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Maclean's exclusive: Russell Williams offers a defence



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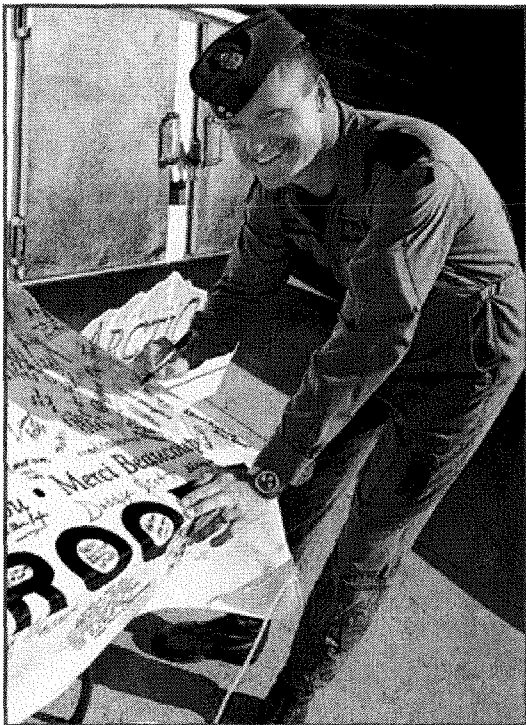
By Maclean's

As the lawsuits against him pile up, the ex-colonel says he should not be forced to pay at least one of his victims

by [Michael Friscolanti](#) on Thursday, June 14, 2012 4:45am - [47 Comments](#)

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On the morning he was sentenced to life in prison, serial predator Russell Williams stood up in court and spoke to his victims. Tears in his eyes, his voice barely a whisper, the ex-colonel said he was “indescribably ashamed” of his “despicable crimes”—two murders, two sexual assaults, and dozens of perverse home invasions—and that he truly understood the depths of the “profound, desperate pain” he inflicted. “There are those who will find it impossible to accept,” he continued, Kleenex in hand. “But the fact is, I very deeply regret what I have done and the harm that I know I have caused.”

Nearly two years later, at the same Belleville, Ont., courthouse, Williams has delivered another message to one of those victims: *I should not have to pay for that pain.*

Laurie Massicotte—who was ambushed in her living-room, stripped naked with a knife, and ordered to pose for Williams’s camera—is one of numerous plaintiffs now suing the disgraced former commander of CFB Trenton. (The family of Jessica Lloyd, who was raped and strangled inside Williams’s cottage, and another sexual assault victim who can only be identified as Jane Doe,

have also filed civil lawsuits). In her claim, which seeks \$7 million in damages, Massicotte says the events of that “horrific” night have left her mentally scarred, suicidal, dependent on alcohol, and “unable to properly and normally function within society.”

But in a stunning statement of defence—the first to be filed in any of the lawsuits—Williams “denies” Massicotte is “entitled to the relief claimed” and puts her “to the strict proof thereof.” Although he does admit he “assaulted” her in the early morning hours of Sept. 30, 2009, he insists he “has no knowledge” of most of her detailed allegations, including the fact she feared for her life, suffered “humiliation and indignity,” and now requires “extensive therapy and medical attention.”

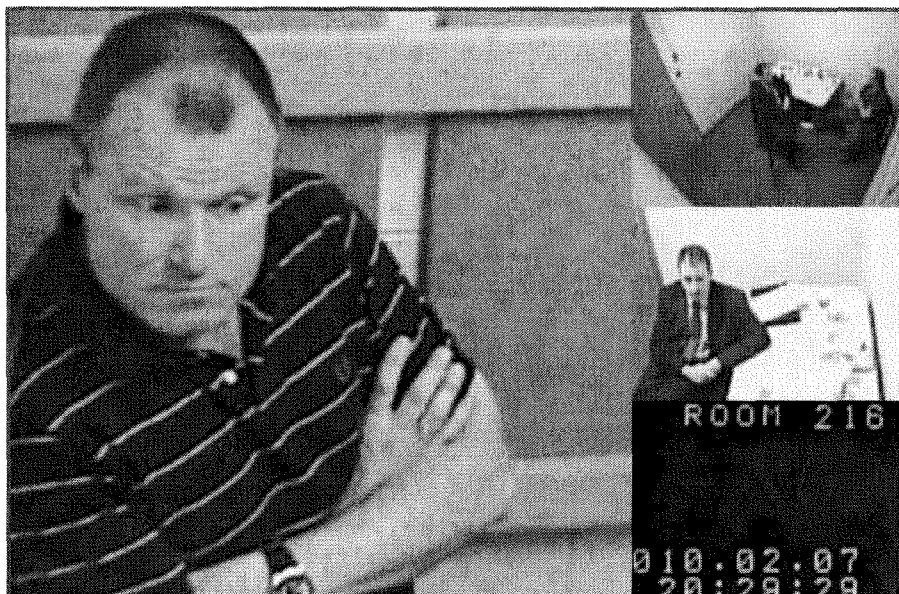
“The Defendant, Williams, submits that [Massicotte’s] action should be dismissed with costs,” concludes the two-page statement of defence, obtained by *Maclean’s*. In other words, Williams not only wants a judge to toss the case out of court, but to order his victim to pay his legal bills on the lawsuit.

