

**IN THE SUPREME COURT OF NOVA SCOTIA**

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**HER MAJESTY THE QUEEN**

**against**

**Ernie Ross Junior DUGGAN**

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**AGREED STATEMENT OF FACTS**

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1. The Accused, Ernest Ross Junior DUGGAN, was born on January 11, 1968 and is now 51 years old. He was 49 years old on September 17, 2017, the date of the offences before the Court.
2. He was raised in the community of Tatamagouche, County of Colchester, Nova Scotia. For many years leading up to the events of September 17, 2017, he resided at 80 Clarks Road in the community of Bayhead, located west of Tatamagouche on Highway 6 with his wife, April, and his son, Jake.
3. The deceased, Susan Olive (McNutt) Butlin was born on June 18, 1959, and on September 17, 2017 was 58 years old. She resided next door to the Duggans at 56 Clarks Road for many years, a residence located approximately 150 to 200 meters from 80 Clarks Road. Ms. Butlin was the widow of David Butlin, and she lived alone at the 56 Clarks Road residence since he died in May 2015. She had three grown children.
4. The Accused and his family had been friends with Ms. Butlin and her family throughout the years and they regularly socialized together.
5. On the evening of July 2, 2017, the Accused consumed hard liquor at his home with a friend who was visiting from out of province. Later in the evening, he walked down to the beach in front of his home where Ms. Butlin was attending a campfire with two of her grandchildren. The Accused transported the grandchildren back to Ms. Butlin's residence on his tractor lawn mower and stayed at her residence while she put the grandchildren to bed. He continued to consume alcohol at Ms. Butlin's residence.

6. Prior to July 2, 2017, the Accused had struggled with alcoholism and depression for several years. He had successfully abstained from the consumption of alcohol for a number of years, but began drinking alcohol again early in 2017. His decision to resume drinking was a source of conflict and disagreement between him and his wife.
7. On July 18, 2017, Ms. Butlin disclosed to the Accused's wife that the Accused had been ~~sexually inappropriate with her on July 2, 2017~~. She demanded that he acknowledge his behaviour and apologize to her, and indicated that she would go to the police and lay a formal complaint if he refused to apologize.
8. The Accused's wife informed him that she was leaving him and that she would be pursuing a marital separation.
9. Throughout the latter half of July and into early August, Ms. Butlin circulated her accusations about the Accused both verbally and on social media. The Accused and his family were aware of this.
10. On August 7, 2017, Ms. Butlin called 911 and made a formal complaint alleging that the Accused sexually assaulted her on July 2, 2017. The Accused's wife observed that his drinking and agitation towards Ms. Butlin increased following this.
11. Ms. Butlin's complaint was investigated by the RCMP. The RCMP investigation concluded that there were no reasonable and probable grounds to lay criminal charges against the Accused, and advised Ms. Butlin accordingly. This decision was later reviewed by another RCMP officer(s) who reached the same conclusion. The police also advised Ms. Butlin at that time of her option of applying for a Peace Bond against the Accused.
12. On August 10, 2017, Ms. Butlin filed an Application with the Provincial Court in Truro requesting that the Accused be ordered to enter into a Peace Bond. The Peace Bond Application referenced and was grounded upon her allegations of the sex assault by the Accused from July 2, 2017.
13. Notice of the Peace Bond Application was served on the Accused by the RCMP on August 17, 2017. The Notice required the Accused to appear in Truro Provincial Court on August 30, 2017 at 9:30 a.m. to respond to the Peace Bond Application.
14. In the days leading up to Ms. Butlin filing the Peace Bond Application with the Court, the Accused had been growing progressively more upset about the breakdown of his marriage and by the allegations that Ms. Butlin had been circulating in the community about him.

