

## Agreed Statement of Facts

### Introduction

1. The following facts are admitted by William Conway pursuant to the provisions of s. 655 of the *Criminal Code* and, therefore, the proof thereof is dispensed with. The admitted facts are supplemented with copies of court orders, photographs, reports of experts and a prepared transcription of an audio/videotaped statement made by William Conway to members of the Royal Newfoundland Constabulary. William Conway admits the truth of these supplementary materials and the proof thereof is dispensed with in the same manner as his admissions.
2. William Conway has pleaded guilty to criminal negligence causing the death of Veronica Lewis (formerly Veronica Doyle), aged 57, as a result of Mr. Conway running over the victim with his truck on October 24, 2013. Mr. Conway has also pleaded guilty to a number of breaches of his undertaking. Mr. Conway and Ms. Lewis had been in a romantic relationship for approximately a year and a half at the time of Ms. Lewis' death.

### Background

3. In the months leading up to her death, William Conway and Veronica Lewis experienced a turbulent relationship, characterized by frequent arguments and the abuse of alcohol and drugs by both parties when in the others' presence. The families of both sides disapproved of the dynamic within the relationship.

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4. On the evening of August 16, 2013, Veronica Lewis made an allegation of assault to the Royal Newfoundland Constabulary against William Conway following an argument where both parties were alleged to have been drinking alcohol at William Conway's rented basement apartment at 56 Firdale Drive, St. John's, NL. By the time that RNC members attended this residence, William Conway had already left and could not be located. After the initial cooperation of Ms. Lewis with police that evening, including providing a written statement to the responding officers, by the next day Ms. Lewis stated to police that she did not want to proceed with criminal charges or go to court.
5. Despite being informed of Veronica Lewis' wishes, the Royal Newfoundland Constabulary proceeded to lay an information charging Mr. Conway with assault under s. 266 of the Criminal Code and also obtained a warrant for Mr. Conway's arrest in this matter.
6. On August 20, 2013, William Conway was arrested and held for court on this warrant as well as another outstanding warrant relating to a previous incident where William Conway was identified as the driver of a vehicle which had collided with a transport truck and then fled the scene on foot into the woods around Portugal Cove on February 15, 2013, giving rise to one count of failing to remain at the scene of accident under s. 252 of the *Criminal Code*.
7. On August 21, 2013, William Conway was released from Provincial Court in St. John's on a judicial undertaking (Exhibit #1) attached to the two above Informations with numerous conditions. As part of his release, Mr. Conway promised that he would:
  - keep the peace and be of good behaviour;
  - not possess or consume alcohol or enter any licensed drinking establishment;
  - surrender (his) driving license and not operate any motor vehicle upon a highway

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- not contact or communicate, directly or indirectly, in any manner with Veronica Lewis and remain away from any place of residence employment or schooling (he knew) to be frequented by her.
8. Witness Kelly Cooper gave a statement to police in the course of their investigation of Veronica Lewis' death on October 24, 2013. Ms. Cooper, a registered nurse by occupation, was William Conway's landlord and lived in the upstairs portion of the same residence on 56 Firdale Drive, a residential detached house in the neighborhood of Airport Heights, St. John's NL. (A transcript of Ms. Cooper's statement is attached as Exhibit #2 to these facts.)
  9. According to Ms. Cooper, William Conway had been living in her basement apartment residence since early May 2013 and Veronica Lewis also cohabited there with Mr. Conway for most of the time between that date and October 24, 2013. Ms. Lewis contributed a portion of the rent directly to Ms. Cooper through social assistance cheques, and Mr. Conway would pay the outstanding remainder.
  10. Ms. Cooper characterized William Conway and Veronica Lewis as frequent drinkers and reported a couple incidents of loud disturbances while both parties were drinking. Ms. Cooper recalled that at around the time of assault allegation in August, Ms. Lewis briefly left the apartment to go back to her family in Bell Island, but had returned to the residence a few days after William Conway's release from Court on August 21, 2013. She stated that Mr. Conway had assured her husband, Tracey Cooper, that the police would not be back to the house and there would be no further trouble in the home.
  11. Shortly after his release on the undertaking, William Conway purchased a 2000 model

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red Dodge Dakota pickup truck, which he operated without a driver's license or insurance policy and parked in the driveway leading up to the basement apartment at 56 Firdale Drive.