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Massicotte, who still lives just down the road from Williams’s empty lakefront cottage, was served with his statement of defence two weeks ago. “I despise him,” she tells *Maclean’s*. “What the heck am I supposed to do now?”

A gifted pilot and respected leader, Williams was a rising military star, an elite officer who ferried prime ministers and the Queen and was awarded the top job at Canada’s largest and busiest air force base. But when he assumed command of CFB Trenton in July 2009, the colonel was already a depraved stalker who had broken into dozens of homes and stolen hundreds of bras, panties, bathing suits and other “trophy” items from women’s bedrooms. By the time police cornered him in February 2010, Williams’s crime spree had escalated from fetish burglaries to sexual assault to the brutal murders of two women: Marie-France Comeau, a 38-year-old corporal stationed at his base; and Lloyd, 27, of Belleville.



In October 2010, eight months after his videotaped confession, Williams pleaded guilty to all 88 charges, including the attack on Laurie Massicotte. According to the agreed statement of facts, the cornerstone of his plea, Williams struck her repeatedly, blindfolded her with a pillowcase, and spent hours “fondling” and photographing her. “Don’t make me get you into position,” he warned his captive at one point. In his weepy address to the court, Williams specifically acknowledged how he caused Massicotte to “suffer terribly.” Though not enough, he says now, to warrant any of his money.

In his new court filing, Williams also comes to the defence of his much-maligned wife, Mary Elizabeth Harriman. Like Jane Doe and the Lloyds, Massicotte’s lawsuit also targets her, alleging Harriman “fraudulently” acquired her husband’s share of their \$700,000 Ottawa townhouse in the weeks after his arrest in a “secret” deal to shield his assets from lawsuits. Harriman, a senior executive at the Heart & Stroke Foundation of Canada, denies any wrongdoing, insisting she paid “good and due consideration” for the property. Her husband echoes her side of the story, saying the real estate deal was made in “good faith.”

“Following his arrest and charges, he and his wife, Mary Elizabeth Harriman, executed a domestic contract, the purpose of which was to provide Harriman with financial security as a result of their longstanding relationship and marriage,” it reads. “The Defendant, Williams, denies that there was any fraudulent intent behind the conveyance in order to defeat the Plaintiffs’ or any other creditor’s claims.”

Harriman has filed for divorce, but their pending separation is still before the courts. June 1 was their 21st wedding anniversary.

The fact that her husband even submitted a statement of defence seems almost as shocking as his actual crimes. He confessed and pleaded guilty, after all; there is no denying what he did. But the timing of his filing—and the particular plaintiff—may point to something more procedural than sinister.

By law, the target of a civil case is obligated to file a statement of defence within a certain timeframe, unless a judge declares otherwise or a plaintiff consents to an extension while negotiations unfold. Jane Doe filed her \$2.45-million lawsuit more than two years ago; the Lloyds launched their \$4-million claim in January. Yet neither has been served with a statement of defence from Williams, suggesting some level of closed-door discussions regarding their cases—but not Massicotte's.

Michael Pretsell, a Belleville lawyer who represents both Jane Doe and Jessica Lloyd's family, would not say whether his clients have granted Williams permission to postpone his defence. But he did point out that in any lawsuit, such a delay "would only happen in a consent scenario." When asked if his clients are pursuing an out-of-court settlement, Pretsell repeated what he has said many times before: "In any kind of case, we are required by the rules of professional conduct to try to seek common ground, and that happens on every file. But I'm not commenting on what's going on with this one."

