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Registry: North Vancouver

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**  
Criminal Division

**REX**

v.

**BRIAN MELICKE MOORE**

**BAN ON PUBLICATION 486.4(1) CCC**

**REASONS FOR JUDGMENT  
OF THE  
HONOURABLE JUDGE R. HAMILTON**

Counsel for the Crown:	E. Sabourin
Counsel for the Defendant:	W. Zhao (Articling Student) M. Rowan, A. Hall, and L. Rowan
Place of Hearing:	North Vancouver, B.C.
Dates of Hearing:	June 6, 17-20, 24-27, August 22, 27, September 17-20, 2024 October 4, 23-24, 28, 30, November 20- 22, 29, December 9-13, 2024 January 13 and February 7, 2025
Date of Judgment:	April 3, 2025

**INTRODUCTION**

[1] Brian Melicke Moore is an 85 year old former elementary school teacher who was employed by the North Vancouver School District between 1970 and 1982.

[2] Mr. Moore began teaching Grade six at [omitted for publication] in January 1970 and continued teaching at [omitted for publication] until February 19, 1982 when his employment with the North Vancouver School District came to an end.

[3] Mr. Moore is currently before the court facing 11 separate charges alleging that he indecently assaulted 11 former students between September 1976 and February 19, 1982. The complainants are all former students in Mr. Moore's Grade six class at [omitted for publication].

[4] Counts 12 and 13 on the Information allege that between September 2, 2005 and September 4, 2007, Mr. Moore, for a sexual purpose; touched directly or indirectly with a part of his body or an object, the body of a person under 14 years old. Both of those counts relate to the same young boy.

[5] On December 11, 2024, the Crown directed a Stay of Proceedings on Count 13 thereby leaving Count 12 before the court along with Counts 1 through 11 for a determination whether the Crown has proven its case against Mr. Moore beyond a reasonable doubt.

[6] This has been a very lengthy trial occupying 31 days of trial inclusive of hearing evidence and argument.

[7] There is a publication ban imposed on this case banning the publication of any information that could disclose the identities of all but two of the complainants and some of the non-complainant witnesses. Two of the complainants, Dennis Cooper and I.C. successfully had the publication ban lifted with respect to their identities.

[8] There were not many documents or exhibits filed in the course of this trial. The Crown's case falls to be decided on the oral testimony of the complainants and

witnesses along with the application of the legal principle relating to the use of Similar Fact Evidence. Mr. Moore elected not to call any evidence in his defence.

[9] Mr. Moore has advanced legal arguments relating to the prosecution of this case arguing this prosecution amounts to an abuse of process and a breach of his rights protected by Section 7 of the *Charter*. I will issue a decision on those arguments at a later date.

[10] In addition to this criminal prosecution, there is a companion Class Action civil proceeding against Mr. Moore and the North Vancouver School District.

[11] The evidence of the complainants and witnesses in this case is extensive. This is a very long decision.

### **BACKGROUND**

[12] As noted above, Mr. Moore taught at [omitted for publication] for a little over a decade (1970 to 1982).

[13] He was a very popular teacher. He engaged his students in scientific and mechanical projects. He participated in the audio/visual program at the school and helped students with lighting and sound on school musical theatre productions.

[14] He regularly took many of his male students on outings outside of school hours. Those outings included swimming at the SFU pool, water skiing, mainly in Deep Cove in North Vancouver, ski trips to the Okanagan, and camping at Shuswap Lake.

[15] Often, after swimming with the boys at the SFU pool, he would allow the students to sit in his lap and steer his car around the parkade at SFU. On some of the longer outings such as the ski trips or camping at Shuswap Lake, Mr. Moore allowed the boys to shoot a BB gun at road signs as he drove the boys to their destination. Mr. Moore would also allow the boys to lean out of the back of his car and drag a metal tin on the end of a string along the road causing sparks to fly.

[16] These additional features on these extracurricular or out of school outings proved to be fun for the boys. They were a highlight of the outings.

[17] The allegations that lie at the heart of this prosecution involve incidents the complainants say happened between them and Mr. Moore on some of these outings.

[18] The complainants are referred to in the Information by their initials and because of the publication ban in this filed decision, I will refer to the complainants by their initials save and except for Dennis Cooper. The complainants are:

- 1) Count 1: E.B. with the offence date range between September 6, 1976 and September 5, 1978 in North Vancouver and Penticton;
- 2) Count 2: B.W. with the offence date range between November 1, 1977 and April 30, 1978 in Penticton;
- 3) Count 3: D.C. with the offence date range between November 1, 1977 and April 30, 1979 in Vernon;
- 4) Count 4: Dennis Cooper with the offence date range between September 6, 1977 and September 4, 1979 in North Vancouver, Penticton, Vernon, Kelowna, and Shuswap;
- 5) Count 5: I.C. with the offence date range between June 30, 1978 and September 4, 1979 in North Vancouver and Shuswap;
- 6) Count 6: M.P. with the offence date range between September 4, 1979 and September 2, 1980 in Shuswap;
- 7) Count 7: T.C. with the offence date range between September 4, 1979 and September 2, 1980 in North Vancouver;
- 8) Count 8: M.S. with the offence date range between September 1, 1981 and February 28, 1982 in North Vancouver;

- 9) Count 9: C.B. with the offence date range between November 1, 1980 and April 30, 1981 in Penticton;
- 10) Count 10: R.H. with the offence date range between January 5, 1981 and June 30, 1981 in Kamloops;
- 11) Count 11: P.F. with the offence date range between September 1, 1981 and February 19, 1982 in North Vancouver and Burnaby;
- 12) Count 12: I.S. with the offence date range between September 2, 2005 and September 4, 2007; and
- 13) Count 13: I.S., who is the same complainant as in Count 12, and on December 11, 2024 the Crown directed a Stay of Proceedings on this Count.