15. After he was served Notice of the Peace Bond Application and was informed he would have to appear in Court to respond to the allegations, Mr. Duggan's mood and behaviour began to deteriorate. He began to drink alcohol more frequently and more heavily. His wife noticed a significant decline in his overall mood during this time.
16. On August 21, 2017, the Accused brought home two firearms, along with a bag full of ammunition and showed this to his wife. The firearms were a 12 gauge semi-automatic shotgun and a high power .308 caliber bolt action rifle with a scope on it. The bag contained ammunition for both firearms. The Accused told her that he had found the firearms and ammunition. These firearms along with several other firearms had been stolen from a residence in the community on August 10, 2017 by someone other than the Accused. Ms. Duggan formed the belief that Mr. Duggan was under the influence of both drugs and alcohol.
17. The Accused pleaded with his wife to speak to Ms. Butlin and convince her to drop the Peace Bond Application. He expressed concern about the effect the allegations were having on his reputation in the community and the effect it would have on his employment and lawn mowing business. The Accused's wife spoke to Ms. Butlin that evening but could not convince her to drop the Peace Bond Application. When she informed the Accused that Ms. Butlin would not drop the Peace Bond Application, he became further upset and said that Ms. Butlin was ruining his life and she would have to die.
18. Ms. Duggan became increasingly alarmed by her husband's behaviour that evening and requested the assistance of a family friend to help calm him down. She locked the Accused out of the residence and called 911 to express her concern that she thought the Accused might kill their neighbor. Shortly afterward, the Accused kicked in the door to their residence. After the Accused gained entry to the residence, Ms. Duggan and the family friend fled the residence and drove away.
19. RCMP officers arrived at 80 Clarks Road in response to the 911 call and spoke to the Accused. They noted that he had been drinking and appeared intoxicated. They spoke with him about his problems and tried to reassure him that his legal jeopardy relating to the Peace Bond Application was minimal and it did not constitute a criminal offence. The officers left the property after warning the Accused not to drive since he had been drinking.
20. A short time later, the officers saw the Accused operating his truck. He was arrested and charged with both impaired operation and operating a motor vehicle while his blood alcohol level was over the legal limit. The Accused was held in custody overnight and released the next day once sober. As a result of the accompanying motor vehicle license suspension he received, the Accused believed that he would no longer be able to operate his lawn care business.

21. Upon his release from police custody the next day (August 22, 2017), the Accused continued to drink. He also prepared suicide notes for his wife and their son which were later discovered. He contacted his wife, who was staying at a Transition House, and told her that he was feeling suicidal. He was taken to hospital and discharged after a few hours once he advised medical staff that he was not suicidal.
22. Over the next week the Accused continued to drink and occasionally use cocaine. He sought assistance from Mental Health and Addiction Services. He was prescribed medication for depression and to help him sleep.
23. On August 30, 2017 the Accused and Ms. Butlin appeared in Truro Provincial Court to deal with the Peace Bond Application. Upon review of the specific allegations contained within Ms. Butlin's Application document, the presiding Judge expressed concern that the Accused's conduct detailed in the Application constituted a criminal offence(s), and adjourned the Peace Bond Application Hearing to allow the police to investigate the allegations. Neither the prosecutors nor the Judge were aware at that time that the police had already investigated the matter and had determined there were no grounds to lay criminal charges.
24. The adjournment of the Peace Bond Hearing, coupled with his belief that he would again be investigated for the sexual assault, was a source of considerable anxiety for the Accused. Over the course of the next two weeks, his drinking, drug use and depression increased. He spent more time at the Ocean Lanes Bowling Alley bar where he consumed alcohol and gambled on VLT machines on a regular basis.
25. The Accused and Ms. Butlin returned to Court on Wednesday, September 13, 2017. On that date, the matter was again adjourned after the Crown indicated that they had not yet heard back from the police respecting their investigation into the sexual assault allegations. On September 14/17, the RCMP reviewed Ms. Butlin's complaint and again concluded there were no grounds for laying criminal charges against the Accused, however, the Accused was not immediately advised of the outcome of this review.
26. On Friday, September 15, 2017, the Accused spent several hours at the Ocean Lanes Bowling Alley bar. When he returned home that evening, Ms. Duggan noted he was very intoxicated. In order to avoid a confrontation, Ms. Duggan left the residence shortly after the Accused arrived home. Between 2:00 am and 3:16 am on Saturday, September 16, 2017, the Accused sent several text messages to his wife. In those texts, he demanded that she return home immediately and noted that if she did not, he would "blow her lying brain out" (referring to Ms. Butlin). The Accused indicated in the messages that he was going to walk over to Ms. Butlin's residence, but subsequently indicated that all was good and there was no need for a response from Ms. Duggan. He later messaged his wife at 3:16 am indicating that Ms. Butlin could not hide forever and that he would get her.