Massicotte, on the other hand, does not have a lawyer. She is representing herself. (Her three adult daughters, who are also named as plaintiffs, do not have lawyers, either.) That may have played some role in Williams's decision to file a statement of defence in her case, but that's not clear. His Ottawa lawyer, Pasquale Santini, declined to speak to *Maclean's*.

Susan Vella, a Toronto lawyer who specializes in civil litigation stemming from sexual assault, said she is not at all shocked that Williams filed a statement of defence, despite his guilty plea. "If I were a member of the public, I probably would be befuddled," she says. "How can this be if he has been convicted?" But as a lawyer, I'm not surprised. He might have all kinds of reasons for filing a statement of defence: to have some control over when the judgment is going to be issued, for example, or some input into what the amount is going to be."

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In the end, if the case does reach trial, it will be up to Massicotte to prove the harm she has endured and the damages she deserves. "There are a lot of variables," Vella says. "It is not like one rape equals \$100,000, for example. It really depends on the duration, the severity, the frequency, the relationship of the perpetrator to the victim, the age of the victim, what were the actual harms, etc. Was it someone who healed relatively quickly or someone who suffered catastrophic harm? There are a lot of variables, and hence there is not a set number. But there certainly is, in the case law, a range that you can put on it."

In 2008, for instance, one of Vella's clients was awarded \$150,000 after a Toronto police constable fondled her and tried to kiss her during a traffic stop. In another landmark case, a B.C. woman who endured a decade of childhood abuse at the hands of her uncle was awarded \$325,000. "If [Massicotte] isn't a lawyer herself, she may not be aware of how strong a position she is in," Vella says. "Somebody should be helping her out."

Lawyers aside, something else separates Massicotte from the other plaintiffs: she is the only victim who is also suing the Ontario government for the alleged negligence of the provincial police. In fact, the bulk of her statement of claim is aimed at the OPP investigators who searched for her attacker, not the attacker himself.

Massicotte says the police should have alerted her Tweed, Ont., neighbourhood as soon as Jane Doe was assaulted on Sept. 17, 2009. It wasn't until Laurie was targeted, 12 days later, that police issued a public warning. Massicotte also claims that a detective personally apologized to her for keeping the previous incident under wraps.

Her claim also criticizes the authorities for leaving her partially naked and bound during the early hours of the investigation, for referring to her over the police radio as "crazy," and for not testing her with a rape kit or examining her body for DNA. One officer, her statement of claim alleges, told a neighbour that she was "faking the attack."

In her most damning allegation, Massicotte accuses the OPP of initially glossing over her neighbour as a potential suspect because of his high-ranking position at the base. Investigators "could have detained Williams much sooner," she claims.

Like Williams, the Ontario attorney-general's office is also asking that its portion of Massicotte's lawsuit be dismissed. In a statement of defence filed just four days before the ex-colonel's, the province says although it "recognizes the extremely distressing experience that Ms. Massicotte endured as one of Williams' victims," the investigation was "thorough and reasonable" and the OPP "acted at all times honestly, in good faith and in accordance with their public duties as police officers."

Prepared by two Crown lawyers, Kim Twohig and Jeremy Glick, the statement insists Massicotte "specifically agreed to remain loosely bound and covered in the blanket to allow the police forensic identification unit to attend on scene to collect and record potentially useful evidence," and that "at no time during the course of the initial investigation did the plaintiff object to remaining in that condition." The government also denies that any officer "improperly" disclosed information or suggested Massicotte was "copycatting the earlier attack" on Jane Doe. "At all times throughout the course of the investigation and after, the OPP treated the plaintiff with consideration and respect."

"Ontario denies that any OPP officer apologized to the plaintiff for having failed to warn her, and states that even if such an apology were made, it was not an admission of liability," the defence statement continues. "Ontario denies that it owed a duty to warn in the circumstances of this case."

Back on Cosy Cove Lane, three doors down from Williams's former home, Laurie Massicotte isn't sure what to think. She says she doesn't want to settle with any of her defendants because she needs to know the "truth" about what happened. "I won't leave this alone," she says. But nearly three years after her brush with Russell Williams, and no resolution in sight, her life continues to spiral. Massicotte has no job, her savings have disappeared, and her unpaid bills are piling up. "They're ready to shut off my phone and my cable," she says. "I'll tell you, in the next day or so, I have to go to welfare to get some money. I have maxed out everything."

But money, she insists, is not the motivation behind her fight. "It's about justice," she says. "This is just the process we have to go through."

And that includes being targeted, yet again, by the man who broke into her home. "The only person he has defended against is me," she says. "Why? You have to ask that same question."