### **THE ALLEGATIONS**

[19] A recurring theme in the evidence of nearly all of the complainants was that Mr. Moore insisted that the complainants be naked during certain activities. Nudity was alleged by many of the complainants to be a part of the following:

- 1) After swimming at the SFU pool, Mr. Moore insisted that the boys shower off while naked. Mr. Moore was also naked. Many of the complainants spoke of the boys playing games with a bar of soap in the public shower at the SFU pool while they were naked and Mr. Moore was naked while he watched the boys play;
- 2) While water skiing on Mr. Moore's boat, many of the complainants testified that Mr. Moore had the boys strip naked and then he helped the boys put on a wet suit after applying some talcum powder to make it easier to put on the wet suit;
- 3) Some of the complainants testified about the boys and Mr. Moore skinny dipping while camping at Shuswap Lake and one complainant told me about skinny dipping in the swimming pool at a motel where they were staying on a ski trip;

- 4) A few of the complainants testified that Mr. Moore would present himself to the boys naked with an erection and he spoke with the boys about masturbating and encouraged the boys to masturbate;
- 5) According to many of the complainants, Mr. Moore insisted on the boys sleeping naked in bed while camping or on ski trips; and
- 6) Many of the complainants allege that while on ski trips with Mr. Moore, he slept in the same bed with one of the boys and both Mr. Moore and the boy were naked.

[20] None of the foregoing evidence forms the basis for the charges against Mr. Moore, but I mention it because at an earlier point in this trial, I gave a ruling that some of the foregoing, along with other aspects of Mr. Moore's behaviour, amounted to admissible evidence over an objection by Mr. Moore that those details were inadmissible evidence of bad behaviour. I found those aspects of the evidence amounted to some evidence of grooming and ruled the evidence admissible.

[21] The allegations covered in the 13 Counts on the Information, generally involve allegations of Mr. Moore touching and masturbating the boys, on a few occasions having the boys touch Mr. Moore's genitals, and on two occasions the allegations involve fellatio and/or attempted fellatio.

## **THE EVIDENCE**

[22] Below is a summary of the evidence led by the Crown in this trial. The summary is lengthy. It includes references to the complainants' and witnesses' evidence in direct examination and during cross-examination. The summaries are in the order in which the complainants and witnesses testified. Later in this decision under the heading "Analysis" I address issues raised with respect to the credibility and reliability of the witnesses as argued by the Crown and Mr. Moore.

### **T.C.**

[23] T.C. is 56 years old. He grew up in North Vancouver. He works in the [omitted for publication] industry and has done so for the past 35 years.

[24] T.C. attended [omitted for publication] for Grades three through seven and Mr. Moore was his Grade six teacher.

[25] During his Grade six year, T.C. was invited by Mr. Moore to go water skiing in Deep Cove, snow skiing, and swimming at public swimming pools.

[26] When water skiing on Mr. Moore's boat, T.C. said that the students had to wear a wet suit and Mr. Moore put talcum powder into the wet suit to make it easier for the boys to put on the wet suit.

[27] T.C. testified that he felt lucky to be invited by Mr. Moore to go water skiing.

[28] According to T.C., on more than one occasion Mr. Moore encouraged the boys to place their genitals on the windshield of the boat. Mr. Moore was driving the boat on the other side of the windshield. T.C. felt that the boys pressing their genitals on the windshield was some kind of a game.

[29] T.C. pressed his genitals on the windshield and the other boys on the boat were laughing.

[30] On one occasion while water skiing, Mr. Moore took the boys cliff jumping. The boys were naked while cliff jumping.

[31] T.C., along with other boys from [omitted for publication], were invited by Mr. Moore to go swimming at the pool at SFU. The boys jumped off of a tall diving platform, and after swimming they went to the shower, took off their swim suits and they were all naked. Mr. Moore was also naked in the public showers.

[32] After swimming, Mr. Moore allowed the boys to drive his Barracuda sports car around the car parkade at SFU while sitting on Mr. Moore's lap. The boys would steer the car and Mr. Moore would control the pedals.

[33] Mr. Moore asked T.C. and other boys if they wanted to go on a ski trip to Apex Mountain near Penticton, B.C. T.C., D.E., and C.R. went on the ski trip with Mr. Moore.

[34] While driving to Penticton, Mr. Moore gave the boys a pellet gun and the boys shot at road signs along the highway.

[35] In Penticton, the three boys and Mr. Moore stayed in the same motel room.

[36] While there, according to T.C., Mr. Moore told the boys that he got them a six-pack of beer, a Playboy magazine, and some snacks.

[37] T.C. believes the motel in Penticton was the Hansel and Gretel Motel, and he said that Mr. Moore and the boys on the ski trip went skinny dipping in the motel pool.

[38] While the boys were playing a game of hide and seek, a closet door fell down on D.E.'s genitals making D.E. scream. D.E. laid on a bed and Mr. Moore said he would take care of D.E.'s injury and started to rub cream on D.E.'s genitals. According to T.C., it seemed to him the rubbing of cream on D.E.'s genitals took too long.

[39] At night time, T.C. slept in a sleeping bag on a bed next to Mr. Moore. T.C. believes he was wearing shorts. T.C. said that Mr. Moore reached into T.C.'s sleeping bag and grabbed T.C.'s genitals. T.C. was not aroused. T.C. pushed Mr. Moore away. T.C. did not like the touching and he felt awkward, embarrassed, and ashamed. He said that the ski trip to Apex Mountain with Mr. Moore was his last trip with Mr. Moore.

[40] Under cross-examination, T.C. described the touching by Mr. Moore in greater detail. T.C. said that Mr. Moore placed his hand around T.C.'s penis and massaged his penis between Mr. Moore's fingers. T.C. said he pushed Mr. Moore away and that the touching lasted 15 or 20 seconds. Mr. Moore stopped touching T.C. and that was the end of the touching.

