly, the police version of events is substantially in agreement with Ham and Reekie's versions. Virtually everyone agrees on all of the important events of the night, except for the brief space of time between Kenneth Mark closing his door — leaving the Ham and Reekie alone with Shawn on the 9th floor — and the two of them being let in to Suite 904 by Monica Faber. The police believed that Ham and Reekie conspired to cover their tracks.

The conflicting recollections of Ham and Reekie

Wolff focussed a lot of attention on the apparently conflicting recollections of Ham and Reekie. There is very little disagreement about the evening and early morning. Ham, Reekie, and various others describe similar events.

Ham had "a couple of beer" before going to Seager Wheeler Hall.²⁷⁰ He and his roommate, Tracy Howell, arrived at Seager Wheeler Hall around 11 p.m. on Friday night. They had been invited by Shannon Freeman. They likely stopped off at Freeman's suite, 1002, to store Ham's remaining beer before going up to the dance on the 14th floor. There is minor disagreement here. Ham recalls meeting Freeman in her apartment before going to the dance. Freeman remembers going up to the dance on the 14th floor

²⁷⁰ Testimony of Kelly Ham (Page 590), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

at 10:30 p.m. without Ham, who showed up later.²⁷¹ They agree, though, that all three stayed at the dance together until it ended around 2 a.m.

Ham and Freeman were in a relationship. Ham recalls that he had known her for a couple of weeks and considered her his girlfriend, “kind of.”²⁷² Other residents of Seager Wheeler Hall confirm that prior to Shawn’s injury, Ham and Freeman were boyfriend and girlfriend.²⁷³ Carol Bamber recalls that the relationship was still new and innocent — Ham and Freeman had not slept together.²⁷⁴

Reekie came to the party by himself. He made the very short walk across McEown Park from Assiniboine Hall to Seager Wheeler Hall around 11:30 p.m. He arrived right around the time that Shawn and Darwin were going to and from their apartment to get more money. Reekie had no trouble getting in to Seager Wheeler Hall. Likely, he simply entered as someone else was coming or going.²⁷⁵

The friend that had invited him, Dennis Mah, had gone home to Prince Albert, Saskatchewan for the weekend. Reekie dropped his jacket off in Mah’s suite on the 11th floor and went to the dance on the 14th floor. There, he coincidentally encountered Ham and Howell.

²⁷¹ Testimony of Shannon Freeman (Page 533), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁷² Testimony of Kelly Ham (Page 592), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁷³ Interview with Carl Millar, May 1, 2016 and Charles Zlotkin, Apr 25, 2016.

²⁷⁴ Interview with Carol Bamber, Aug 14, 2016.

²⁷⁵ Testimony of Ervin Reekie (Page 670), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

Ham and Reekie knew each other slightly. “I had only met him a couple of times before,” Reekie recalled.²⁷⁶ They did not know that one another would be at the dance. Reekie had met Howell only once before.

Reekie did not have anything to drink prior to going to the dance. He says he drank “three or four bottles” of beer on the 14th floor. His friend Ham had some more to drink at the dance, Ham said, “I was feeling good. I wasn’t drunk.”²⁷⁷

Reekie also stayed on 14th floor until the dance ended around 2 a.m. There is minor disagreement between Ham and Reekie about what they each did immediately upon the party ending. Ham recalls that he went to the 10th floor with Freeman, Reekie, Howell, and Faber. Reekie recalls that he first needed to find a resident assistant to access Mah’s suite on the 11th floor and retrieve his jacket. It is likely that Reekie’s recollection is correct as Freeman doesn’t recall meeting Reekie until after the dance when he joined the group in her suite, 1001.²⁷⁸ Everyone agrees, though, that in short order, they were all on the 10th floor — Ham, Freeman, Howell, Faber, and Reekie — and that Reekie had retrieved his jacket.

Note that the group in 1001 included Monica Faber and Tracy Howell. Faber recalls going to 1001, Freeman’s apartment, with Howell, who she had first met in the

²⁷⁶ Testimony of Ervin Reekie (Page 671) and Kelly Ham (Page 591), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁷⁷ Testimony of Kelly Ham (Page 592), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁷⁸ Testimony of Shannon Freeman (Page 533), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

hours before at the dance on the 14th floor. Ham recalls that Faber and Howell first met at the dance and that she had “become friendly” towards his roommate.²⁷⁹

Faber definitely knew that Ham, who she knew a little bit because “the two of them take a few of the same classes,” was with Freeman in 1001. She and Howell did not stay long in 1001. Around 2:30 a.m. the two new acquaintances went down one floor to her room in Suite 903.²⁸⁰

The party in Suite 1002

All of the suite doors on the 10th floor were open. The main party was in 1002, Darren Armitage and Mike Nuhn’s suite. This was typical of Seager Wheeler Hall, the suite doors were open and the party was spilling out into the small lobby and into the neighbouring suites. People were floating from room to room.²⁸¹

Around the time that Faber and Howell left at 2:30 a.m., Ham, Reekie, and Freeman went next door to join the party in 1002. Freeman knew Armitage well. Darlene McLeod recalls seeing Ham on the 10th floor around 2:30 a.m.²⁸²

It is at this point that Ham and Reekie’s account of events begin to substantially diverge from one another, and from other witnesses.

²⁷⁹ Testimony of Kelly Ham (Page 643), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁸⁰ Testimony of Monica Faber (Page 491), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

²⁸¹ Testimony of Sherilee Shorten (Page 121), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²⁸² Testimony of Darlene McLeod (Page 370), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985

According to Reekie he left the party in 1002 three times. The first time he went up to 14th floor, with Ham, to use the bathroom. The second time, after the beer fight, to go down to the 9th floor and look for Howell (who he did not find). And a third, final time after revisiting the party in 1002.

Regardless of their precise coming and going, there was more drinking. On the 10th floor Reekie had a couple more beers. He was “feeling good” but “not too drunk on six beer, no.”²⁸³

Reekie admits that he and Ham were “a bit rowdy that night.” Their behaviour was “crude” and that it was noticed by others, “I would say we annoyed some people. We didn’t behave in the best way.”²⁸⁴

In an interesting exchange at the Coroner’s Inquest in 1985, the fridge in Suite 1002 comes up. After Reekie described his conduct as crude, the prosecutor, Wolff, asked: “You were in the fridge, weren’t you?”

Reekie replied: “Yeah. Okay, I will clarify that.”²⁸⁵ It is interesting to note that he seemed to anticipate being asked about the fridge. Apparently, there was something that he needed to clarify but exactly what that is, is not clear from the transcript. Wolff

²⁸³ Testimony of Ervin Reekie (Page 681), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁸⁴ Testimony of Ervin Reekie (Page 681), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁸⁵ Testimony of Ervin Reekie (Page 681), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

had not yet asked or accused him of anything. The fridge had not been mentioned to Reekie but as soon as it was, he needed to “clarify that.”

“I opened up the fridge,” Reekie stated. “I didn’t take anything out for the simple reason that as yet I don’t have a police record. I don’t want a police record because I intend later on joining the R.C.M.P. and I knew that by opening the fridge up and taking something out that I think — I’m not sure but I imagine you could get charged with something and I didn’t want that?”²⁸⁶

Was he suggesting that the only reason he did not take anything out of the fridge — a beer, for instance — is that he didn’t want to be charged with anything? This seems odd, especially considering his crude behaviour. Why did Wolff bring up the fridge? What question was Reekie anticipating and hoping to clarify?

The residents of 1002, partygoers, and police believed that during the party, mere feet from everyone else in the room, Reekie urinated in the fridge. Shorten, for instance, did not see Reekie go in the fridge but she heard about it later. She knew the rumour. Armitage, one of the residents in 1002, complained to her about Reekie.

It is certain that there was urine in the fridge. It was cleaned later that day.²⁸⁷ As residents had gone to and from the fridge, it is clear that *somebody* relieved themselves during the party. The partygoers present that night — those who lived in Seager

²⁸⁶ Testimony of Ervin Reekie (Page 681), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁸⁷ Interview with Carl Millar, May 1, 2016 and Charles Zlotkin, Apr 25, 2016.

Wheeler Hall — believed this interloper, Reekie, was the culprit.²⁸⁸ There is only circumstantial evidence that Reekie urinated in the fridge — he was at the party, nobody knew him, and he was being crude and obnoxious. The police accepted this narrative as further evidence that Ham and Reekie were out of control starting around 2:30 a.m., September 29.

At some point, Reekie recalls, Ham gave the fire extinguisher in 1001 “one quick blast.” More evidence that the two of them were acting up as this was particularly unusual considering that 1001 was Ham’s girlfriend Shannon Freeman’s suite.²⁸⁹ At the time, Reekie found it a bit funny.