### **The Death of Veronica Lewis**

12. On the evening immediately preceding Veronica Lewis' death on October 23, 2013, William Conway picked up Ms. Lewis, at her request, at the Portugal Cove Ferry Terminal and returned to the residence at 56 Firdale Drive. At approximately 5:30 pm, Mr. Conway and the deceased began drinking alcohol together. Both also began consuming prescription pills including Percocet, Tylenol and Lorazepam.
13. At around 9:30 pm, Mr. Conway and Ms. Lewis purchased more beer from the local convenience store and returned to 56 Firdale Drive. At approximately 10:00 pm, Ms. Lewis spoke to her daughter Michelle Doyle for approximately 3 minutes on the telephone. According to Ms. Doyle, her mother sounded happy and had called to check in with the family and to say good night.
14. For the next two hours, Mr. Conway and Ms. Lewis continued to drink alcohol and consume prescription pills. An argument began as both parties became more intoxicated. Shortly after 12:30 am on October 24, 2013, Kelly Cooper began to hear doors closing loudly in the basement below and heard voices but could not make out what was being said. Ms. Cooper then heard Ms. Lewis say "See ya" and the door to the basement apartment opened and closed loudly. This was followed by a distinct loud bang like something had fallen in the apartment below. Ms. Cooper stated that this all occurred within 15 minutes.

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15. Weather conditions at the time of William Conway's departure from the apartment were noted by many witnesses to be poor and deteriorating, with steady rain and wind increasing through the evening and into the early morning hours.
16. In his cautioned statement to police (Exhibit #3), William Conway stated that he and the deceased began to argue after Ms. Lewis began drinking too quickly and started yelling at him. He decided that he wanted to get away from her and also took the remaining beer bottles in a case with him. Mr. Conway then left the residence, entered his truck and started it up. Unbeknownst to Mr. Conway at the time, Ms. Lewis then also exited the residence.
17. According to William Conway, as he began to back the truck out of the driveway and onto Firdale Drive, he realized while looking out his back window and mirror that Veronica Lewis was now clinging on the side of his truck. Veronica Lewis then fell off of the truck and away from Mr. Conway's view. Without directly seeing where Ms. Lewis was, Mr. Conway continued to back up onto Firdale Drive.
18. William Conway then drove his vehicle to the end of Firdale Drive, turned around and came back towards 56 Firdale Drive looking for Veronica Lewis. Mr. Conway states that as he drove his vehicle back towards the residence, he mistakenly believed that Ms. Lewis should have been okay from the fall off of the truck and that she had gone back inside.
19. As his vehicle approached 56 Firdale Drive, Mr. Conway stated that he began to look from his driver's seat window towards the driveway for Ms. Lewis but did not see her near the house. At the same time his vehicle continued forward, he failed to see Veronica Lewis, who was now lying in the street in front of the path of the truck. His truck then ran over Ms. Lewis, causing Conway to feel what he described as two quick

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thumps under his vehicle. Mr. Conway exited the truck realizing what had occurred.

20. After exiting his vehicle, Mr. Conway stated that he observed Veronica Lewis to be bleeding and began to panic. He described himself as being in shock. Without knowing whether she was still alive or dead, he immediately got back into his truck and drove away from the scene at a high speed. At no time did he call 911 or ask any neighbors for help.

### Discovery and Investigation

21. As William Conway sped away from the scene in his truck and turned right onto Airport Heights Drive at its intersection with Firdale Drive, his erratic operation nearly caused a collision with another motorist, Curtis Hussey, who was driving south on Airport Heights Drive.
22. Approximately twenty minutes later at 1:15 am, witness Jeffrey Farrell came upon Ms. Lewis after seeing something in the middle of Firdale Drive as he drove home that morning in his truck. Identifying the object as a person as he passed by, he did a u-turn, stopped and exited his vehicle. Mr. Farrell approached and realized it was a woman on the ground. He lifted her arm up to try to get a reaction but it fell limp when he let it go. He tried saying "hello" a number of times but there was no response. After these attempts, Mr. Farrell concluded that Ms. Lewis was either unconscious or dead and called 911. He set his truck's security alarm off to get neighbors to come out and help.
23. One of the first neighbors to respond to Mr. Farrell's alarm was Kelly Cooper, who recognized Ms. Lewis as she approached the body. Ms. Cooper checked Ms. Lewis' neck

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and arm for a pulse with negative results. Ms. Cooper states that Veronica Lewis' face was disfigured and that she felt cold to the touch and that she did not perform CPR as she believed Ms. Lewis to be dead and wanted to preserve the scene for police. Ms. Cooper then went inside her residence and returned, placing a blanket over Ms. Lewis' corpse.