[41] The next night, T.C. slept beside Mr. Moore on the bed, T.C. made sure that D.E. slept on the bed with Mr. Moore.

[42] T.C. said that he did not tell his parents about what happened with Mr. Moore in Penticton as he was ashamed and humiliated.



[43] T.C. remained in Mr. Moore's Grade six class after the ski trip to Apex Mountain. He testified that he just wanted the school year to end.

[44] Two years after the ski trip, T.C., C.R., D.E., and M.P. met at T.C.'s house and spoke with T.C.'s step-father, C.Z. According to T.C., the boys were comfortable speaking with C.Z.

[45] Shortly after the meeting, C.Z. went to [omitted for publication] and spoke with the principal, T.F., about what the boys had told C.Z. According to T.C., T.F. told C.Z. that Mr. Moore resigned on the spot when confronted by T.F. about what C.Z. had told him.

[46] Mr. Moore resigned from teaching at [omitted for publication] on February 19, 1982.

[47] On June 30, 1988, T.C. gave a statement to Constable Schwartz of the RCMP concerning what T.C. said Mr. Moore had done to him during the ski trip to Apex Mountain. T.C. gave his police statement about eight years after the incident.

[48] In his police statement, T.C. told the officer that the incident happened at the Shielings Motel in Penticton and not the Hansel and Gretel Motel.

[49] In that first police statement in June, 1988, T.C. did not tell Constable Schwartz about a second ski trip with Mr. Moore. It is not clear to me whether the ski trip to Apex as described above by T.C. happened before or after the other ski trip.

[50] T.C. gave a second police statement on October 5, 2022. In neither of his police statements did T.C. tell the police that he slept naked during the night on the ski trips with Mr. Moore. During his testimony at trial, T.C. said that the boys were expected to sleep naked during the nights with Mr. Moore.

[51] During cross-examination, T.C. was confronted about his October 5, 2022 statement to the police where he said the incident with Mr. Moore occurred at Mr. Moore's house, but in his 1988 police statement he said the beer, Playboy magazine, and the sexual touching occurred at the Hansel and Gretel Motel in Penticton. Almost

all of the other complainants speak about Mr. Moore touching them while in bed or in sleeping bags on these ski/camping trips.

[52] T.C. acknowledged that his 1988 police statement was not accurate. The combination of T.C.'s police statements and trial evidence include the location of the sexual touching to be either the Hansel and Gretel Motel, the Shielings Motel, or at Mr. Moore's home.

[53] T.C. was candid. He said that he was confused about where the touching happened but he is certain Mr. Moore touched him sexually. T.C. could not explain why he said the touching occurred at Mr. Moore's home other than to say that on most of the outings with Mr. Moore, he first went to Mr. Moore's home. The concern I have is that T.C. told the police in his 2022 statement that the sexual touching happened at Mr. Moore's home, and not in Penticton.

[54] T.C. testified that he has only spoken about the incident at the motel in Penticton with C.R. T.C. is not on Facebook with any of the other individuals involved in this case.

[55] T.C. has read some of the news coverage about these criminal charges and he is part of the Class Action law suit against Mr. Moore and the North Vancouver School District. He says that the Class Action law suit is not just about money, he feels strongly that the North Vancouver School District let him down.

### **C.R.**

[56] C.R. is 55 years old, born in 1968. He works as an [omitted for publication] for the [omitted for publication].

[57] He holds a post-graduate degree in Urban Planning.

[58] C.R. has lived in [omitted for publication] his whole life.

[59] He attended Kindergarten to Grade seven from 1973 to 1981 at [omitted for publication]. He was in Grade six in the [omitted for publication] school year. Mr. Moore was C.R.'s Grade six teacher.

[60] C.R. recalls Mr. Moore as an engaging and attentive teacher. Mr. Moore ran the audio-visual ("A/V") program at [omitted for publication] and a number of Grade six and Grade seven students were involved in Mr. Moore's A/V program.

[61] C.R. recalls a field trip with the A/V program on a ferry to help put on a production by students from [omitted for publication].

[62] C.R. testified that he went to Mr. Moore's home on occasion because Mr. Moore wanted some help putting resin and fibreglass on his boat.

[63] C.R. testified that at times he felt that Mr. Moore crowded C.R. and invaded C.R.'s personal space. C.R. did not realize at the time that this behaviour by Mr. Moore was a problem.

[64] C.R. went on a ski trip to Apex Mountain with Mr. Moore and other Grade six boys. Mr. Moore came to C.R.'s home to speak with C.R.'s mother to provide details about the proposed ski trip.

[65] C.R. believes the ski trip occurred somewhere between January and March 1980. He could not recall the other students on that ski trip, but he thought they could have been M.P., D.E., and T.C.

[66] C.R. said that the group stayed at an odd motel and that the boys went skinny dipping in the motel pool which C.R. thought was weird and he is not sure why they were skinny dipping.

[67] In the motel room, the boys slept in sleeping bags.

[68] C.R. went swimming at the SFU pool with Mr. Moore and a few other boys.

[69] C.R. went water skiing with Mr. Moore and some other boys. While on the boat, Mr. Moore expected the boys to take off their bathing suits when putting on the wet suit. Mr. Moore put talcum powder in the wet suit and possibly on the boys' bodies. C.R. said that Mr. Moore definitely touched C.R.'s genitals while helping him put on the wet

suit. According to C.R., the boys would remain naked on the boat after they finished their turn water skiing or they possibly had a towel around them.

[70] C.R. said that Mr. Moore touched his genitals while helping C.R. put on the wet suit but the touching was natural or incidental touching although it made C.R. feel uncomfortable. Mr. Moore touched C.R.'s genitals with his forearm or wrist.