Reekie and Ham both recall that they were the two who started a beer fight in 1002.²⁹⁰ Freeman was still present when the beer fight happened. “I really didn’t see who started it.” She did hear, after the fact, that Ham and Reekie were the perpetrators.²⁹¹

Others at the party in 1002 corroborate Ham and Reekie’s account. Several viewed them as party crashers. It did not seem that anybody on the 10th floor knew them. “Everyone was commenting and saying, ‘Who are these guys? What are they doing here?’ ... They just walked into the room and started to spray beer.”²⁹² Armitage

²⁸⁸ Interview with Carl Millar, May 1, 2016 and Charles Zlotkin, Apr 25, 2016.

²⁸⁹ Testimony of Ervin Reekie (Page 680), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁹⁰ Testimony of Kelly Ham (Page 599), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁹¹ Testimony of Shannon Freeman (Page 538), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁹² Testimony of Sherilee Shorten (Page 122), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

and others in 1002 took part, first spraying beer and then starting a pillow fight... “they started throwing pillows around.” It was bedlam, briefly, in 1002.

According to Reekie, it was after this bedlam that he and Ham left the party in 1002 for the second time. They went down to the 9th floor, knocked on doors, and encountered Kenneth Mark and Shawn. According to Reekie, they did not find Howell on this first trip down to the 9th floor and they returned to the party on the 10th floor, leaving Shawn in the lobby on the 9th. Ham, though, does not recall a return trip to the 10th floor. He recalls that once they left the 10th floor and went down to the 9th, that they got into Faber’s suite and did not return. Ham and Reekie disagree about many things that happened on the 9th floor.

Ham is more likely to be correct as there are several people who recall the beer fight. None of them believe that Reekie and Ham were around very long after that as there would have been trouble. One of people at the party in 1002 that night recalls the beer fight and recalls that there were people there who were not happy with Reekie. “There was not a fist fight but if he had stayed there or had come back, there would have been one.”²⁹³

Nonetheless, Reekie recalled going back to the party on 1002 after the beer fight and telling people at the party about “a guy down there covered in whipped cream or whatever it was.” No other witnesses specifically corroborated this recollection.

²⁹³ Interview with Charles Zlotkin, Apr 25, 2016

Immediately after the beer and pillow fights, calm returned. Ham and Reekie were then lingering in the 10th floor in the lobby. Ham returned to 1001 at least once to find Freeman but “she had went to bed and after that I just come back to the party.”²⁹⁴

Why did Freeman go to bed without Ham? He was her new boyfriend. His roommate Howell had gone down to the 9th floor with her friend Faber. Carol Bamber recalls that this was a very new relationship. Freeman and Ham had just started seeing one another and had not slept together. Perhaps she was simply tired, maybe put off by Ham’s antics.

Sherilee Shorten recalls that everybody on the 10th floor was upset about these two interlopers, Ham and Reekie, coming in and wrecking havoc.²⁹⁵ After the beer fight they were lingering in the lobby. Shorten decided to say something to them, to tell them to leave. She was just going to the lobby when Ham and Reekie left the floor. Nobody had confronted them but it was close, a confrontation was brewing. One of the partygoers recalled, “If they had returned to 1002 there would have been a fight.”²⁹⁶

Just as Ham and Reekie were leaving the 10th floor, around 3 a.m., as Shorten went to speak to them to tell them to leave, she heard Reekie say, “We’ve done enough damage here. Now where can we go? What should we do?”²⁹⁷ Shorten also notes that

²⁹⁴ Testimony of Kelly Ham (Page 601), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

²⁹⁵ Testimony of Sherilee Shorten (Page 124), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

²⁹⁶ Interview with Charles Zlotkin, Apr 25, 2016.

²⁹⁷ Testimony of Sherilee Shorten (Page 126), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 4, 1985.

Ham and Reekie were aggressive, loud, and rude. Very different from the attitudes of everyone else in 1002.

“They were being complete assholes. Total, complete assholes,” recalls Charles Zlotkin.²⁹⁸ All of this suggests that Ham is correct and Reekie is wrong. It is hard to imagine in this maelstrom of anger that after the beer fight Reekie came back up to the 10th floor and was able to tell everyone, calmly, about the “guy on the 9th floor covered in shaving cream.”

At some point, Shawn made a brief appearance at the party on the 10th floor. Reekie recalls that Shawn arrived in the elevator, “He only had one boot on and it was the same boot, the same make, that I had pulled out... and so I gave him his boot back.”²⁹⁹

Prosecutor Wolff belaboured the point, confirming that Reekie’s recollection is that Shawn’s arrival on the 10th floor occurred after Reekie and Ham had already been on the 9th floor and seen Shawn in the lobby. According to Reekie, Shawn tried to put his boot back on but he was not able to.

It appears that Wolff was trying to show Reekie was fabricating a false alibi as he had left the 10th floor after the beer fight and did not return as there would have been trouble.

²⁹⁸ Interview with Charles Zlotkin, Apr 25, 2016.

²⁹⁹ Testimony of Ervin Reekie (Page 685), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

Neal Sylvestre heard that Shawn was ambulatory after being covered with shaving cream and was looking for his boot. He cannot, though, confirm where Shawn was when he was looking as this was only a rumour.³⁰⁰

Others at the party in 1002 confirm that Shawn was there, briefly.³⁰¹ It is very likely that Shawn was on the 10th floor, prior to the beer fight, and prior to Reekie encountering him again on the 9th floor. This may be why Kenneth Mark felt that Ham and Reekie knew Shawn when he saw the three of them together — Reekie didn't know him, but he had already encountered this guy covered in shaving cream, earlier on the 10th floor. In a university essay written between Sep 30 and October 4, 1984, Bamber recalls seeing Shawn, very briefly, at the party in 1002.³⁰²

Ultimately, Ham and Reekie left the 10th floor. Someone told them that Faber was in 903 and they knew that they needed to find Howell. Freeman had gone to bed alone; Ham would not be staying the night with her at Seager Wheeler Hall.

Shortly after Ham and Reekie left, two girls were cleaning up the mess in 1002, along with Darren Armitage who lived there. Around 3:30 a.m., after all the other cleaning was done, Armitage threw a tree down the chute. This was almost certainly the tree in the bin with Shawn. As Mainland's photos showed, the tree must have gone down the chute before Shawn as it would not otherwise have wound up in the bin. This

³⁰⁰ Testimony of Neal Sylvestre (Page 282)), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

³⁰¹ Interview with Charles Zlotkin, Apr 25, 2016 and Carl Millar, May 1, 2016.

³⁰² Interview with Carol Bamber, Aug 14, 2016 following which she supplied a copy of her essay from 1984.

places Shawn's descent down the garbage chute after 3:30 a.m. and after Ham and Reekie had left the 10th floor.

What happened on the 9th floor?

There is substantial disagreement between Ham and Reekie about what occurred once the two of them went to the 9th floor. Reekie recalls that on their first trip down to the 9th floor they encountered Shawn: "We knocked on some doors... one of the doors on the 9th floor was open. Well, we went inside, I think, and Kelly set off the fire extinguisher on the 9th floor. I believe I went to the fridge, opened up the fridge, looked inside and closed it again and then we came out. When we came out was the first time when I saw Shawn Reineke that night."³⁰³

Reekie recalls that Shawn was leaning against the wall opposite the elevators for support. This corroborates the trail of shaving foam identified and photographed by Mainland. It would seem that Shawn came through the southeast stairwell door and was leaning on the east wall for support. Reekie was asked: "Obviously Kelly would see him too because he's right out there in plain view?" Yes. Reekie supposed that Kelly would see him.

This is the biggest disagreement in evidence at the Coroner's Inquest. Ham testified that he did not see Shawn on the 9th floor, ever. He agreed that there would be no way to miss him, standing in the small lobby covered in shaving cream and

³⁰³ Testimony of Ervin Reekie (Page 677), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

mustard. There was no doubt in Ham's mind that if he had been there, he would have seen him. And, he says he did not — despite two witnesses that place Ham on the 9th floor with the intoxicated Shawn — Kenneth Mark and his own friend, Ervin Reekie.

Both Ham and Reekie agree that after the two of them came out of Suite 901 and saw Kenneth Mark in the doorway of 904 watching them but they tell substantially different stories of what happened next.

Reekie recalls, "I said in a joking voice, 'Well, let's get him' but I said it in a joking voice and Kelly went over to his door and asked him, 'Do some girls live next door?' and that's when at that time we turned around and saw Shawn and then after that — like he was all covered with whipped cream and mustard... and then we went up the stairway back to the party on 10."³⁰⁴ Later in his testimony Reekie recalls that Ham's conversation with Mark was prior to Reekie's threat and that Mark closed the door upon hearing Reekie say, "Let's get him." In essence, Reekie agrees precisely with Kenneth Mark's version of events.

Ham substantively disagrees with his friend again. Ham recalls seeing Mark. He recalls asking him if there were girls living next door, but he does not recall that either Reekie or himself "went after Kenneth Mark." Ham does not say that he doesn't remember. He says that it did not happen. He heard on the radio that he had gone after Kenneth Mark but commented, "That's a crock." Like denying that Shawn was on the

³⁰⁴ Testimony of Ervin Reekie (Page 678), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

9th floor, with regards to Mark, Ham tells a wildly different account of events than either of Reekie or Mark.³⁰⁵

In Ham's version of events: (1) Reekie and Ham entered 901 where Ham set off the fire extinguisher; (2) They left 901 and calmly sauntered over to talk to Mark, Shawn was not in the lobby; and (3) They calmly knocked on the door to 904 and Faber let them in.

