

STATEMENT OF FACTS
R. v. Jason Wayne MacRAE

The accused, Jason Wayne MacRae, (DOB: May 12, 1973) and the victim, Paula Ann Gallant (DOB: December 5, 1969) were married July 5, 2003. The couple had one child, Anna Paul MacRae, born January 6, 2005. They resided together at 41 Silver Maple Drive, Timberlea. Jason MacRae worked in the call centre at Nova Scotia Power and Paula Gallant was a grade 3 teacher at Beechville Lakeside Timberlea School. At the time of Paula Gallant's murder, the couple were preparing to purchase a new home on which they had an accepted offer.

On December 27, 2005, at 8:12 p.m., Jason MacRae contacted the Halifax Regional Police to seek advice, reporting that his wife had failed to return home from shopping. About 45 minutes earlier, MacRae had contacted his wife's sister, Lana Kenny, to inquire of his wife's whereabouts, telling her she had been gone since about 2:00pm. Ms. Kenny had spoken with Paula at about 1:30p.m., and Paula had said she was not going out. This was the last known conversation with Paula Gallant. Ms. Kenny went to her sister's home, and together with Jason MacRae, began phoning Paula's friends, and checking her bank and credit cards on-line for indication of use. Jason MacRae left his home and allegedly drove to the Costco store where he reported Paula had gone to purchase diapers, to see if her car could be located. Family members and friends began a search for her.

Having turned up nothing, MacRae called 911 at 10:14 p.m. and reported his wife as a missing person, prompting an RCMP response. Four of the friends and family members searching for Paula, brothers-in-law, Paul Kenny and Alain Blackburn, sister Lana Kenny and friend, Andrea MacLean, went to the school where Paula taught, walking distance from the MacRae-Gallant residence. There, at 12:30 a.m. on December 28, 2005, they located her locked vehicle. Calls were relayed back to the residence, and to the RCMP, and Jason MacRae attended the school while Paula's sister, Lynn Blackburn, remained with Anna. With his brother-in-law, Paul, Jason MacRae banged on the doors of the school, seemingly to try and determine if Paula was inside. Once the police arrived, and a second set of car keys were obtained from the residence, the vehicle was opened. The body of Paula Gallant was found laying in the fetal position in the trunk under a grey blanket. She was dressed in jeans and a black nylon jacket with her shoes positioned near her head. Her purse and car keys were inside the passenger compartment of the vehicle. She was not dressed in appropriate clothing for the weather, as she had been when she was observed out earlier in the day.

An autopsy was performed on the body of Paula Gallant. The cause of death was determined to be asphyxiation and the method of death, strangulation. Significant findings included marks on her neck, petechial hemorrhaging in both her eyes and a contusion on the back of her head. There were no signs of defensive wounds. There was biological material found on the crotch of her jeans. She was wearing only one earring. The degree of brain swelling observed was consistent with an interval of at least several minutes between a lack of oxygen supply and death.

Jason MacRae was formally interviewed by police on December 28, 2005, January 10, 2006, January 11, 2006, January 30, 2006, and on February 8, 2006, when he was arrested. In each interview, MacRae claimed that he had no knowledge of his wife's murder, and maintained that she had left their home at about 2:00 p.m. on the date in question to go shopping, never to return.

Throughout the extensive investigation, Jason MacRae remained the primary suspect in the murder of his wife, though there were no indications of previous domestic violence, or serious marital discord, and friends and family members described a loving marriage. Investigation did determine that an on-line gambling debt of \$700.00 that MacRae had hid from his wife, and blamed his brother for, was a source of friction between the couple. Police were easily able to re-construct the last days of Paula Gallant's life, which were not marked by anything out of the ordinary. She and Jason MacRae spent Christmas Eve, Christmas Day and part of Boxing Day, together with their daughter Anna, at the home of her sister and brother-in-law, Lana and Paul Kenny, and their children, along with sister and brother-in-law, Lynn and Alain Blackburn, and their children. The holidays were relaxing and joyful, by all accounts, marking Anna's first Christmas. Paula Gallant and Jason MacRae returned to their home with Anna on December 26th, and were intimate. On December 27th, Paula Gallant visited her sister Lana in the morning, dropped by a hardware store, and began to do some painting in preparation for listing their home for sale. She thawed chili from the freezer for supper that evening.