[71] C.R. described Mr. Moore as having a distinctive car, a Barracuda and that the boys would lean out of the back of Mr. Moore's Barracuda and drag pop tins along the road as Mr. Moore was driving the car, causing sparks to come off the pop tins being dragged along the road.

[72] C.R. said that Mr. Moore would have the boys sit on his lap while he allowed them to steer the Barracuda.

[73] C.R. recalls the meeting at T.C.'s home with T.C.'s parents where the boys spoke with T.C.'s parents about Mr. Moore.

[74] C.R. did not want his parents to know about what was happening with Mr. Moore. C.R.'s parents learned about what had happened with Mr. Moore in 2022.

[75] After Grade six, C.R. continued to have contact with Mr. Moore because C.R. continued to participate with the A/V program. C.R. did not see Mr. Moore after Grade seven.

[76] fMountain with Mr. Moore, T.C., and D.E. The group stayed two nights in Penticton during this ski trip.

[77] On September 12, 2022, C.R. gave a statement to police. He said that two things seemed off during the ski trip to Penticton – swimming naked in the motel pool and Mr. Moore getting involved with the boys while they were wrestling in the motel room.

[78] C.R. said that the information he shared with the police in his police statement was his own personal experience with Mr. Moore.

[79] C.R. knows that much of the information concerning the police investigation into Mr. Moore was in the media in 2022. C.R. testified that he and T.C. did not talk with each other about their experiences with Mr. Moore.

[80] C.R. said that other than the police, Crown prosecutors, and lawyers at Hanson and Company he has not shared his experiences with Mr. Moore with anyone. C.R. is aware that Dennis Cooper has posted information about this case on social media and C.R. has seen none of those postings.

**P.F.**

[81] P.F. grew up in [omitted for publication] from 1974 to 1988. He works in [omitted for publication] having graduated from SFU in [omitted for publication].

[82] P.F. was in Grade six at [omitted for publication] in the [omitted for publication] school year and Mr. Moore was P.F.'s Grade six teacher.

[83] One of his classmates and friends was S.C., the brother of T.C.

[84] P.F. recalls that Mr. Moore had an area at the back of his classroom where some of the students would go to play with plasticine and markers. P.F. regularly frequented this back play area.

[85] Mr. Moore would check on the boys in the play area and often placed his hand on the boys' shoulders which P.F. thought felt awkward.

[86] Mr. Moore was known to take his students on fun trips outside of school hours. P.F. felt that once he was part of the group of boys who played in the play area of Mr. Moore's classroom, P.F. could go on these fun trips. According to P.F., Mr. Moore invited P.F. to join the group of boys who were allowed to spend time in the play area. There were no girls who played in the play area.

[87] At one point, P.F. said that Mr. Moore invited him to go swimming after school at the SFU pool and the UBC pool.

[88] P.F. went on these after school swimming trips to the SFU pool and the UBC pool on more than one occasion. He said the swimming trips to the SFU pool were fun with the boys jumping off the high diving board at the pool.

[89] After swimming at the SFU pool, the boys would go to the showers, turn on the hot water and they played soap hockey. The shower area became quite steamy with the hot water running.

[90] P.F. said that while the boys were playing soap hockey, Mr. Moore would push the boys on their backs. P.F. felt that there was something wrong with Mr. Moore touching the boys. He felt it was strange.

[91] Also, P.F. says he had never been naked around his friends before or with a teacher before. According to P.F., Mr. Moore was also naked with the boys in the shower and P.F. had never seen a teacher naked before.

[92] While playing soap hockey in the steamy SFU showers, P.F. says that Mr. Moore would push him and grope him, touching P.F.'s groin, and trying to grab P.F.'s buttocks. P.F. would push Mr. Moore's hands away. Mr. Moore was touching P.F. in areas where P.F. did not want to be touched.

[93] P.F. also recalls seeing Mr. Moore massaging his penis in the SFU shower.

[94] P.F. says that Mr. Moore touching him in the shower and seeing Mr. Moore touching his own penis happened on more than one occasion.

[95] P.F. also says that while Mr. Moore let P.F. sit on his lap to steer Mr. Moore's car in the SFU parking lot after swimming, Mr. Moore would grope P.F.'s genitals. P.F. said that this touching in Mr. Moore's car felt awkward and he pushed Mr. Moore's hand away.

[96] P.F. stopped going on the swim trips to the SFU pool.

[97] P.F. says that his friend, S.C., went on a trip with Mr. Moore and when S.C. returned from the trip he wanted to talk to P.F., but there is no evidence the two boys

spoke about S.C.'s trip with Mr. Moore or what P.F. says happened to him in the SFU showers and in Mr. Moore's car.

[98] P.F. says that he did not talk to any adults at the time he says the touching by Mr. Moore was happening. He recalls that S.C. and T.C.'s mother took S.C. into the principal's office at [omitted for publication] and then Mr. Moore was gone and no longer his teacher. A new teacher, [omitted for publication], took over teaching P.F.'s Grade six class.

[99] P.F. recalls that the swim trips to the SFU pool and the soap hockey in the showers after swimming happened on multiple occasions.

[100] After swimming and showering, P.F. says that Mr. Moore allowed the boys to sit in his lap and he let the boys steer his Barracuda sports car.

[101] On November 8, 2022, P.F. gave a police statement as part of the police investigation into Mr. Moore.

[102] In cross-examination, P.F. was shown his police statement in which he refers to playing soap hockey at the UBC pool. He does not mention the SFU pool in his police statement.

[103] P.F. testified that he thought he told the Crown that he went with Mr. Moore to the pools at both UBC and SFU and that the boys played soap hockey in the showers at both universities.

[104] P.F. says that he gave his statement to the police over the phone, that it was a poor phone connection and was crackling, and that at points in the transcript of his statement the audio was "indiscernible".