Reekie and Kenneth Mark have a different version: (1) Reekie and Ham entered 901 where Ham set off the fire extinguisher; (2) They left 901 and Reekie threatened Mark while Shawn was in the tiny lobby; (3) Mark closed his door; and (4) Ham and Reekie knocked on the door to 904 and Monica Faber lets them in.

Reekie and Mark both recall that Shawn was there when Reekie said, "Let's get him." Ham denies that this was ever said and he denies that he was ever on the 9th floor with Shawn.³⁰⁶

Substantially the same as Kenneth Mark's recollection, different only in the order of things. Mark recalls them asking about girls in 903 and pounding on the door at 903 before entering 901 and setting off the fire extinguisher. Mark's recollection is that when Reekie said "Let's get him" that Mark closed his door. As Reekie describes it, the

³⁰⁵ Testimony of Kelly Ham (Page 611), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

³⁰⁶ Testimony of Kelly Ham (Page 616), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

conversation between Mark and Ham occurred after the threat. This is substantively the same.

At the Coroner's Inquest in February 1985, Mark met Ham and Reekie. Wolff asked Mark about a conversation in the witness room. Mark reported that before he testified, Ham told him that they were the two that he saw on the 9th floor and that there was only two, not three. Mark took Ham's word for it prior to testifying.³⁰⁷

The witness room at the Coroner's Inquest was a bit of a free for all. "We were generally talking about the evening and everyone was sort of telling everyone what they saw that night and I mentioned that I saw two people coming off the elevator and that I didn't know who they were and that I couldn't remember them and they came forward — yes, Kelly, he came forward and told me it was he and Ervin that were on the elevator that night."³⁰⁸

What happened in Suite 903?

There is a gap between when Kenneth Mark closes his door to 904 and Faber lets Ham and Reekie in to 903. Mark says he closed and locked his door at about 3:15 a.m. Stimpson asleep in 903 says she was woken up by banging on the door at about 3:40 a.m. Faber says she let Ham and Reekie in to her suite at about 3:30 a.m. but admits that this time is not "super accurate" because she was not paying close attention to the time. It is in these moments — between Mark closing the door to 904 and Faber

³⁰⁷ Testimony of Kenneth Mark (Page 406), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

³⁰⁸ Testimony of Kenneth Mark (Page 416), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

opening the door to 903 — that police believe Ham and Reekie put Shawn in the chute. If they did, it was certainly a close call as Barrett and Wall arrived on the 9th floor just as Ham and Reekie were going in to 903. Nonetheless, eventually Ham and Reekie wound up in Suite 903, Monica Faber's.

Reekie made another interesting comment at the Coroner's Inquest. Wolff asked him how they were able to find Tracy Howell after Faber let them in to 903. Reekie said, "We didn't know exact — we just kind of rushed in and I think Kelly opened up the wrong door and the girl that was in that room got mad at him."³⁰⁹ Ham and Reekie had come to 903 to get Howell, who was with Faber, who answered the door. Instead of asking her where Howell is, the two of them "kind of rushed in." It appears that he was, by his own admission, in a hurry to get out of the lobby. The wrong door that was opened was Pamela Stimpson's.

Reekie found the correct room, "And I went to the next room and that was Monica's room and Tracy was in there already and what I did was I locked the door. He said, 'Lock the door,' and I said, 'Why?' He said, 'I want to get dressed.' ... [And I locked Monica] out in the hallway with Kelly. [And I kept the door locked] for quite a while I guess."³¹⁰

³⁰⁹ Testimony of Ervin Reekie (Page 688), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

³¹⁰ Testimony of Ervin Reekie (Page 688), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

Ham substantially agrees but notes that he, too, was in Monica Faber's bedroom, briefly, with Reekie and Howell, "I was only there for a short time, two or three minutes maybe, and then I left."³¹¹

After leaving the bedroom Ham encountered a blonde girl sitting in the living room. "She was a little angry."³¹² Ham does not recall the time.

Faber's account of events is that she let Ham and Reekie in. On the way to her bedroom they accidentally opened Stimpson's door and woke her. She spoke to Stimpson later and told her who they were.³¹³

Pamela Stimpson had left the party on the 14th floor around 1:30 a.m. and went to her suite, 903. When she got there, Tracy Howell was there in the living room along with four others including Stimpson's roommate Monica Faber. These were friendly visitors, just carrying on the party. Stimpson did not stay up for long. She went to bed in her room about 2:50 a.m.³¹⁴

At about 3:40 a.m. Stimpson was awoken by "...banging on the door and voices in our apartment... I just heard male voices and laughing and stuff... there wasn't any

³¹¹ Testimony of Kelly Ham (Page 616), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

³¹² Testimony of Kelly Ham (Page 627), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

³¹³ Testimony of Monica Faber (Page 503), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

³¹⁴ Testimony of Pamela Stimpson (Page 449), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985. In her original testimony she says it was about 2 a.m. but in the signed statement she gave to police she reported going to bed about 2:50 a.m. and she recounted her early testimony after reviewing her statement.

anger.”³¹⁵ Stimpson got out of bed and was “half way” putting on her housecoat to go investigate the noise when her bedroom door opened and she “just slammed it in the person’s face.” She then finished putting on her housecoat and her door opened again, this time the person opening the door had blonde hair. She slammed the door again.³¹⁶ These two would have been Ham and Reekie, on their way to Faber’s room to roust out Howell.

Stimpson considered going back to bed but there were loud voices coming from Monica Faber’s bedroom on the other side of the wall. Stimpson left her bedroom and went to the kitchen. There was nobody in the common area of the suite. It was then about 3:45 a.m.

Noise continued from Faber’s room, Stimpson decided to go next door and sleep on the couch. She left her suite and tried the door to 904 but it was locked (corroborated by Kenneth Mark’s testimony who recalls that he locked it after Reekie said, “Let’s get him.”). She did not see anybody in the 9th floor lobby. She did not notice any mustard or shaving cream but notes that she was tired and not paying much attention. She was only gone for moments. She walked next door, found 904 locked, and returned to 903.³¹⁷

³¹⁵ Testimony of Pamela Stimpson (Page 450), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985. In her original testimony Stimpson stated it was about 3:30 but in the signed statement she gave to the police she says it was about 3:40 a.m. when Ham and Reekie came into suite 904. Her police statement was given on Sunday, Sep 30, 1984.

³¹⁶ Testimony of Pamela Stimpson (Page 451), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

³¹⁷ Testimony of Pamela Stimpson (Page 456-457), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

There was still a lot of noise in her suite so she sat down in the living room and lit a cigarette. As she sat there Ham came out of the hallway to the bedrooms — where all the noise was coming from. Her roommate Monica Faber came out of the bedroom hallway too, either at the same time as Ham or a couple of minutes later. Stimpson gave Ham hell for waking her up. Ham told her he would leave but she told him not to bother leaving without his friends so Ham sat down and they talked. They chatted for about 15 minutes.

“While I was yelling at him I said, ‘I don’t appreciate being woken up at 4:00 o’clock in the morning,’ and he said, ‘Is it that late already?’ I looked at the clock and said, ‘Oh, sorry, it’s only ten to 4:00.’” Stimpson recalls the pounding at the door at about 3:40 a.m. and she was sitting with Ham by 3:50 a.m.

They talked until about 4 a.m. when Faber again came out of her bedroom. This time she asked Ham to get his friends and leave. Faber and Ham went back towards Faber’s bedroom, but they were still locked out — Reekie and Howell were still within. Stimpson went to bed but shortly heard “everybody” in the living room area — later she would learn from her roommate that it was Faber, Ham, Reekie, and Howell.

The coroner was very hard on Stimpson, essentially accusing her of perjury. There was an interesting exchange between her and Wolff:

Wolff: Did you make any comment to anybody yesterday at lunch time about this case or talk to people in this case?

Stimpson: We had discussed part of it, yes.

Wolff: Do you remember what you said?

Stimpson: Apart from when — Kelly told me that the police had asked him if perhaps I could have wiped the garbage chute area and apart from the shock — that's the only definite thing I can remember saying.

Wolff: You didn't wipe any garbage area?

Stimpson: No.

Wolff: Did you say to anybody that you were the only person that could help Kelly and Ervin or that you were the last person that should help them?

Stimpson: I said that depending on what I said in here it probably could help or hinder them, yes. I do believe in making a comment something like that.³¹⁸

Stimpson's testimony suggested that Ham did not leave the apartment and come back in. The police, though, believed that while Reekie was locked in Faber's bedroom with Howell, that Ham left the apartment and wiped down the chute. The police believed that it was when he went back into 903 and, while now looking for Reekie and Howell, opened the wrong door — the door to Stimpson's bedroom.