In the years following his wife's murder, Jason MacRae continued to reside in the home he once shared with his wife, along with his daughter Anna, and his mother. The mortgage on the home was paid out by insurance. He collects monthly C.P.P. and N.S.T.U. survivor benefits on behalf of himself and Anna, and received a one-time C.P.P. death benefit (\$2,500.) MacRae submitted a claim on his wife's life insurance policy of \$100,000. but was denied by the insurer. He did not pay the bill for her funeral expenses (\$5,500.), nor put a headstone on her grave. The unsolved homicide generated intense media interest over the ensuing years. Against the advice of legal counsel, MacRae gave an interview to the Chronicle Herald newspaper in December, 2007, in which he described himself as "heartbroken", and "trying to get through day by day" without the woman he described as "my best friend" and "my life". On the same date, he issued the following public statement:

We live in a very close-knit community, everyone says "Hi" to everyone in the street, and there are always people on the streets in our neighbourhood, everyday.

I can't understand how something like this tragedy could have happened in the middle of the day, and no one see anything.

If someone knows something and is afraid to come forward, it is not too late. Any information, even the smallest detail, may lead to a break in this case.

My little girl is growing up without her mother because we have a killer walking amongst us. I do not want this to happen to someone else.

If anyone knows anything about this case, please contact the police or Crime Stoppers.

MacRae contacted the C.B.C. national news program, The Fifth Estate, saying, in an interview, "maybe something done nationally might create more awareness and actually bring something to light" (to catch her killer)

In October 2009, a covert under-cover RCMP operation was undertaken. Through the means of a ruse, MacRae was introduced to an undercover officer who, over time, befriended him and purported to offer him work for a crime syndicate. An undercover operation began, utilizing a number of scenarios to gain the trust of MacRae. In April, 2010, MacRae voluntarily quit his job at Nova Scotia Power to work full-time for the alleged crime syndicate.

On August 6, 2010, MacRae met with an undercover operator he was led to believe had learned that the police had something on MacRae, had connections and could possibly make his "problem" go away. The undercover operator maintained that he was the head of the crime syndicate and that MacRae would have to tell him everything about what happened to his wife, in order for him to understand MacRae's situation and what the operator would have to do to assist MacRae. Pursuant to a Judicial Authorization under ss. 184.2 and 487.01 of the Criminal Code, this interview was both audio and video recorded; unbeknownst to MacRae.

Jason MacRae disclosed the following details to the undercover operator with respect to the events of December 27, 2005:

- He killed Paula Gallant on December 27, 2005, between 2:00 and 2:30 p.m. at 41 Silver Maple Drive, Timberlea, Nova Scotia.
- He describes the layout of the house and the basement area.
- He and Paula were arguing about a debt on his Visa and that he lied to Paula about it. This argument took place in the basement of 41 Silver Maple Drive.
- He said Paula was on the computer, sitting on a chair, back to him when he went upstairs and returned with a piece of 2 x 4 wood and struck Paula on the back of her head while she was seated.
- He described how he hit the wall with the wood while he was swinging it towards Paula.