[105] P.F. acknowledges that in his police statement he did not mention that he saw Mr. Moore massaging his penis in the SFU pool shower.

[106] In cross-examination, P.F. said that during his police statement he wanted to tell the police the main things that happened to him (being touched awkwardly by

Mr. Moore) and that seeing Mr. Moore massaging his penis, in the shower did not seem like a big issue for P.F.

[107] P.F. acknowledges that he is part of the Class Action law suit against the North Vancouver School District. The purpose of the Class Action law suit is to get money from the School District.

[108] P.F. says that he has spoken with his partner and his lawyer about his experiences with Mr. Moore in Grade six, but he has not spoken with any of the other complainants in this case about what he says happened to him at the hands of Mr. Moore.

**C.Z.**

[109] C.Z. is 81 years old. He has lived in British Columbia since he was 29 years old.

[110] He was married to Mrs. C., and he and Mrs. C. are the parents of T.C. and S.C.

[111] C.Z. recalls a meeting that T.C. asked for because T.C. and some other classmates wanted to talk to C.Z. about something that happened at their school, [omitted for publication].

[112] C.Z. told T.C. that he would not do anything that the boys did not agree with.

[113] The meeting with the boys was held in the basement of their townhouse in [omitted for publication]. S.C. was not part of this meeting.

[114] C.Z. believes that T.C. was in Grade seven when they had the meeting.

[115] C.Z. recalls that the boys told him about situations with Mr. Moore that involved nudity and that the boys went along with it so that they would get invited to go on more outings after school with Mr. Moore. C.Z. says that the boys only talked about nudity and did not mention being touched by Mr. Moore.



[116] C.Z. says that he told the boys that these situations involving Mr. Moore, a person with authority over the boys, was absolutely wrong and that the boys did nothing wrong.

[117] C.Z. recalls that the boys were emphatic that Mr. Moore should no longer be a teacher.

[118] The boys told C.Z. that they did not want their parents to know what happened to them.

[119] C.Z. testified that he spoke with his wife, Mrs. C. and told her that he was planning on going to speak with the [omitted for publication], T.F., the next morning.

[120] The following day, C.Z. went to [omitted for publication] and met with T.F. He told T.F. that the boys had told him that there was nudity happening on outings with Mr. Moore. T.F. told C.Z. that he would confront Mr. Moore. C.Z. was not sure if S.C. was at the school that day.

[121] C.Z. testified that he returned to [omitted for publication] the following day and learned from T.F. that Mr. Moore resigned when confronted about the boys' allegations.

[122] C.Z. says that he did not speak to the parents of the other boys or any parents regarding Mr. Moore.

### **T.F.**

[123] T.F. is 93 years old and is a [omitted for publication]. He was the [omitted for publication] at [omitted for publication] from [omitted for publication].

[124] T.F. described Mr. Moore as a popular teacher and that many parents asked for their children to be in Mr. Moore's class.

[125] T.F. says that one morning two parents came to the school to speak with him. He was not expecting the parents at the school that day.

[126] T.F. testified that the parents told him that their son had an uncomfortable experience with Mr. Moore and that Mr. Moore had behaved in an inappropriate manner with their child.

[127] T.F. told the parents that he would call Mr. Moore in to his office to speak with him. T.F. says that the parents left before Mr. Moore arrived at the office to speak with T.F. T.F. was not able to gather any details about what the child had said to his parents.

[128] T.F. called the School District and [omitted for publication], D.M. arrived at [omitted for publication] for the meeting with Mr. Moore.

[129] T.F. described the meeting with Mr. Moore and [omitted for publication], D.M., in which they told Mr. Moore what they knew of the student's complaint. Mr. Moore told T.F. and [omitted for publication], D.M., that they should have good lawyers and T.F. told Mr. Moore that if he was guilty of the allegations Mr. Moore would be gone from [omitted for publication].

[130] Mr. Moore then packed up his belongings, left the school, and provided a resignation letter the same day. T.F. says this meeting occurred in February, 1982. T.F. did not contact the police about the student's allegation. He said that was the responsibility of the School District.

[131] Mr. Moore's school records were tendered into evidence as Exhibit 3 in this trial and Mr. Moore's letter of resignation is dated February 18, 1982, effective on February 19, 1982.

[132] T.F. has given two statements to the police. He says that while this meeting with Mr. Moore happened 42 years ago, the passage of time has not affected his memory of the reason for meeting with Mr. Moore.

### **R.H.**

[133] R.H. is 55 years old and lives on the [omitted for publication]. He is married with children.

[134] R.H. holds a degree from SFU in computer science and he works in the [omitted for publication].

[135] R.H. attended [omitted for publication] for Grades three through seven. Mr. Moore was R.H.'s Grade six teacher.

[136] R.H. recalls C.R., but he cannot recall the names of any of his other Grade six classmates.

[137] R.H. worked on a science fair with Mr. Moore and some other students.

[138] R.H. was also active in [omitted for publication]'s audio/visual productions running the audio and lighting for school productions in Grades six and seven. Mr. Moore supervised the productions.

[139] R.H. recalls travelling to Kamloops in Grade seven for an [omitted for publication] musical production of Jesus Christ Superstar. R.H. was working the main lighting panel for the production.

[140] R.H. went to Mr. Moore's home on a number of occasions where they worked in Mr. Moore's workshop behind the garage at Mr. Moore's home.

[141] R.H. says he went water skiing on Mr. Moore's boat after school on more than one occasion. They launched the boat from Cates Park in North Vancouver.

[142] R.H. remembers bringing his swim shorts and he put the wetsuit on over top of his shorts.

[143] R.H. went swimming with Mr. Moore at the SFU pool. R.H. believes that Mr. Moore's wife worked at [omitted for publication].