³¹⁸ Testimony of Pamela Stimpson (Page 477), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

Faber's account is slightly different from Stimpson's. Faber recalls that there was pounding on the door about 3:30 a.m., and that she opened the door and let Ham and Reekie in. She told them that Howell was in her bedroom and, en route, Ham and Reekie opened Stimpson's door by mistake.

What happened on the way down to the first floor?

Faber stated that Ham, Reekie, and Howell were all in her suite from the time she answered the door at 3:30 a.m. until they left at about 4 a.m. when she watched all three get on the elevator.³¹⁹ She was not certain about the 3:30 a.m. time, though. Almost immediately after the three left, according to Faber, police arrived on her floor. They told her that somebody had been found in the garbage bin and that they thought the victim might have gone down the chute from the 9th floor.³²⁰

According to Reekie, five people stayed briefly in the living room in 903 (Ham, Reekie, Howell, Faber, and Stimpson). Reekie says they left 903 and immediately encountered Tim Wall and another person coming out of the stairwell. These two told Ham, Reekie, and Howell that "someone had been thrown down the garbage chute."³²¹ This is different than the account of McLeod, Puto, and others who remember waiting on the elevator while Reekie called back into 903 for Howell.

³¹⁹ Testimony of Monica Faber (Page 496), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

³²⁰ Testimony of Monica Faber (Page 513), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

³²¹ Testimony of Ervin Reekie (Page 690), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

Ham recalls that after gathering up Howell the three of them left 903 and “found four people standing around the garbage chute... they were wondering if somebody had fallen down the garbage chute.” Ham proceeded to the elevator. The glass firewall would have forced him to walk by the alcove-door and chute-door and he noted that “I seen some shaving cream or something like that... on the chute... on the square part [around the door to the chute].”³²² The three of them joined the four people gathered around the chute and got on the elevator. This account is different, again, from the gang waiting on the elevator and his friend, Reekie.

Ham and Reekie then had to wait for Howell in the elevator, Howell having gone back into Suite 903. Wolff suggested that Howell had gone back into 903 to tell Faber about the foam and somebody being down the chute. Howell eventually comes out of 903 and a large group rides down together in the elevator.

There are almost as many versions of who did what, when on the 9th floor as there are people who testified. It is interesting to note that the people who testified on the third day, February 6, were Trainor, Freeman, Ham, and Reekie. Ham admitted in his testimony to having read the *Saskatoon StarPhoenix* and would, thus, have had the benefit on knowing that a group of students inspected the chute on the 9th floor. In other words, he knew at least the broad details of what was said under oath on the first two days of testimony.

³²² Testimony of Kelly Ham (Page 617-618), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

Stimpson, in her exchange with Wolff, indicates that she talked over lunch “yesterday” with Kelly Ham. This means that they, and others, all had lunch on Monday and talked about the case. This may not be as unusual as it seems. Carol Bamber, for instance, at the time did not think that Ham had anything to do with Shawn’s death.³²³ Having lunch with him, for Stimpson, may not have seemed odd. There was lots of opportunity for people testifying later in the inquest to garner some detail about what those coming earlier in the schedule were going to say.

Once the elevator arrived at the first floor, Reekie, Ham, and Howell left the building (according to both Ham and Reekie). They were hungry. They intended to go to Burger King for something to eat. They got to the parking lot before realizing that everything would be closed. They recalled being out of the building for no more than five minutes. They returned to Seager Wheeler Hall to go up to Freeman’s room, 1001, to see if “she would give us something to eat but when we came back in there was a group of people by the entrance into the garbage chute area there, and a girl game running out and she said, ‘I’ll call an ambulance,’ and like we knew right then someone must have gotten thrown down. Se we ran over there and we looked inside and there was somebody lying on the bottom and that was Shawn.”³²⁴

This is not supported by Darlene McLeod who had ridden down in the elevator with them. Reekie spoke to McLeod in the witness room at the Coroner’s Inquest prior

³²³ Interview with Carol Bamber, August 14, 2016.

³²⁴ Testimony of Ervin Reekie (Page 692-693), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

to her testimony to tell her that he had left the building after the elevator ride and prior to looking in the bin. This was not, though, McLeod's impression and she was not swayed by Reekie's appeal prior to her testimony. McLeod recalls that she was the third or fourth person through the door in the garbage room, that she looked in and saw Shawn and then turned around and "they were standing there" — Ham, Reekie, and Howell. "I just came out of the [garbage] room and they were standing there."³²⁵

McLeod also recalls that there was no conversation in the elevator on the way from the 9th floor. The clear implication is that Ham, Reekie, and Howell would have had no reason to follow the other five and look into the bin but they did. Wolff was suggesting that they followed the others, sheepishly, at the back of the group to see if Shawn was OK. To see if he had survived the fall and not, as Reekie claimed, because they got caught up in events once Shawn was discovered by the others on the elevator.

Prior to McLeod's testimony Reekie approached her in the witness room to talk to her about what she and Donna Puto were going to say about where he was and what he did after he came down in the elevator with them. This was the only conversation that Reekie and McLeod had. Although, there were many conversations in the witness room among those waiting to testify.³²⁶

³²⁵ Testimony of Darlene McLeod (Page 375-376), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985

³²⁶ Testimony of Darlene McLeod (Page 377), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985

Reekie recalls that there was a conversation in the elevator on the way down. He knew that the people on the elevator were going to check on the garbage bin but that he had no interest because he felt that they would not find anything.

What happened the next day in Reekie's apartment in Assiniboine Hall?

Reekie recalls that his girlfriend (who was never named), Kelly Ham, and Shannon Freeman came over to his apartment in Assiniboine Hall later that day — Saturday — “and it was just to go to a movie.”³²⁷ Reekie initiated the meeting but the desire to get together was, as he recalls, mutual.

Hours before, drunk, they had helped place Shawn into an ambulance. Ham had been taken into custody and questioned a second time at his home. After this, in a sleep deprived state, Reekie suggests that “it was just to go to a movie.” The police certainly thought there was something more to this meeting.

Ham recalls the meeting on Saturday, too, but differently. It was Ham, not Reekie, that initiated the meeting. “I met Ervin through a friend and I phoned my friend,” he said. He got Reekie's number, called him, and arranged to talk to meet him in person at Assiniboine Hall.

In Ham's version of events, this was not about going to a movie. It was to talk about what happened. “I just wanted to tell [Ervin] that, you know, I went down to the

³²⁷ Testimony of Ervin Reekie (Page 701), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

police station and had been questioned and that and made a statement.”³²⁸ Ham made a point of meeting Reekie in person, as opposed to telling him of the events of the day over the phone.

As of the time of the meeting on Saturday night in Reekie’s apartment, Reekie had not yet given a statement to police. Investigators believed that this meeting gave Ham and Reekie an opportunity to get their stories together — however different their stories later appeared to be. Wolff belaboured this point with Ham at the Coroner’s Inquest:

Wolff: You have a special trip all the way from McKercher clear over to his residence to see him when you could have just talked to him over the phone and told him the same thing?

Ham: I guess.

Wolff: Why did you go and have this meeting? You talked about the incident, right? You have already told us that. Is that not correct?

Ham: Yeah.

Wolff: Then why did you have to meet him to do it personally?

Ham: I don’t know.

Wolff: Come on. Be truthful to yourself at least.

Ham: I guess I wanted to tell him what happened, like we didn’t talk for very long on the phone.

³²⁸ Testimony of Kelly Ham (Page 622), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

Wolff: You mean you went over there to talk about the thing. You didn't talk about it very long. You could have told him over the phone. Come on, do you expect us to believe that? It would be pretty stupid on our part to believe that.

Ham: I don't know.³²⁹

Wolff did not relent.

Wolff: I frankly and bluntly don't believe you, and I also note that you are being very careful in how you say things. You're not as stupid as you're trying to make out. You have a pretty accurate brain by the way you give your answers, so I'm not misled by your tactics. Do we have an understanding?

Ham: Yeah, but isn't it a good thing we do.

Wolff: It may be if you've got something to hide or you're lying.

Ham: That's what you think.

Wolff: Well why would you want to be so careful if you have nothing to hide?

Ham: Because that's what everybody told me to do.

Wolff: Who? Who told you that?

Ham: My parents.

Wolff: They told you to be careful?

Ham: They don't trust the police and the judicial system.

³²⁹ Testimony of Kelly Ham (Page 625), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

Wolff: And do you?

Ham: I don't, not any more.

Wolff: You don't anymore?

Ham: No.

Wolff: Why?

Ham: Because — I don't know.

Wolff: What do you mean? Tell me. What has the judicial system done to you that cause you to say you don't trust them?

Ham: They're just a big pain.

Wolff: Somebody has died. We're looking into it and that's a big pain?