- He states Paula did not go down after being struck but turned and stood up and faced him and screamed.
- He states he then grabbed her from the front around the neck and pushed her back into the laundry room area.
- He states he strangled her for a couple minutes with both hands.
- He states Paula may have peed herself as her pants were wet.
- He states he knew she was dead because he put saran wrap around Paula's face and head to see if she was breathing and left it there for about 20 minutes.
- He states he covered Paula with a sheet and left her in the laundry room.
- He states he went upstairs and fed his daughter, Anna, while Paula was in the basement.
- He states after finishing feeding his daughter he goes outside to see if anyone is around. He returns to the basement, pulls the sheet off Paula and sits her up and puts a black pullover windbreaker jacket on her and puts loafer type shoes on her.
- He states he wraps Paula in the beige sheet and slides her out a window adjacent to the driveway.
- He states he puts Paula in the trunk of her car, a Chevy Cavalier.
- He states he covers her with a grey blanket that is taken from an emergency kit in the trunk of the car.
- He states one of her shoes fell off and picks it up and puts it in the car next to Paula.
- He states he left his daughter in her highchair and drove the car over to BLT school and parked it there. He backed the vehicle into its parking spot. He describes leaving the keys in the console between the driver and passenger seats. He then runs home. Near his home he stops near the mailbox.
- He states he takes his daughter and goes for a drive around 4:00 p.m. He states he went to the area of Halifax Shopping Centre and got rid of the 2 x 4 and the saran wrap by throwing them in a dumpster.

- He states he went to the Credit Union and deposited \$100.00 dollars into an account he had.
- He states he went to a Needs Store on the way home and bought batteries.
- He states he had a small nick on his hand after getting back home.
- He states the next day, he found Paula's earring in the laundry room. He took it upstairs, and disposed of it in a garbage can at a Tim Horton's three days later. (This earring had also been observed by others, at the same time)
- He states at the funeral he checks Paula's nails and observes they had been clipped.

Following this discussion, the undercover operator persuades MacRae to provide a re-enactment of the crime, in the house, in order to assist in understanding how the crime boss can best help MacRae to elude justice. On August 9, 2010, Jason MacRae disclosed the following details to the undercover operator about his crime; this interview also audio and video recorded.

- He went to the basement of his home and indicates that Paula was sitting at the computer.
- He states that they argued once he told her about his gambling debt and lying about it. He shows how he went up the stairs and grabbed a 2 x 4, came down the stairs, and with a right hand swing shows how he hit Paula in the back of the head.
- He shows the operator the damage to the wall indicating specifically which spot it was that he hit just prior to hitting Paula in the back of the head. The damage to the wall is about the same height as the operator's head as he sits at the computer desk. He also indicates that he patched the wall later the same day of the murder. He shows the patch work which is still visible.
- He shows the operator how he strangled Paula by demonstrating on one of the operators. He grabs the operator by the front of the neck and pretends to strangle him in the same manner he strangled Paula. He pushes the operator back into the laundry room floor and onto the floor.
- He states he squeezed as hard as he could.
- He states that while Paula was on the floor, she said, "what are you doing, stop."

- He states he pushed her into the left side of the laundry room away from the door way with her head further from the laundry room door.
- He describes how Paula made gurgling noises after she is lying unconscious on the laundry room floor.
- He states he could hear his daughter waking from her nap on the baby monitor as he strangles Paula.
- He states she was making some gurgling noises after strangling her.
- He describes how he went upstairs and got the saran wrap and wrapped Paula's head with it 3 or 4 times to make sure she couldn't breathe.
- He states he covers her with a beige bed sheet.
- He states that after wrapping Paula's head in saran wrap, he goes upstairs and gets his daughter up and fed her lunch in her highchair.
- He then states after about 20 to 30 minutes he finishes feeding his daughter and leaves her in the highchair and then goes outside and checks for possible witnesses or neighbours.
- He states he goes back inside and back downstairs to the basement, sits Paula up and puts a blue windbreaker on her and shoes on her and wraps her in the beige blanket and slides her out a window by the stairs.
- He shows the operators the window and indicates it is driveway level and the cars trunk is right next to the window and the car was backed in the driveway.
- He states as he moves Paula from the driveway to the car, a shoe falls off and he picks it up and puts the shoe in the trunk next to her.
- He states he places Paula in the trunk of the car.
- He demonstrates how he placed Paula in the trunk to the operator by moving the operator into the same position. He places the operator on their left side in the fetal position facing away from him, indicating this is how he placed Paula in the car.
- He states he covers Paula with a grey blanket from the emergency kit that was in the trunk of the car.