[144] R.H. has very general memories of swimming at SFU. After swimming, the boys would go into the showers and the other boys would remove their bathing suits. R.H. felt some pressure to remove his bathing suit which he did. Mr. Moore had removed his bathing suit in the SFU showers.

[145] The boys would kick around a bar of soap playing in the showers.

[146] After swimming, Mr. Moore offered the boys the chance to drive Mr. Moore's car. The boys would sit in Mr. Moore's lap to steer the car.

[147] R.H. recalls a trip to Kamloops with the girls' choir. He recalls he went on this trip with Mr. Moore and two other children, C.R. and a classmate named R.C.

[148] R.H. recalls that the boys fired Mr. Moore's BB gun at road signs while driving to Kamloops.

[149] The [omitted for publication] girls' choir were performing "Let It Be" and R.H. was operating the lights for the production.

[150] R.H., Mr. Moore, and the two other boys all stayed in the same motel room in Kamloops.

[151] R.H. was in Grade six for the [omitted for publication] school year and he was in Grade seven for the [omitted for publication] school year. He graduated from [omitted for publication] in [omitted for publication].

[152] R.H. recalls that C.R. and R.C. shared one bed in the motel room near the window and he and Mr. Moore shared the other bed together.

[153] On the first night in the motel, R.H. recalls Mr. Moore telling the boys that they all should sleep naked in the beds. R.H. says that he and the boys did not take off their clothes. One of the boys discovered a six pack of beer in the bathroom and Mr. Moore said the boys could not drink the beer unless they took off their clothes.

[154] All of the boys eventually took off their clothes and R.H. recalls having a sip of beer.

[155] Once in bed with Mr. Moore, R.H. recalls feeling Mr. Moore's hand on his hip pulling R.H. over to Mr. Moore's side of the bed.

[156] Mr. Moore then touched R.H.'s penis by wrapping his hand around his penis. Mr. Moore said to R.H., "Is that the hardest you can make it?" R.H. said "Yes".

[157] R.H. says that Mr. Moore then guided R.H.'s right hand to touch Mr. Moore's penis. R.H. touched Mr. Moore's penis and then he withdrew his hand and curled up in bed as far away from Mr. Moore as he could. R.H. says he felt revulsion, surprise, and shock at this touching by Mr. Moore.

[158] R.H. eventually fell asleep and he does not recall what happened the next day. R.H. cannot recall any other details of the trip.

[159] R.H. says that he did not speak to Mr. Moore and Mr. Moore did not speak to him about the penis touching.

[160] R.H. recalls R.C. saying as they got onto the bus to travel home "You got touched by Mr. Moore".

[161] R.H. says that he did not tell any adults what had happened on the Kamloops trip with Mr. Moore. R.H. testified that he had quite a bit of fear and shame over this touching incident with Mr. Moore and he buried those feelings.

[162] During cross-examination, R.H. stated that C.R. was in his Grade six class. He also said that Mr. Moore had a photo development lab in a storage room where the boys would spend time over lunch breaks.

[163] R.H. gave his police statement related to this investigation on August 17, 2022.

[164] Further during his cross-examination, R.H. confirmed that in the shower at SFU the boys were kicking the bar of soap and he did not recall the boys being on their hands and knees. He said he went on only the one overnight trip with the stage crew to Kamloops and he does not recall going on a school trip with the stage crew to Vancouver Island.

[165] R.H. confirmed that the touching incident involving Mr. Moore in Kamloops happened when he was in Grade seven and that he remembers parts of that trip but not everything.

[166] R.H. says that R.C. yelled out on the bus that R.H. was touched by Mr. Moore and R.H. does not know how he would know that happened.

[167] R.H. learned about the police investigation into this case through a CBC news story.

[168] R.H. also says that he contacted Dennis Cooper via LinkedIn to tell Dennis Cooper that R.H. thought he might be a victim of Mr. Moore. The LinkedIn chat with Dennis Cooper happened prior to R.H. giving his police statement. In the LinkedIn chat with Dennis Cooper, R.H. says that Dennis Cooper shared with R.H. what Dennis Cooper says happened to Dennis Cooper with Mr. Moore, but R.H. was not asked about any details shared by Dennis Cooper.

[169] R.H. gave a police statement and after that police statement he had a phone conversation with Dennis Cooper during which Dennis Cooper shared with R.H. what Dennis Cooper says happened to Dennis Cooper involving Mr. Moore.

[170] R.H. did not testify as to what information was shared by Dennis Cooper and R.H. says he did not tell Dennis Cooper what R.H. says happened to him on the Kamloops road trip between R.H. and Mr. Moore.

**W.B.**

[171] W.B. is 54 years old, lives in [omitted for publication], and is a [omitted for publication]. He is married with children.

[172] W.B. grew up in [omitted for publication] and attended [omitted for publication] for Grades one through seven.

[173] W.B. worked on the stage crew at [omitted for publication] with Mr. Moore. Mr. Moore was not one of W.B.'s teachers.

[174] W.B. was in Grade seven when he worked on the stage crew helping with musicals and events and he operated the sound and lighting for the productions. Among the productions W.B. worked on at [omitted for publication] were “Hey Jude” and “Jesus Christ Superstar”. W.B. went on a trip to Kamloops to help with the musical production of “Hey Jude”.

[175] In Kamloops, Mr. Moore and a number of students stayed in the same motel room. He recalls there was one or maybe two beds in the room. The beds vibrated.

[176] In the motel room, Mr. Moore wanted the boys to take off their pyjamas. W.B. hid his pyjamas under his pillow. Mr. Moore told the boys that if they took off their pyjamas they could drink beer.

[177] W.B. cannot recall if he slept that night in a bed or on the floor.

[178] W.B. also recalls going with Mr. Moore to swim at the SFU pool. He believes he went swimming at SFU at least three times. After swimming, Mr. Moore allowed the boys to sit on his lap and steer his car. W.B. does not recall using the showers at the SFU pool.