Ham: Well that's not a big pain. It's just that every second day the cops would be there asking me more questions.³³⁰

Terry Craig, a reporter with the *Saskatoon StarPhoenix*, reported that Ham spent 90 minutes on the stand during which he appeared distressed. "Ham, who constantly licked his lips and asked for water during his time on the stand, was adamant that there was no one in the lobby," he wrote.³³¹

³³⁰ Testimony of Kelly Ham (Page 626-627), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

³³¹ Terry Craig, "Jurors hear conflicting testimony," *StarPhoenix* (Saskatoon, SK), Feb 7, 1984, page A-3.

Shannon Freeman recalls very little of the meeting in Reekie's apartment. She did not go to the movie. And, she was listening when Reekie called Ham from her apartment to arrange the meeting.

Other interesting things of note

There were other interesting anomalies at the Coroner's Inquest. On the first day, Feb. 4, a number of witnesses were dismissed until the following day. Wolff read the names of witnesses who would not need to "wait around all day." The list was read in the order that they were subsequently called. This may have made no difference, of course, but it could have had the effect of telling the witnesses in what order they would be called. Ham and Reekie, thus, knew that they were the last ones to testify. In his testimony two days later Ham mentioned reading about the coverage in the *Saskatoon StarPhoenix*. It opens the possibility that Ham, Reekie, and others would have had some idea about what had been reported by others before they ever took the stand.³³²

Reekie provided one official statement to police on Monday, October 1, 1985: 23 paragraphs, handwritten by Reekie. Ham provide three statements in total. Two were given on the day of Shawn's injury — one written in his own hand at the police station between 5:40 and 7 a.m., the other written by a police officer but signed by Ham later that day. Both of these initial statements were given prior to Ham meeting with Reekie and Freeman at Assiniboine Hall. The third statement was given later in the week —

³³² Remarks from Benjamin Wolff (Page 3), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 4, 1985.

again copied by police and signed by Ham. He was also subject to several police interviews, but these were not official statements.

Freeman and Ham spoke on the phone “quite a few times” after the party — maybe three or four times per day. Ham reports that Freeman was upset about what Constable Trainor had heard her say. Ham reported that Freeman was upset because she told police something that might have put him in trouble. Ham, though, was apparently not concerned.³³³ Ham and Freeman did not continue dating after Sep 29.³³⁴

In a passing comment from John Bilawich, it was confirmed that Shannon Freeman was asleep in the few minutes after Shawn was put down the chute. Recalling how he found out about Shawn Bilawich said, “When I was on the 10th floor somebody came in and said that somebody had gone down the chute and said it was the person that I had seen passed out earlier and then the police came up and started asking questions shortly after that.”³³⁵ This was about 4:30 a.m., a time which corroborates with Persram’s description as well as the arrival of Trainor and Brand on the first floor at Seager Wheeler Hall.

This was likely Darlene McLeod who, according to Persram, arrived to tell her and others about it in room 1003. Both Persram and Bilawich describe the person who

³³³ Testimony of Kelly Ham (Page 652), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

³³⁴ Interview with Charles Zlotkin, Apr 25, 1984.

³³⁵ Testimony of John Bilawich (Page 314), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

arrived as “in distress... We were just sitting around talking and all of a sudden this person came in and told us.”³³⁶

Wolff asked Bilawich who he was with at the time. He was with one of his roommates, Greg Petrosil, a couple of guys from next door (likely Armitage and Nuhn), and Wendy Brydon. Of Freeman, Bilawich says, “...and Shannon Freeman. Well she was asleep at the time and got woken up later.”³³⁷

And herein is one of the mysteries of that night. Shannon Freeman left the party in 1002 after the beer fight and went to bed in her suite, 1001. She was in bed at 4:30 a.m., asleep, when word reached the 10th floor that Shawn was in the bin on the main floor and she “got woken up later.” And, she was awake and hysterical at 5:05 a.m. when Constable Brian Trainor overheard her utter Kelly’s name in association with Shawn going down the chute.

Sometime between 4:30 a.m. and 5:05 a.m., Freeman was woken up. Either the person that woke her up or someone else, told her that Ham might be mixed up in something and that there was a badly injured young man in the bin on the main floor. In short, she heard something that caused her to become hysterical and utter Kelly’s name. If she was not part of the conspiracy, how did she come to have Kelly’s name on

³³⁶ Testimony of John Bilawich (Page 315), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

³³⁷ Testimony of John Bilawich (Page 316), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

her lips at 5:05 a.m.? Either Trainor heard wrong, which seems extraordinarily unlikely, or after being awoken, someone had said something to her that included Kelly's name.

The police and the prosecutor were also curious as to why Shannon Freeman went to the hospital on Saturday morning to try and find out what happened to Shawn. They viewed this as suspicious behaviour. Why would someone go check up on a stranger? Indeed, 32 years after that fact, there are still residents who are troubled by Freeman's hospital visit, "One thing that always troubled me was why Shannon went to the hospital."³³⁸

Freeman was not the only one to go to the hospital, though. And no suspicion was directed at the others who went. Perhaps this was observer bias? The police believed Freeman was involved and that looking through that lens, her trip to the hospital seemed suspicious as opposed to compassionate.

According to Freeman, she knew that the police were at Seager Wheeler Hall for a relatively short period of time before she learned about someone covered in shaving cream going down the chute, "I was woken up by my roommate and I went to the police and they questioned me about Kelly and then I went downstairs to Monica and I came back up and I didn't know what was going on and then this is when Darren told us."³³⁹ It was uniformed police officers who questioned her about Ham, prior to her having any

³³⁸ Interview with Carl Millar, May 1, 2016.

³³⁹ Testimony of Shannon Freeman (Page 541), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

knowledge about what had happened. When she went downstairs and talked to Faber, she got Ham's new phone number.

Freeman maintains that when she learned about Shawn in the garbage bin that she began to cry, "I couldn't believe it and then I said, 'Well, why are they asking me all these questions about Kelly?' I said, 'Do they think that Kelly did it? Is that why they're doing this?' And no one answered me. They didn't know, and then I started crying and I said that Kelly wouldn't do it, Kelly wouldn't do that."³⁴⁰

In Freeman's initial statement to the police she stated that she had not said anything at all. If she was telling the truth, she did not initially recall saying anything about Kelly but she must later have concluded that she did. So, like the police and prosecutor, she went about reconstructing the evening to the best of her ability. She knows that she did not talk to Kelly and she knows that she later mentioned his name. She tried to figure out how that could be, just as others did then. How did she come to mention Kelly's name if she did not have any first-hand knowledge of events?

Later on Saturday, Reekie visited Freeman's apartment to get Ham's number. He called Ham from her apartment and, while she listened, he asked Ham, "Do they think we did it?" Unsolicited by the prosecutor, Freeman went on to say, "And they didn't compare their stories." Wolff asks her why she said this and she explains, "Because that's what I told the police when I went to the station before, that they didn't compare

³⁴⁰ Testimony of Shannon Freeman (Page 544), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

notes.”³⁴¹ This was a recurring theme in her testimony: Freeman anticipated the questions and answered them before they were asked either because she was helping Ham and Reekie cover up or because she had been asked all this before.

Freeman recounted that on the night of the party, Armitage told her that he didn’t like Reekie. Armitage knew about “Erv being in the fridge and that...” She passed this comment along to Reekie.

As Freeman tells it, her roommate woke her up. She came out of her bedroom into the kitchen area of her suite and Monica Faber was there with the police, “She said, ‘Shannon, they want to ask you some questions,’ so they started asking me questions about Kelly, what his last name was and where he lived and that.”³⁴²

Persram learned about a stranger injured in the bin on the main floor. She had not seen Shawn that night, she knew nothing about the shaving cream and mustard prank. Around 4:20 a.m. she learns from Darlene McLeod about the incident. She goes to the hospital at 5 a.m. with her boyfriend Derek Nuhn and her roommate from 1003, Sherilee Shorten. The police did not find this hospital visit suspicious. Three residents of Seager Wheeler Hall, in addition to Freeman, who went to check on Shawn. “It didn’t really matter to me who it was. I didn’t know at the time. I just went because I was concerned about the person who fell.”³⁴³

³⁴¹ Testimony of Shannon Freeman (Page 551), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

³⁴² Testimony of Shannon Freeman (Page 570-571), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

³⁴³ Testimony of Carol Persram (Page 327-328), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 5, 1985.

Analysis and conclusions

Why did Shannon Freeman utter Ham's name at 5:05 a.m.?

Police attention turned to Kelly Ham the moment that Constable Brian Trainer heard Shannon Freeman utter his name at 5:05 a.m. *Kelly didn't know what he was doing. He made a mistake.* Police believed that Freeman knew that Ham had played a role in Shawn's death — either she had been present when Shawn was placed in the chute or someone had visited Freeman on the 10th floor (after she had gone to bed) and told to her. At least, that is the impression that was left with the public after the Coroner's Inquest in February 1985.

Freeman was subjected to arduous police questioning during the investigation. During the Coroner's Inquest, Wolff publicly implied that she was lying.