24. Cst. Brendon McGuire was among the first responders to the 911 call. He also could find no pulse and believed Ms. Lewis to be dead. While checking the pulse, he observed a deep laceration above her left eye with bruising and swelling to the area. Blood was seen in her hair and flowing onto the pavement. Her shirt and pants appeared ripped and pulled out of place. A shoe and earrings were found on the ground around the body. Paramedics then arrived and confirmed Ms. Lewis to be deceased. Witnesses Kelly Cooper and Tracey Cooper identified the deceased as their tenant Veronica Lewis to police and indicated that they had overheard William Conway leaving the apartment in his truck following an argument with Ms. Lewis.

25. Members of the RNC Forensic Identification Section attended the scene and took photographs of the victim as well as the surrounding area. (See Exhibit #4)

26. After interviews with multiple neighbors indicating that they heard William Conway's truck start up and leave the area shortly before Ms. Lewis' body was found, a force-wide broadcast was put out with a description of the vehicle.

#### **Arrest and Cautioned Statement**

27. At approximately 2:35 am, RNC Constables Harvey and Power were conducting a patrol in the area of Portugal Cove when they observed a red Dodge Dakota pulling up to the

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gate at the Bell Island Ferry Terminal. Cst. Harvey immediately activated his vehicle's emergency equipment and commanded the driver to shut off and exit the vehicle.

28. Upon exit, Cst. Harvey recognized the driver as William Conway from previous experience. He observed Mr. Conway's gait as lightly swaying side to side as he walked towards his patrol vehicle. Upon speaking to Mr. Conway he observed a strong smell of alcohol coming from his breath, flushed skin and slurred speech. When asked how much he had to drink, Mr. Conway responded "Six beer".
29. At 2:40 am, Cst. Harvey formed reasonable grounds that William Conway had operated his vehicle while impaired by alcohol and read the standard breath demand as well as rights and caution. Mr. Conway agreed to provide a sample of his breath and stated that he understood and wished to speak with a lawyer.
30. Cst. Harvey contacted RNC members on the scene of Firdale Drive that William Conway had been located. Major Crime Cst. Colin McNeil was dispatched to the scene and re-read to Mr. Conway rights and caution with respect to an investigation into a possible murder at 3:37 am.
31. Cst. McNeil then travelled with William Conway and Cst. Harvey to RNC West Office, arriving at approximately 4:00 am. Once there, a significant delay of approximately two hours was encountered as William Conway was provided the opportunity to speak with Legal Aid counsel in person before breathalyzer tests were performed.
32. At 6:05 am and 6:25 am, William Conway provided two suitable samples for breathalyzer analysis, the results registering as 110 milligrams of alcohol in 100

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milliliters of blood and 100 milligrams of alcohol in 100 milliliters of blood, respectively.

33. After breath samples were obtained, William Conway was transported to RNC headquarters and an audio/videotaped interview was conducted by Cst. McNeil and Cst. Ryan Pittman. In addition to the above mentioned agreed facts, Mr. Conway stated that immediately after fleeing the scene at Firdale Drive he went to his sister's residence on McNiven Drive, also located in Airport Heights. Mr. Conway told his sister, Sandra Conway, and mother, Dorothy Conway what had occurred and asked Sandra to go to the scene to check on Ms. Lewis. A subsequent check of emergency services phone records indicates that no one attempted to call 911 or police prior to Mr. Farrell's discovery of Ms. Lewis.
34. Mr. Conway then left his sister's residence and continued driving around until being stopped by Cst. Harvey at the Bell Island Ferry Terminal in Portugal Cove.