- He details that the shoes fell off while putting Paula in the trunk.
- He demonstrates how he placed both shoes next to Paula in the trunk.
- He directs the operators over to BLT School, indicating and travelling the route he took on December 27, 2005, and indicates this was between 3 and 4:00p.m.
- He shows how and where he parked the car.
- He shows that he backed the vehicle into a parking spot.
- He walks with an operator the route he took on foot back to 41 Silver Maple Drive, crossing the soccer field and using the path to Tiger Maple Drive and to his house at 41 Silver Maple Drive.
- He describes that he ran from the corner of the school, across the soccer field, onto Tiger Maple Drive and then walks when he gets to Silver Maple Drive.
- He walked past his house to the mailbox on Silver Maple Drive at Red Maple Drive then returning to 41 Silver Maple Drive.
- He describes that he stopped by the mailbox so that if anyone saw him outside he could state he was getting the mail.
- He describes how he left the car keys in the console between the passenger and driver's seat.

During the re-enactment, MacRae was asked questions by the undercover operators about whether he had planned the murder. The following exchanges occurred:

p. 55 line 1334 - 1345

Voice 3: Um. Just curiosity, like 'cause, I, I____. At what point, did, did you know you were gonna fuckin' whack her? (Short laugh)

MacRae: Um. Honestly, I had thought about it before. I didn't think I would ever do it. Um, then, yeah. I pretty much knew I was gonna do it when I did it.

Voice 3: But did you wake up that mornin' and say I'm gonna tell her and I'm gonna fuckin' whack her right after, or (Short laugh)

MacRae: No

Voice 3: It just happened like that?

MacRae: Just ah, yeah. It just happened.

Voice 3: But you thought about it before?

Voice 4: Yeah

p. 56 line 1355 - 1375

MacRae: Um, so yeah, I had had thoughts about it but I didn't think I would ever do it, but

Voice 3: How long before that did you have last thoughts that you were gonna whack her?

MacRae: The last time I had thought about it?

Voice 3: Yeah

MacRae: Oh, it was _____, Um, yeah, a coupla days before that probably (Short laugh)

Voice 3: A couple days, did you

MacRae: _____

Voice 3: But, you were thinkin' like. Doing it that way, or?

MacRae: Um. (Sighs) Yeah, if I , I'm tryin' to think. I thought of it _____. I actually thought to myself how, how could I do this if I actually did do it.

And ah, yeah, that was pretty much my _____

Voice 3: Like what, what, what was it like

MacRae: _____, Yeah, like I had thought about like, do I wake up in the mornin' one day and just grab her or, in bed. And then, I had some different ideas and then that day it just

Voice 3: So what, your ideas. Well, was it , was it like what you did, or hit her, or choke her, or shoot her

MacRae: To choke her, that was my idea, to choke her

p. 59/60 line 1432 - 1453

MacRae: Honestly, when I look at this (*looking at picture of Paula Gallant and Jason MacRae*) I usually, think like, fuck, one day we were happy

Voice 3: Yeah (Clears throat)

MacRae: Like, we were really happy one, at one time. _____. She's just, she was _____ everything in the apartment

Voice 3: Yeah

MacRae: Nothin' could be out like, fuckin'. Forget to take somethin' downstairs as soon as I finished with it, she'd get on my case

Voice 3: Oh Really?

MacRae: Yeah

Voice 1: She really needed to be perfect, kinda like you (*name of undercover operator omitted*) . ____ (Short laugh)

Voice 3: Um, um. That, that, that, that ah, that. A lot of women are that way though anyway_____, But did you ah, like when you were ah, thinkin' thinkin' about it. I mean did ya know that, this is not gonna last. One day she's fuckin' dead, or?

MacRae: Um, I had, honestly yeah. I think I did (Clears throat)

Voice 3: You did what?

MacRae: I pretty much decided that this is, was gonna have to be done

Voice 3: Like, whack her, or divorce her, or

MacRae: Um, You know, I can't believe _____

Voice 3: You were gonna whack her?