According to Freeman: "I was woken up by my roommate and I went to the police and they questioned me about Kelly and then I went downstairs to Monica and I came back up and I didn't know what was going on and then this is when Darren told us."³⁴⁴ She described this visit as being with uniformed police who wanted to know Ham's address and phone number. Trainor had written Ham's address in his notebook around 4:30 a.m. He had not spoken with Freeman as of that time.

Freeman recalls that after she spoke to police she learned some gruesome details of Shawn's injury from Darren Armitage. Then her roommate Wendy Brydon

³⁴⁴ Testimony of Shannon Freeman (Page 541), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

became upset — no surprise that she would, there had just been police in their suite and there was an injured man on the main floor. Freeman described Brydon saying, “I can’t handle this,” and beginning to cry.

Confronted by her crying roommate, and the news of a terribly injured man in the garbage bin on the main floor, Freeman recalls that she began to cry too. And, according to her, she said: “Why are they questioning me about Kelly? Do they think he did it?” When nobody answered her she added: “Kelly, well, he just wouldn’t do something like that.”³⁴⁵

Wolff attacked her story. He put this question to Freeman: “According to the officer, and there was an officer out in the hallway, whether you knew it or not, you said — he heard you say, ‘Kelly didn’t know what he was doing. He made a mistake. *He didn’t mean to put him in the bin.*’”

“No. I didn’t say that,” Freeman replied.³⁴⁶

Freeman was correct. She did not say that. That is not what Trainor heard. That is not what he testified. Trainor reported hearing Freeman say only the first two sentences. He did not hear her say the final sentence: “He didn’t mean to put him in the bin.” Nor is it written in his notebook from that night. Wolff added this last sentence when he questioned Freeman. He was purposely pressuring her. He believed that she

³⁴⁵ Testimony of Shannon Freeman (Page 544), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

³⁴⁶ Testimony of Shannon Freeman (Page 545), “Inquiry into the death of Shawn Reineke,” Saskatchewan Justice, Feb. 6, 1985.

was covering up for Ham and he was pressuring her with made up facts that were not supported by the evidence. He lied to her, while she was on the stand, probably hoping that she would crack.

Freeman even asked Wolff to repeat himself, which he did. He again included the phrase: "He didn't mean to put him in the bin." And she again denied saying those words.

Wolff did not treat Freeman lightly. He went at her as though this was a criminal cross-examination. If anybody noticed, nobody intervened. The only lawyers in the room were Wolff and Bob McKercher who was representing the University of Saskatchewan. None of the students had lawyers. There was no judge. The presiding official was Dr. Boyd, a medical doctor with no formal legal training.

Wolff was so hard on Freeman that in answer to his last question about having anything else to add she said: "Just that I am not covering up for them [Ham and Reekie]. I'm not lying. I'm telling the truth."³⁴⁷

Freeman and Wolff both agree that she did say Kelly's name. Is it possible that Freeman and Trainor's testimony can both be true? Is it possible that Freeman can be utterly innocent and was simply telling the truth?

Yes. There is a very plausible, innocent version of events that explain Freeman's hysterical outburst at 5:05 a.m. It is supported by evidence at the Coroner's Inquest and

³⁴⁷ Testimony of Shannon Freeman (Page 567), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 6, 1985.

by recollections of students who did not testify. Wolff, whose information came from the police, either did not know about this explanation or choose to ignore it. Instead, he choose to craft a story that made Shannon Freeman look like liar.

What happened to Shannon Freeman early in the morning of September 30, 1984?

At about 3:30 a.m. Monica Faber opened the door of her suite, 903. There was a brief five-person encounter outside her door. Barrett and Wall ask Faber, Ham, and Reekie if they had seen Shawn. Faber said she had not, Ham and Reekie stayed mum.

Ham and Reekie's behaviour in 903 was odd. They rushed in and opened the wrong door. Her roommate, Stimpson, has words with Ham. They locked Faber out of her bedroom.

Around 4 a.m. Ham, Reekie, and Howell left. Within a couple of minutes police arrived on the 9th floor; Faber saw them get off the elevator. "I think I asked them what happened. There were uniformed police there and they're not normally there," Faber said. "They told me that they had found somebody in the garbage chute."³⁴⁸ Note that she spoke in plural — there were two uniformed police officers.

These two officers were almost certainly Constable Larry Penteliuk and his partner. Penteliuk was described as having gone to the 9th floor "fairly quickly" after Trainer and Brand arrived at 4:11 a.m.

³⁴⁸ Testimony of Monica Faber (Page 508), "Inquiry into the death of Shawn Reineke," Saskatchewan Justice, Feb. 5, 1985.

It was common practice at the time for constables to attend crime scenes outside their assigned jurisdictions, if they were not busy.³⁴⁹ Probably Penteliuk and his partner heard about the events at Seager Wheeler Hall on their police radio. They probably went out of curiosity.

Even though they were not assigned the case, they were there to help; to do police work. When they encountered Faber on the 9th floor around 4:15 a.m. they would have questioned her. They likely asked a very simple question: “Have you seen anyone here on the 9th floor in the last few minutes?”

Faber, of course, had. Ham, Reekie, and Howell left the floor just minutes before — sometime around 4 a.m. She likely told the officers this and they likely asked: “Where are these three now?” Faber did not know; she had the impression that they had gone home. But she did know that Ham’s girlfriend was Shannon Freeman and the last time Faber saw her was in her suite, 1001. Faber took Penteliuk and his partner up to Suite 1001. This is exactly as Freeman described — when she came out of her bedroom, Faber was there with the police. Wolff did not ask Faber about taking police upstairs to 1001.

In the days following Shawn’s injury on September 29, Carol Bamber wrote an essay for her first year sociology class, “Investigation of Behaviour After a Violent Crime.” It is a first person account of what happened that night.

Bamber was sitting in Freeman’s suite, 1001, talking with friends. She wrote: “At 4:30 a.m. there was a knock at the door. I answered. It was a female resident and two

³⁴⁹ Interview with Jim Maddin, May 15, 2016.

policemen. They asked to speak to one of the girls who lived in 1001. She'd been sleeping so we woke her up. It turned out that the police wanted to know anything she could tell them about a fellow she had seen a few times. They said there'd been some trouble in the building and they were wondering if he was involved."³⁵⁰

The girl they wanted to speak to was Shannon Freeman. The fellow they wanted to know about was Kelly Ham. They did not disclose what had happened, only that there had been some trouble. Bamber's account exactly corroborates Freeman's. Bamber, in fact, was surprised that she was not called to testify at the Coroner's Inquest in 1985. Sergeant Drader, one of the two detectives who arrived on scene at 5:07 a.m., interviewed Bamber that night. The police knew who she was and where to find her.

Bamber's essay continues: "In a matter of a few minutes, two people from next door came in and told us what happened. Someone had dumped the mustard covered male down the garbage chute from the ninth floor."

This someone was Darren Armitage who was in 1003 across the lobby when the hysterical Darlene McLeod arrived to tell the students in that suite all the horrible details of what she had seen on the main floor. Again, this exactly corroborates Freeman's recollection of the night.

Bamber's essay goes even further: "Once we heard the news we all stayed there all night. It was also convenient for police as they asked us each for individual statements... Shannon, the girl who was woken up was concerned about her male

³⁵⁰ Essay supplied by Carol Bamber after an interview on August 14, 2016.

friend. She repeated, 'He couldn't have done something like that. He wouldn't have done it.' Then she started to cry." This matches Freeman's version of events.

Bamber's essay is corroborated by Drader who recalled that "John" was particularly casual about the whole thing — some students on the 10th floor even joked about it. Bamber wrote: "John almost seemed unaffected by all of this. He tried to change the subject and every now and then would come up with a good one-liner that would get all of us laughing. None of these wise cracks were crude remarks about the incident though."

After Trainor overheard Freeman at 5:05 a.m. he did not take a statement from her, fearing that a uniformed officer confronting an already hysterical young woman might make things worse. Both Freeman and Bamber are unequivocal that it was uniformed officers who arrived when Freeman was still asleep. It was not Trainor and Brand. It must have been Penteliuk and his partner.

Also in Freeman's account, after being woken up and talking to these two uniformed police officers, she went downstairs to talk to Faber about Ham. This makes it more likely that Faber is the person in Bamber's essay who brought the police to Freeman's door in the first place. This is how Freeman knew that Faber was still up; the last she had seen of her she had taken Ham's friend Howell down to her suite. Freeman was trying to figure out what was going on, as you might expect, having been woken up and questioned by police at 4:30 a.m.

Shannon Freeman told the truth at the Coroner's Inquest in 1985. She was not lying to cover up for her new "sort of" boyfriend, Ham. She was simply telling the truth. Benjamin Wolff should have known that.

Brian Trainor heard Freeman say, "Kelly didn't know what he was doing. He made a mistake." Freeman reports that she said, "Why are they questioning me about Kelly? Do they think he did it? Kelly, well, he just wouldn't do something like that." In truth, the two statements are remarkably alike. It seems likely that both are honest perceptions, one or both slightly mistaken. Giving Trainor the benefit of the doubt (he was there with notebook in hand) it is easy to imagine a young woman who has just learned that the police suspect her new boyfriend of having done something horrible say, "he made a mistake" when what she meant was, "this must be a mistake."