27. On Sunday, September 17, 2017, the Accused was at the matrimonial residence at Clarks Road. He consumed several beers over the course of the afternoon. Later in the afternoon his wife attended so they could discuss financial issues regarding their separation. Their discussions degenerated into a verbal disagreement which ultimately ended when Ms. Duggan left the property and went to her parents' cottage. He also left their home and went to the Ocean Lanes Bowling Alley in Tatamagouche where he consumed more alcohol.
28. The Accused returned home at approximately 7:45 pm. Between the time he arrived home from the bowling alley and 11:45 pm, the Accused consumed part of a pint of Captain Morgan dark rum. During that same time period, he also retrieved the semi-automatic shotgun and rifle. At approximately 10:00 pm, he fired a shot from the shotgun outside to scare off a skunk.
29. Throughout the evening, the Accused made several calls to various people, and appeared to be in good cheer. At 11:28 pm, 11:35 pm, 11:47 pm, and 11:57 pm, the Accused attempted to call his wife, and left messages on her cell phone. At 11:43 pm, he sent two messages to his wife begging her to call him and saying that she would regret it if she did not.
30. Between 11:40 pm and 11:50 pm, he retrieved the shotgun and walked over to Ms. Butlin's residence. He knocked on the window of her front door and called out to Ms. Butlin, asking her if she was angry. When Ms. Butlin came to the door, he fired one shot from the shotgun through the window of the door at an upward angle. Despite his alcohol consumption, the Accused knew that firing the shotgun in that direction would either kill Ms. Butlin or cause her bodily harm that was likely to cause her death and he was reckless as to whether her death ensued.
31. A single round of Number 4 shot from the shotgun struck Ms. Butlin in the right side of her face and neck, resulting in a fractured jaw and massive damage to the blood vessels in her neck. These injuries immediately led to rapid blood loss which quickly caused her death. The plastic wadding from the shotgun shell was found embedded in the area of her right cheek, indicating that the shot had been fired at close range.
32. After firing the shot, the Accused walked into the residence where he observed the body of Ms. Butlin on the floor. He then quickly left the Butlin home, leaving his bloody footprints on the exterior stairs, and returned to his home. He gathered his firearms and ammunition and the remnants of his pint of rum and drove away in his truck.
33. Present in Ms. Butlin's home at the time she was killed were two young high school aged girls who were residing with Ms. Butlin as part of an international exchange programme. The girls were respectively 15 & 16 years old when Ms.

Butlin, who they referred to as their host mother, was killed. One of the girls had only arrived in Canada 12 days prior to the murder, while the other girl had arrived in Canada approximately 2 weeks prior. One of the girls was in her bedroom immediately adjacent to the kitchen when Ms. Butlin was shot near the kitchen doorway. The other girl was in her bedroom downstairs. Both girls were made aware by Ms. Butlin of the animus between her and the Accused.

The young girl in the upstairs bedroom heard a male voice outside her bedroom window near the kitchen door asking "Susie" to open the door. She then heard glass breaking. She heard steps inside the house afterwards, and then silence. She opened her bedroom door, looked in the kitchen, and saw a body which she thought was the Accused. She then returned to her bedroom, afraid.

The young girl in the downstairs bedroom heard the dog barking and a very loud noise which she thought was something breaking. She also heard footsteps. She was messaging her house sister upstairs throughout this timeframe. Her house sister told her there was a man in the house, so she locked her bedroom door. She too was very afraid. She wanted her house sister to join her in the downstairs bedroom, but she was too afraid to come downstairs. She called the 911 operator from her downstairs bedroom, and remained on the line with the 911 operator.

When the police arrived, they took the girl in the upstairs bedroom downstairs to be with her house sister. While going downstairs she recognized that the body in the kitchen was Ms. Butlin rather than the Accused, and she broke down and began crying. The police officers escorted both girls from the home shortly afterwards and they were transported by ambulance to a safe location away from the scene.

34. Over the next 3 hours the RCMP were actively searching for the Accused. The Accused drove his truck around the Tatamagouche area and was observed driving in both an easterly and westerly direction several times. Between midnight and 3:00 am on September 18, 2017, he communicated several times with his wife by both text messaging and telephone calls. These messages conveyed that he intended to die that evening and was seeking a final hug from his wife.
35. Just prior to 3:00 am, RCMP officers observed the Accused's truck drive by the entrance to Clarks Road on Highway 6 heading in a westerly direction toward Pugwash. The police officers gave chase with their emergency lights activated but soon lost him. Mr. Duggan was then observed driving in an easterly direction past the entrance way to Clarks Road and continued proceeding toward Tatamagouche on Highway 6 at a high speed. He was immediately followed again by 3 RCMP vehicles and he eventually ended up driving into the Lockerbie Cemetery located just east of Tatamagouche on Sand Point Road. He parked his vehicle at the top of the cemetery and was soon surrounded by several police vehicles and armed officers. The police had received information from the

Accused's wife that his intention was to have the police shoot him (i.e. "suicide by cop").