MacRae: Yeah

p. 60/61 line 1457 - 1480

Voice 3: like when did you think you were gonna do it for. If you knew you were gonna whack her?

- MacRae: Um, I think, like I say, it was probably only a couple weeks, maybe a month, that I actually started havin' ideas of, of doin' it
- Voice 3: Yeah. But you, you knew you that. That was gonna happen, you just didn't know when or
- MacRae: Um. I had pretty much decided. Yeah, it was gonna happen but. I don't know if I actually knew that I would go through with it
- Voice 3: Yeah
- MacRae: I mean, it was one day, I was like, fuck yeah, I'm gonna fuckin' do this and then the next day, no I can't do that
- Voice 3: But that ____, that, that mornin', like ah. Okay, she bitches at you for whatever. Money, money. When you got up that morning, did you know you were going to whack her, or?
- MacRae: No (Clears throat) No, in fact, like. When we got up that mornin' she went out. She went to the hardware store to get some stuff and then she came back. And then like I say, she wasn't in the door five minutes and she was just bitching at me about something and like, I think something just went off and I said, okay, apparently today is the day.
- Voice 3: (Short laugh)
- Voice 1: (Short laugh)
- Voice 3: Did you like ah, did you say, okay today's the day and then you just happened to see the wood. Or you saw the wood and say okay, now this is it
- MacRae: I saw the wood and said, yeah, this is it

During his meeting with the alleged crime boss, MacRae described his wife's murder as a "big fight, it got out of control" telling the crime boss, "you realize I loved her, I really did" (transcript, August 6, 2010, p. 36, 37) He elaborated on the fight in the following exchanges:

p. 48 line 1160 - 1169

- Voice 1: Okay. And then you guys had this argument, and you choke her. You guys weren't getting along or what?

MacRae: (Sighs) No, I mean, we were gettin' along fine, it was. It was little things. Um. Little petty things, um. Like we'd have little arguments, but nothing too major. Um. But then she had just found out that I had just lost a bit of money gambling

Voice 1: Um hmm. So she probably wasn't too happy about that

MacRae: ___ no, she wasn't happy about that

Voice 1: Is that what you guys argued about?

MacRae: Basically, yeah

p. 64 line 1557 - 1572

Voice 1: Um. I'm just tryin' to think here what else it could be. (Sighs) so you were sayin' this started over some gambling debt?

MacRae: Yeah

Voice 1: How'd she find out about that?

MacRae: Um. I actually ended up telling her. I lied to her about it at first and told her that I lent my brother the money

Voice 1: Oh, 'cause this was money out of your bank account?

MacRae: Yeah. And then ah. Ah, she just kept asking me and

Voice 1: I imagine when she found out she was probably pretty pissed, eh?

MacRae: She was really pissed

Voice: Yeah, women generally don't understand that stuff too well

MacRae: No they don't

Voice 1: So, was that when that happened, right then and ___?

MacRae: Ah, yeah _____

Voice 1: This argument about the money?

MacRae: Just, pretty much, yeah

In his 2006 police interviews, MacRae denied any link between this gambling debt and his wife's murder. He initially maintained the story that the debt was his brother's, but eventually admitted that he lied and that the debt was actually his, but maintained that Paula died never knowing the truth. He described that fact as "something (I) have to live with everyday...I lied to Paula about something." He stated in 2006 that he knew he had to tell her, but did not want to bring it up over the holidays, so his plan was to tell her after New Year's. He said she would not have been too happy if she found out and would have been surprised, but they would have worked it out.

Jason MacRae was arrested on August 17, 2010, and interviewed under caution. In his cautioned interview, MacRae made no specific admissions, but did not deny involvement in his wife's murder.

A warrant to search 41 Silver Maple Drive was executed the same day. A portion of drywall was excised where MacRae had showed the undercover operators he had made repairs to the drywall, and the drywall displays damage, beneath the repair work, consistent with the act described by MacRae.