In a remarkable coincidence 32 years ago, Brian Trainor overheard Shannon Freeman but he had no idea that other police officers had already questioned her about Ham. The investigation turned, in that moment, to look at Ham and circumstantial evidence was subsequently uncovered. None of this means that the police were wrong to suspect Ham and Reekie, it simply means that at 5:05 a.m. their initial impression was wrong.

Constable Penteliuk did not leave a note on the police file. There is no record of what he did in Seager Wheeler Hall that night. This, too, was common practice among

Saskatoon police at the time. If it was not your file, you might contribute to the investigation but not leave a note.³⁵¹

Was there another agenda to the Coroner's Inquest?

In the opening moments of the Coroner's Inquest into the death of Shawn Reineke, February 4 to 6, 1985 the coroner, Dr. D.M. Boyd, instructed the six members of the jury: "Now your duties are to determine who the deceased was. There's no problem there. How the deceased came to his death, which is a problem; and where and when. Those are all laid out but just how this accident happened is the problem. And in the process it's not up to you to find someone at fault or blame someone. If you can answer those questions that's what is to be determined, and that similar episodes can be prevented in the future, to add those recommendations."

It appears that despite these modest goals, the crown prosecutor, Benjamin Wolff, had an another agenda: assisting the police investigation by applying tremendous pressure to the suspects, Ham and Reekie, Shannon Freeman, and the young women in Suite 903, Monica Faber and Pamela Stimpson. In testimony over three days, police were aware of witness conversations that occurred over lunch and of conversations that occurred in the witness room. Wolff asked questions about events from outside the courtroom. Somebody was passing him information about collateral events, suggesting that someone who was not a witness was watching and listening.

³⁵¹ Interview with Jim Maddin, May 15, 2016 and interview with Geoff Brand, August 16, 2016.

It would seem that the plan was to apply pressure to the main suspects — Ham and Reekie — and watch how they reacted. Whom did they talk to? What did they say? Their phones were tapped at one point but no particularly incriminating conversations were overheard.³⁵² Could these phone taps have been during the Coroner's Inquest?

Wolff did not present an unbiased case, which was his obligation according the Law Society of Canada's Code of Ethics. "Benny the fixer," as Wolff was known to police, presented a one-sided version of the evidence.³⁵³ Constables Larry Penteliuk and Geoff Brand were not called to testify. Carol Bamber, who corroborates Shannon Freeman's testimony, was not called. Neither were Darren Armitage and Wendy Brydon — both were in 1001 and would have corroborated Freeman's story.

"I felt I pre-read the situation and was not surprised by the answers or demeanor (of witnesses)," Wolff said after the inquest.³⁵⁴ It was clear that he did "pre-read" the witnesses. Freeman, Reekie, and then Ham were the final three to testify. He built a circumstantial case against Ham and Reekie over three days, letting the pressure mount upon the two of them. Ham was reading the daily reports in the *Saskatoon StarPhoenix*. Witnesses were talking freely among themselves, despite an prohibition from doing so.

Wolff treated Carrey Barrett and Tim Wall, who initially covered Shawn with shaving cream, with patience. The two of them were wandering around the building,

³⁵² Interviews with Geoff Brand and Ed Drader, May 2016.

³⁵³ Interviews with Geoff Brand and Ed Drader, May 2016 as well as interviews with two other Saskatoon police officers who requested anonymity.

³⁵⁴ Terry Craig, "Jury discounts idea of Reineke entering chute by himself," *StarPhoenix* (Saskatoon, SK), Feb 7, 1985.

alone together, before Shawn went down the chute. Wolff did not go at the two of them to impugn the truth of their evidence, as he did with Stimpson, Faber, Freeman, Ham, and Reekie. The latter group he treated with disdain, publicly calling their honesty to account.

The police knew — or at least ought to have known — that Freeman's comment was innocent. Nonetheless, they justifiably suspected that Ham and Reekie were the perpetrators and Wolff did too.

Why was nobody ever charged?

The police are investigators. Frequently, they lay charges on their own. In major crimes like homicide, police do not lay a charge without consulting the prosecutor's office. Immediately after the inquest Saskatoon City Police Staff Sergeant Harry Valila, who headed the investigation, said the case was not closed. Valila put it into the hands of Crown Prosecutor Benjamin Wolff to determine if there was sufficient evidence to continue the investigation.³⁵⁵ Both Wolff and Vallila are dead. Neither can tell us why they did not charge either Ham or Reekie with Shawn's death. Left to speculate, it appears that there was no possibility of convicting either of them.

Asked to review the evidence presented at the Coroner's Inquest, a police officer with over 20 years of investigative experience offered this observation: "It depends on your paradigm. If you believe that Ham and Reekie did it then you see the evidence one

³⁵⁵ Terry Craig, "Jury discounts idea of Reineke entering chute by himself," *StarPhoenix* (Saskatoon, SK), Feb 7, 1985.

way. If you believe they are innocent, you see it another way. There is plenty of evidence to suspect them but there is not enough evidence to lay a charge. Think like a defence lawyer. Look for holes.”³⁵⁶

The police investigation appears to have turned on Trainor overhearing Freeman mention Kelly’s name at 5:05 a.m. This was the moment that led to Ham and Howell being taken into custody, the moment that focussed the investigation first on Ham, and then Reekie.

The reason, though, that Freeman mentioned Ham was mundane. It was innocent. She had been woken up and two uniformed police officers had asked her about Ham. Minutes later Armitage told her and her friends about Shawn in the bin, including all the horrific details of his injuries. It is no surprise that she was upset. It was no surprise that she would be crying and mention Ham’s name just thirty minutes after being questioned by police.

Only Freeman was questioned at the inquest — Carol Bamber who was in the room and gave a statement to police sometime between 5:10 and 8:30 a.m. was not called at the inquest. Wendy Brydon who was in 1001 with them was not called at the inquest. Armitage who was in the room with them and had hosted the party next door at which Ham and Reekie had been crude and obnoxious was not called at the inquest.

If there had been a criminal trial the defence would have been able to show that Freeman’s comment was innocent. This would somewhat undermine the crown’s case;

³⁵⁶ The officer requested anonymity for professional reasons.

it would cast doubt. The defence, too, would have hastened to point out many parts of the story that call into question the police narrative. To avoid being convicted one does not have to prove one's innocence, the crown must prove guilt. The job of the defence is to simply raise a reasonable doubt. There are several things which the defence would have raised if there had been a criminal charge.

Reekie returned Shawn's boot to him on the 10th floor. Clearly he had no ill will towards him.

Ham and Reekie's presence on the 9th floor, the scene of the crime, was easily explained. They had an innocent reason for being there — to roust out Ham's roommate, Tracy Howell, because they wanted to go home. After all, it was late.

After Mark closed his door and locked it, why did he not hear anything else? Shawn was standing and even walking — there were pointed-toe footprints from the stairway towards the chute. Shawn was awake and capable. If two people were to put him down the chute, would you not expect to hear some noise? Mark was able to hear Shawn banging on the glass firewall. He reported that he could, at times, hear conversations in the lobby from his suite, however muffled. Would you not expect that he would hear the sounds of a struggle if someone were being forced into the garbage chute?

Darren Cripps heard a loud crash at 3:50 a.m. — presumably Shawn landing in the bin on the main floor. Both Monica Faber and Pamela Stimpson recall that Ham, Reekie, and Howell were in their suite until almost 4 a.m. This appears to be an alibi.

Even if you assume Cripps was tired and drunk and got the time wrong, security officer Herd left his desk at 3:30 a.m., the moment when Faber recalls letting Ham and Reekie into her suite (although she was sure of the time, she thought it was 3:30 a.m.). They remained in her suite until 4 a.m., similarly providing an alibi for the 3:30 a.m. to 3:45 a.m., the time during which police believe Shawn was thrown down the chute.

It is not clear that the chute area was wiped clean. Mainland's testimony is that he could not find any fingerprints but he said an unusual thing, "[My] inspection was negative and when I say 'negative' I am referring to there were not even smudges of fingers found along the door jam. There was no indication that any fingerprints had been wiped off or the surface had been wiped clean or anything. There were just no fingerprints there..." His evidence appears to be conclusive that there was tampering with the area around the chute on the 9th floor but why would he say that "there was no indication that any fingerprints had been wiped off?"

Evidence is often seen through the lens of bias. If you tend to believe Ham and Reekie put Shawn down the chute, then you will see all sorts of evidence supporting this conclusion. It is the role of the defence to flip that bias, to see the evidence with the assumption that Ham and Reekie are innocent. Through that lens, the police investigation left room for doubt.

The simple reason that nobody was charged with Shawn's death is that there was not enough evidence for proof beyond a reasonable doubt. The police believed that they "got the rights guys" but they could not prove it. Regardless of the error of

suspecting Freeman, there was lots of evidence that was suspicious but nothing that was conclusive. The law requires more than suspicion.