[179] W.B. described the driving as fun and exciting.

[180] W.B. went to Mr. Moore’s home on a number of occasions where they made lights in Mr. Moore’s garage. W.B. met Mr. Moore’s wife at the home.

[181] When asked about some of the other complainants in this case W.B. said that he does not recall the names of C.R., R.H., or M.S.

[182] In cross-examination, W.B. said that a classmate of his, P.H., reached out to W.B. about the investigation into Mr. Moore. W.B. testified that he did not tell P.H. anything about this case.

**C.B.**

[183] C.B. is 54 years old and works for [omitted for publication]. He holds many certifications and has many years of experience. He is married with two children.

[184] C.B. grew up in [omitted for publication] and attended [omitted for publication] from Kindergarten to Grade seven. Mr. Moore was C.B.'s Grade six teacher during the [omitted for publication] school year. Mr. Moore was a very popular teacher and many students at [omitted for publication] wanted to be in Mr. Moore's class.

[185] C.B. recalls going with Mr. Moore and other students to swim at the Canada Games pool in Burnaby. He also went water skiing with Mr. Moore on weekends.

[186] C.B. says that Mr. Moore would invite students to go swimming after school and that C.B.'s parents were aware when he went swimming with Mr. Moore and the other students.

[187] C.B. recalls there was a high diving board at the pool and that after swimming they would go into the showers with and without their bathing suits on. C.B. retains a memory of Mr. Moore bringing "Apple Valley" shampoo to the shower.

[188] While swimming, the boys would jump off the diving boards while Mr. Moore swam laps in the pool on his own.

[189] C.B. recalls going water skiing on Mr. Moore's boat. They launched the boat from Cates Park in North Vancouver.

[190] When they were water skiing, Mr. Moore said that it was important that the boys wear a wet suit and that the boys were naked under the wet suit. C.B. cannot be one hundred percent sure that he was naked while wearing the wet suit.

[191] C.B. does not recall going to Mr. Moore's house and he believes he met Mr. Moore at Cates Park.



[192] C.B. said that it felt good to be treated to the special event of water skiing on Mr. Moore's boat.

[193] C.B. recalls going on a ski trip with Mr. Moore to Apex Mountain in Penticton. Accompanying C.B. on this ski trip were S.B. and R.C. C.B. says that his parents were aware he was going on the ski trip with Mr. Moore.

[194] The group travelled to Penticton via Highway three in Mr. Moore's car. They stayed in a motel in Penticton near the ski hill.

[195] C.B. recalls there were two rooms in their motel room and that the group stayed for two nights. C.B. clearly recalls that for one of the nights he slept in a bed with Mr. Moore and for the other night a different boy slept in the bed with Mr. Moore.

[196] During the night C.B. slept in bed with Mr. Moore, he recalls Mr. Moore reaching over and touching C.B. on pressure points. C.B. froze and Mr. Moore took C.B.'s penis between his thumb and forefinger. C.B. was terrified.

[197] C.B. flipped onto his stomach. He was afraid to run to a different room. C.B. felt Mr. Moore touch C.B.'s buttocks but did not touch C.B.'s anus.

[198] C.B. does not recall other boys in the same room with him and Mr. Moore. C.B. was awake most of the night.

[199] C.B. said that Mr. Moore's motions or touching were not violent, rather the touching was calm, gentle, and playful. There was no physical or emotional violence but C.B. was in "absolute terror".

[200] C.B. said there was no conversation between him and Mr. Moore about this touching incident, the bathroom lights were left on, and he believes he was wearing his underwear in bed.

[201] C.B. is absolutely certain that Mr. Moore touched him in bed with one hand. While lying in the bed with Mr. Moore, C.B. was thinking about how he could get home and was hoping Mr. Moore would stop.

[202] C.B. says that he told his parents what had happened when he got back from the ski trip and his father was very angry. He recalls that his father went to the school a day or two later but C.B. remained in Mr. Moore's class.

[203] C.B. recalls that at some point Mr. Moore was no longer teaching.

[204] C.B. gave two police statements, one on December 12, 2022 and the second on December 28, 2022.

[205] On December 2, 2022, C.B. became aware of a tip line the police set up as part of their investigation into Mr. Moore. C.B. called the tip line on December 2, 2022.

[206] C.B. says that while driving to Penticton for the Apex Mountain ski trip, Mr. Moore allowed C.B. to drive the car. He says the driving conditions were slippery with snow banks on both sides of the highway.

[207] Since becoming aware of the police investigation into Mr. Moore, C.B. has not spoken with any other students and he is not involved in chat groups or Facebook groups.

[208] C.B. was asked if he was certain whether or not he was wearing underwear while in bed with Mr. Moore. He is not certain.

[209] In his police statement, C.B. said that "At this point I am in bed naked". Regardless whether he was naked in bed or wearing his underwear, C.B. said that it was easy for Mr. Moore to have his hands on C.B.

[210] During cross-examination, C.B. was confronted with the fact that in his police statements he never mentioned Mr. Moore touching C.B. around his buttocks. Also during cross-examination, C.B. confirmed that when he got home he told his parents everything that happened with Mr. Moore on the ski trip.

[211] C.B.'s father went to [omitted for publication] after C.B. told his parents what had happened and C.B.'s father told C.B. he would not have to see Mr. Moore again.

[212] C.B. has had no communication with Dennis Cooper and he is not part of the Class Action law suit.

**M.W.S.**

[213] M.W.S. is 54 years old and is married with two adult children.

[214] He attended [omitted for publication]. He has worked as a [omitted for publication].

[215] M.W.S. grew up in [omitted for publication] and attended [omitted for publication] from Kindergarten to Grade seven. Mr. Moore was his Grade six teacher during the [omitted for publication] school year.