#### Expert Reports and Forensic Identification

35. Heather Copley of RCMP Forensic Laboratory Services in Halifax provided an expert toxicologist "read-back" report based on the extrapolation of the result of 100 mg% at 6:25 am back to the estimated time of operation. (Exhibit #5) Using the scientifically accepted elimination rate by an individual of 10-20 mg% of alcohol per hour elapsed, she estimated that William Conway's blood alcohol content would have been between 149 – 198 mg% at the time of operation. As Ms. Copley states in her report:

Alcohol is a drug that is classified as a central nervous system (CNS) depressant and its action on the brain and spinal cord is to slow their activity. Its effects are progressive so that as the

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concentration of alcohol in the body increases so does the extent of the CNS depression. This depression results in the deterioration of several skills and faculties necessary for the operation of a motor vehicle. Vision, specifically the ability to see clearly, judge distances, recover from glare and rapidly track moving objects, deteriorates. Peripheral vision suffers as well since the impaired driver tends to focus in a central visual field and less time is spent scanning the environment for potential hazards. The ability of the brain to divide attention, process information, evaluate situations and decide on a course of action is negatively affected and the time required to react to situations is increased.

[...] In my opinion, with BACs of 100 mg% and greater all persons are impaired in their ability to operate a motor vehicle regardless of their driving and/or drinking experience. An individual with a BAC in the range of 149-198 mg% would definitely have been impaired in the ability to operate a motor vehicle and may have been intoxicated. Intoxication is an advanced stage of impairment where outward physical signs, such as staggering and slurred speech, are readily apparent.

36. Search warrants in relation to the truck and residence at 56 Firdale were obtained by investigators. A search of William Conway's truck revealed numerous empty beer bottles in the cabin as well as a half-empty case which was taken by Mr. Conway from the residence, as well as prescription medication. (Exhibit #6)
37. A medical examiner's report on the deceased was prepared by Dr. Nebosja Denic, Pathologist, who performed an autopsy was with RNC officers present. (Exhibit #7) In his report, Dr. Denic noted multiple traumatic external and internal injuries to Veronica Lewis' head and chest including haemorrhaging to multiple areas of the brain as well as numerous broken ribs with extensive internal bleeding. Dr. Denic concluded that the immediate cause of death was as a result of "crushing injuries of the chest" as a result of a motor vehicle accident. These injuries are consistent with a "roll-over" injury to a person in a prone position rather than a "primary strike" injury which would have occurred had the person been standing when struck.

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38. A toxicology screen was also performed on the deceased's blood and a report was generated based on the results (See Exhibit #8). The prepared report indicates that Veronica Lewis was significantly intoxicated at the time of her death, as her blood was found to have an alcohol concentration of 207 mg% as well as clinically significant amounts of oxazepam, lorazepam (both benzodiazepine anti-anxiety medications), codeine (an opiate), citalopram (an SSRI antidepressant), zopiclone (a hypnotic sleep aid) and diphenhydramine (Benadryl) present in her blood at the time of death.

### Conclusion

39. The parties agree that William Conway's actions and inactions on October 24, 2013 constitute criminal negligence causing death under section 220 of the Criminal Code. These include:

- the operation of a motor vehicle while impaired by alcohol and drugs;
- the dangerous operation of motor vehicle including backing up after seeing the deceased holding on to the side of his truck and then falling out of his view and then running the victim over causing the fatal injury;
- failing to offer or request any assistance to the victim despite a grievous injury that was readily apparent to him;
- leaving the scene to escape criminal liability for his actions.

40. In addition, William Conway acknowledges the existence of the undertaking (Exhibit #1) and the breach of the following conditions:

- not possess or consume alcohol or enter any licensed drinking establishment;
- surrender (his) driving license and not operate any motor vehicle upon a

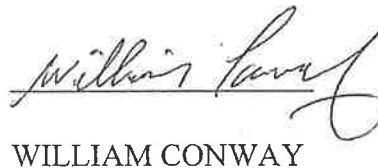
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highway in Newfoundland and Labrador;

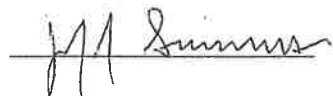
- not contact or communicate, directly or indirectly, in any manner with Veronica Lewis and remain away from any place of residence employment or schooling (he knew) to be frequented by her.

I, William Conway, acknowledge having reviewed in full the above Agreed Statement of Facts with my counsel, Michelle Coady, and I voluntarily admit all the facts set out in it, having also been advised by my counsel of the requirements of a guilty plea pursuant to section 606(1.1) of the Criminal Code.

  
MICHELLE COADY

  
WILLIAM CONWAY

Acknowledged on behalf of Her Majesty the Queen by:

  
Jeffrey Summers

Crown Counsel