What may have happened between 3:30 and 3:45 a.m.?

Perhaps Shawn stood on the 9th floor, leaning on the wall for support. He was very drunk. He was still smeared with mustard and shaving cream — his hands, in particular, were a mess, having wiped his face partly clean. He was only wearing his left boot. He had his right boot in hand, having found it earlier at a party on the 10th floor. He was frustrated. Moments before he had sat on the bottom step in the stairwell and tried to put his boot back on but he was too drunk. He could not muster the dexterity.

He was looking for his friend Darwin. He had pounded on the door of Suite 902, thinking it was David Myles' suite. Nobody answered. Every floor looked the same. He could remember which corner of the lobby Myles' suite was in, but not that it was on the 11th floor.

Two drunken students happened upon him (it must have been at least two because what was about to happen). They remembered Shawn from the dance on the 14th floor. He stood out because he was not a Seager Wheeler Hall resident and he had been the life of the party, dancing and making friends easily. And because he was now such a drunken mess.

They tried talking to Shawn. They could not understand him because he was badly slurring his words. He showed them his right boot. He even tried to hug one of them, a common thing for Shawn at parties. One of them took Shawn's boot and

headed for the garbage chute. Shawn staggered along the wall after him, leaving a trail. He wanted his boot back.

One of the two dropped Shawn's prized boot down the garbage chute. It seemed like a funny thing to do at the time. They laughed. One even asked Shawn, "Do you want some help?" They were not thinking, just acting. He turned to his friend and said, "Let's give him a hand."

They picked Shawn up between them, their arms around Shawn's waist and under his legs. They carried him to the chute. The one on the left opened the alcove-door with his left hand and then held it open with his right foot. He reached ahead and pulled down the chute-door. They lifted Shawn's legs in, which fit easily. Shawn was not struggling; he was oblivious. They lowered Shawn into the chute. It was a tight squeeze, the two students' backs against the walls of the narrow alcove, Shawn between them.

When Shawn's hips reached the chute he stuck for a moment. The opening was too small. Shawn started to struggle. With his weight bearing down, the chute-door gave way. It broke open, past its usual limit. Suddenly Shawn slipped in easily. He slid forward, his arms which had been around their shoulders raised above his head as he dropped into the chute.

The terrible violence of what they had done was immediately obvious. They were not thinking. It seemed like a funny thing to do at the time. But Shawn had slipped out of their hands quickly. It was less than two seconds before they heard a loud crash.

They knew in an instant that Shawn had not slid safely down the chute, he had fallen a long way.

They got scared. Their joke had gone too far. There were still a lot of people awake and about at Seager Wheeler Hall. They fled the 9th floor lobby. Safely hidden, they made an account of what they had done. They did not know how badly the guy they had just put down the chute was hurt. They made a hasty plan. They would cover their tracks, just in case, and then find out about Shawn. One of them quickly cleaned up the incriminating places they had touched — the alcove-doorknob and chute-door handle.

Later, upon discovering that Shawn was badly injured, they hatched a more complete plan. Seager Wheeler Hall had been a busy place that night. They knew that there would be a police investigation and there would be a lot of questions asked of everybody who had been there. They decided to tell the truth. They would not make up any stories because that is how they would be found out; how they would be caught in a lie. They would just say what they knew, only omitting the brief 30 second interlude in which they had dropped Shawn down the garbage chute. And they would never speak about what happened to anyone other than each other. Ever. They each had plans for the future, they did not want to mess their lives up with a criminal record.

The investigation in the years since

“There are some cases that, unless somebody talks, never get solved.”³⁵⁷

Although Staff Sergeant Harry Valila was called “the officer in charge of the investigation” he was the administrative head. The detectives, Drader and Leiffers, actually led the investigation. They were taken off the file around the time of the Coroner’s Inquest.³⁵⁸

The Reineke file was taken over by Sergeant Dave Scott, something of a controversial figure among members of the Saskatoon Police Service. In 1987 Scott was a sergeant. He would go on to become the Chief of Police, only to be fired when an ex-police officer, Jim Maddin, was elected Mayor of Saskatoon in 2000. The Saskatoon Police Commission took the extraordinary step of firing Scott, who had three years left on a new contract, shortly after Maddin’s election.

In September 1989, Scott talked with journalist Jenny Gabruch. He is quoted extensively in the *Saskatoon Mirror*. “I spent several months re-investigating that case and was able to locate the chief suspect. After getting into the file for awhile, I was convinced he was no longer a suspect, but I needed his cooperation to prove that he wasn’t. I was able to gain his confidence and as a result he came back with me to Saskatoon and he assisted me with the investigation and I was able to make the determination at the end of that investigation that there was nothing to lead us to

³⁵⁷ From the same officer who reviewed the evidence.

³⁵⁸ Interview with James Drader, June 21, 2016

believe that it was a murder at all, but rather and unfortunate accident. What was so interesting was it was like a big puzzle and finally all of the pieces went together.”³⁵⁹

In October 1989, Scott again reported that he had reinvestigated the case two years previously in 1987 and determined that Shawn’s death was nothing more than “an unfortunate accident... [Shawn] went down the chute on his own.” Scott apparently came to this conclusion by eliminating the alternatives — that Shawn was pushed down or that he committed suicide. Scott reported that he spent four months in 1987 reinvestigating the case and was assisted by none other than Ervin Reekie. Scott would not divulge what facts were discovered what facts were discovered citing concern for the feelings of the Reineke family.³⁶⁰

Don and Ruby, Shawn’s parents, were never told that the police had determined that their son’s death was a tragic accident. They do recall a visit in which they were told that there was no more that police could do; that there were no more leads to follow. But they do not have any recollection of being told by Scott or anyone else that Shawn’s death was a tragic accident.

Scott did not close the police file. In a major crime file like Shawn’s, an officer would present his finding to his superiors and, if satisfied, they would sign off on closing the file. Scott never did this. The file is still open.

³⁵⁹ Jenny Gabrush, “Saskatoon People,” *Mirror* (Saskatoon, SK), Sep 1, 1989, page 6.

³⁶⁰ Cam Fuller, “Police shut file on youth’s death,” *StarPhoenix* (Saskatoon, SK), Oct 18, 1989.

Sergeant Bill Pannell is documented as being in charge of the file in a police document — a list of homicide files — in 1994. He recalls chasing down a couple of leads when he had the file in the 1990s but his investigation came to nothing.³⁶¹

Constable Brian Trainor, who has a copy of parts of the file, reports that Pannell filed an update on December 30, 1992 of an interview with a potential suspect from Maple Creek, Saskatchewan which came to nothing. In other document from April 6, 1995 Sergeant Dennis Read took a statement about the case at the Saskatoon Police Station but, similarly, it was not anything worth considering.

The Reineke file now rests with Sergeant Grant Little as an “historical file.” It is not closed.

³⁶¹ Interview with Bill Pannell, August 1, 2016.

Epilogue

If Shawn were alive today he would probably be married. He would likely be running the family farm north of Hodgeville — the fourth Reineke generation on that land. Given his gregarious nature, he might be at the centre of a close group of families. His kids would ride dirt bikes, play hockey and football, go to parties, and get into trouble.

Don, Ruby, Shawn, and Trent regularly attended Zion Lutheran Church, north of Hodgeville. It was a small country church and out of town. To accommodate the large Hodgeville crowd expected, Shawn's funeral was moved in town to Salem Lutheran on Railway Avenue and Highway 19. Despite this church's larger size, the funeral overflowed into the parking lot. Outdoor speakers were set up so that all the mourners could hear the service. Uncle Keith invited Shawn's high school friends to be pallbearers. After the service, Shawn was buried in the Zion Lutheran graveyard north of town. The wake was held at the Reineke farm.

"Shawn had this big stereo system," Andrea Dyck recalled. "I didn't go to the funeral; I was too little. After the funeral my dad came and picked me up and we went over to Don and Ruby's and Shawn's friends were setting up his stereo in Trent's bedroom." His friends felt that it would feel like Shawn was at the party with them.

"We hope some information will come somewhere," Ruby said on CFQC TV Saskatoon, February 3, 1985. This was one day prior to the start of the Coroner's

Inquest. Ruby looked terribly sad but remarkably composed: “It won’t gain us our son and we don’t want someone else damaged by it. But I think they will rest more at ease if the truth is told and out rather than hoarding it within themselves.”

This sentiment is expressed by just about everybody one talks to about Shawn. Apparently, though, there are at least two people able to live with what they did. They are able to keep silent. This is particularly egregious considering what kind and decent people Don and Ruby are — how willing they are, even still, to forgive.

Three days later the Coroner’s Inquest closed. Ruby was back on CFQC TV, holding back tears. She summed up her and Don’s feelings: “Obviously a whole truth isn’t there yet but some of it is. I have to accept this. I don’t know if it’s going to help me accept it. It’s going to take a lot of time.”