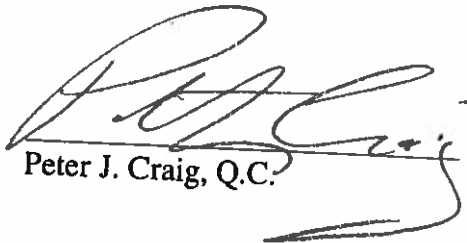
36. The Accused positioned himself on high ground at the top of the graded dark cemetery. The responding police officers were unable to see him clearly, and not at all by times, although the Accused repeatedly indicated to the police that he could see them as they were backlit from a nearby streetlight and their vehicles.
37. The officers engaged in what turned into a lengthy armed standoff with the Accused over the next several hours up until daybreak. During this time they engaged the Accused in conversation in an attempt to talk him into disarming himself and surrendering into their custody. One of the initial responding officers led this conversation on behalf of the police. A second police officer, who knew the Accused, later took over the negotiation from the initial officer roughly half way through the stand off.
38. During the stand off, the Accused told the police that he had planned to be there (i.e. in the graveyard) and he was prepared to die. He then asked the police if they were. He then told the police that she had ruined his life and that he had lost everything because of her; references they understood as regarding Ms. Butlin. He made references to being able to see the officers, noting their actual locations, telling one officer to get lower, that he could have shot them several times, and that he had them in his crosshairs. He made references to having a night scope, ammunition and several firearms. He said to the police that although he didn't want to hurt them, he would not be leaving the cemetery. He told them he wanted to see one more sunrise.
39. At one point during the standoff, the Accused circled around to a distance approximately 20 feet away from some of the officers, and shined a flashlight on them.
40. As daybreak approached, the Accused's tone became more agitated and the officers' safety became a concern as their location hidden behind various headstones and elsewhere would become more visible to the Accused. The police were also concerned about the safety hazard to the general public given the proximity to Highway 6, the primary east-west thoroughfare in the area. The Accused was insisting that the lights from a police vehicle be turned off. The Accused began a countdown, indicating to the officers that he would shoot out the lights at the end of the countdown if they were not extinguished. The police were unable to extinguish the lights, and the Accused fired.
41. The police had a service dog with them in the graveyard. When the Accused fired the first shot, the dog began barking. The Accused threatened to shoot the dog if it came near him. The dog handler almost had to choke out the dog to keep him quiet and not otherwise give up the officers' location.

42. The officers in closest proximity to the Accused's suspected location on the high ground within the graveyard began crawling backwards and downgrade away from the Accused, ultimately taking cover in a ditch at the bottom side of the graveyard. The Accused ultimately fired 3 more rounds. In particular, one round hit the ground in a location one of the officers had occupied minutes earlier across the roadway, and not far from his actual location when the shot was fired.

43. After the Accused discharged his last shot, the police fired two rounds at the Accused. The Accused jumped in his truck at the top of the cemetery and began driving downslope towards where the officers had taken cover in the ditch which was also near one of the exits from the graveyard. The officers fired their weapons at the Accused's vehicle. This disabled the vehicle, bringing it to a rest. The Accused was also struck within the vehicle, receiving a total of 7 bullet wounds, some of which were entry/exit wounds, and others which were fragment wounds. He was transported from the scene by ambulance and subsequently arrested.

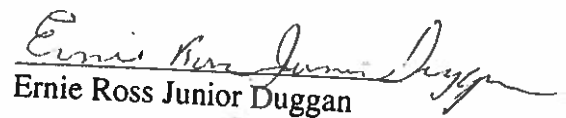
44. A Browning A-Bolt .308 caliber rifle along with a .308 caliber bullet in its chamber were seized from the Accused's truck. 4 empty .308 caliber shells were recovered in the graveyard in the vicinity of the Accused's truck. A loaded 12 gauge Winchester shotgun was also seized from the Accused's vehicle. This shotgun was forensically identified as the weapon used to kill Ms. Butlin. A cache of ammunition for both weapons was also recovered from the Accused's vehicle and in the vicinity of where his truck was parked in the graveyard.

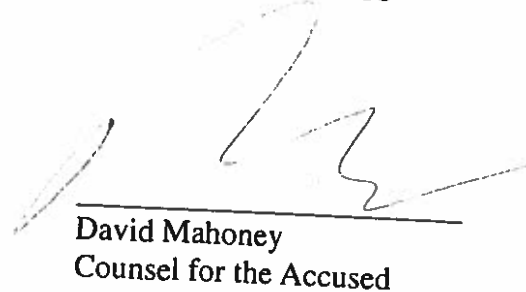
Dated this 21 day of June, 2019.

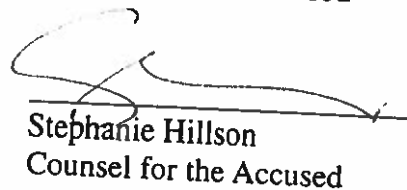
  
Peter J. Craig, Q.C.

  
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ON BEHALF OF THE CROWN

  
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