

Orr used as fall guy, lawyer says

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home daycare Taylor ran out of her Mount Albert house fell apart after information about her criminal record and a three-inch-thick Children's Aid Society file on her family came to light three days into the proceeding. Taylor had already testified and was no longer a witness.

Ash and Dale testified they asked Orr repeatedly to delve into Taylor's background and find out whether she had a record. Orr told them numerous times between April 1997 and May 1998 that she did not, even though he admitted that in January 1998 he printed off six incidents where police responded to domestic calls at her home.

One of those occurrences included an assault conviction after she nearly severed her husband's earlobe with a coffee mug.

Orr testified Tuesday he didn't read the first page of that report and didn't realize Taylor had pleaded guilty and was on probation when the inquest began.

"As far as you actually know, prior to May 7, 1998, were you aware of some form of judicial sanction (against Taylor)?" asked Orr's lawyer Leo Kinahan.

"No, I was not," Orr replied.

"At any time during the months preceding the start of the inquest May 4, 1998, did you intend to mislead Mr. Ash and Mr. Dale or anyone else regarding the criminal record concerning Cynthia Taylor?"

"No, I did not."

Orr said he put a file folder labeled 'Cynthia Taylor occurrences' in a box filled with Zachary's case files and left it in the Crown offices in mid-April 1998. He also admitted he never told them verbally about Taylor's contacts with police.

TESTIMONY QUESTIONED

Kinahan questioned the testimony of both Ash and Dale, suggesting they were not prepared for the inquest and needed a fall guy after the case fell apart. He also took a shot at York Regional Police, saying the organization had left the inexperienced Orr on "Niagara Falls in a canoe."

"Where's the motive?" Kinahan asked. "Where's the percentage? Where's the gain? That's the missing link here."

But Watson said it's clear what Orr's motive was: he messed up.

He listed several areas of the investigation that were lacking, including not requesting the CAS for its file, that no video or schematics of the home were ever taken or recorded; the fact Orr did not re-interview Taylor and only questioned her once, the day after Zachary was found, while she was upset and crying; that witness statements weren't signed; and a still-unresolved issue concerning burn marks on the baby seat that were never investigated.

And he said it defies logic to think Orr would not have read the first page of the incident report or not followed through to learn the final disposition of the charges against Taylor.

"He made the decision early on there wasn't a problem with Cynthia Taylor, for whatever reason, and everything he did was to support that decision," Watson told Kelly.

"Motive? He was sitting on a time bomb and hoping it wouldn't explode in his face. And he almost made it."

Kelly will deliver his decision July 31.

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