[216] M.W.S. recalls Mr. Moore had an audio/visual room in his classroom. M.W.S. was interested in audio/visual projects and working back stage on school productions.

[217] M.W.S. went on outings with Mr. Moore outside of school including hiking up Hollyburn Mountain with other students and parents, and he recalls going to outdoor school for five days in Squamish.

[218] M.W.S. went swimming with Mr. Moore and other children at the SFU pool on more than one occasion. He recalls going swimming to the SFU pool with a class mate. M.W.S. believes he went swimming at SFU four or five times. Mr. Moore's wife worked at SFU.

[219] At the time, M.W.S. described the SFU pool as having high diving platforms and the boys jumping off those platforms.

[220] After swimming, M.W.S. recalls the boys having bathing suit fights by taking off their bathing suits and throwing them at each other in the shower.

[221] M.W.S. was shy but he took off his bathing suit and stayed in a corner of the shower. M.W.S. felt very uncomfortable but he also thought this was normal behaviour because all the other boys were naked, as was Mr. Moore.

[222] After showering and changing, the boys and Mr. Moore left the pool area and went back to Mr. Moore's car where the boys were able to drive the car by steering it in the parking lot.

[223] M.W.S. says that the trips to SFU were fun and that Mr. Moore was like "one of the guys".

[224] On one occasion, M.W.S. says that Mr. Moore asked him if he wanted to make waterproof matches. M.W.S. wanted to do so and asked for his father's permission. M.W.S.'s father seemed uncomfortable with the plan to make waterproof matches at Mr. Moore's home, but M.W.S. was permitted to go to Mr. Moore's home.

[225] M.W.S. arrived at Mr. Moore's home. It was dark outside. Mr. Moore let M.W.S. into his home and M.W.S. met Mr. Moore's wife.

[226] M.W.S. and Mr. Moore melted some wax, placed matches into the wax and then let the wax dry on the matches. They then placed the waxed matches into a film container bottle.

[227] The plan was for Mr. Moore to drive M.W.S. home after making the matches. M.W.S. got into Mr. Moore's car in the passenger seat. While driving, Mr. Moore was masturbating and playing with his penis.

[228] M.W.S. looked out of the window. He was shocked. Mr. Moore did not take M.W.S. home. Mr. Moore undid M.W.S.'s rugby pants and drove M.W.S. into Lynn Canyon down a gravel road.

[229] M.W.S. said that Mr. Moore told him that it was normal to masturbate and that it was okay to do it.

[230] M.W.S. says he removed his penis from his pants but his masturbation did not work. M.W.S. did not know what masturbation was at the time and he just wanted out of Mr. Moore's car.

[231] Mr. Moore then touched M.W.S.'s penis with his hand using one or more fingers and his fingers were moving on M.W.S.'s penis.

[232] M.W.S. did not get an erection and says the touching lasted for a few minutes.

[233] Mr. Moore stopped touching M.W.S. and told M.W.S. that what had happened was something they did not need to tell anyone about, and then Mr. Moore drove M.W.S. home.

[234] When he got home, M.W.S. did not want to tell his parents what had happened as he felt that would not go well. He was afraid that if other students at school learned of what had happened, M.W.S. would have been bullied at school.

[235] During cross-examination, M.W.S. testified that he gave his police statement on March 10, 2023.

[236] M.W.S. cannot recall the boys playing soap hockey.

[237] M.W.S. does not know Dennis Cooper and has never talked to him. He believes that Dennis Cooper was in Grade six earlier than him. M.W.S. is not a member of any Facebook group.

[238] M.W.S. says that he and Mr. Moore made the waterproof matches in Mr. Moore's kitchen.

[239] M.W.S. did not speak with the police until he was encouraged to do so by Jim Hanson, a lawyer involved in the Class Action law suit. M.S. retained Jim Hanson to represent him in the Class Action on December 14, 2022.

**D.W.**

[240] D.W. is 56 years old. He graduated from high school in [omitted for publication] and he currently works for [omitted for publication].

[241] D.W. is married with two children and he lives in [omitted for publication]. D.W. grew up in [omitted for publication] and attended [omitted for publication] for Grades three to seven. Mr. Moore was D.W.'s Grade six teacher.

[242] D.E. and M.P. were friends of D.W.

[243] D.W. recalls that Mr. Moore would take students to the pool at SFU and he would let the students steer his car after swimming at SFU. While at the SFU pool, the boys jumped off the high diving platform and they would take a shower after swimming. The boys were naked in the shower as was Mr. Moore.

[244] The boys played a game in the shower with a bar of soap, tossing the bar to each other and if anyone dropped the soap, that person would be assigned a letter spelling the word "donkey". Once one person had accumulated all the letters spelling "donkey" that person was eliminated from the game. Mr. Moore would often buy the winner of "donkey" a milkshake at McDonalds on the way home.

[245] D.W. also recalls Mr. Moore taking students water skiing after school. The boys would go to Mr. Moore's home to get the motor boat and water skis and launch the boat at Cates Park in North Vancouver.

[246] D.W. recalls D.E. and M.P. water skiing with him. D.W. recalls that Mr. Moore's motorboat was an older white boat.

[247] D.W. says that generally the boys were naked on the boat. He also recalls that it was difficult to get in and out of the wet suit for water skiing so Mr. Moore would sprinkle the boys with baby powder to make it easier to wear the wet suit.

[248] D.W. recalls Mr. Moore driving him home on many occasions. He guessed Mr. Moore drove him home 10 or 20 times.

[249] D.W. says that he went on a camping trip to Shuswap Lake with Mr. Moore, D.E., and M.P. According to D.W., Mr. Moore supplied all of the camping gear for the trip to Shuswap Lake. The group water skied all day, and played cards.

[250] The sleeping arrangements while camping, according to D.W., were that all four slept in the same tent, in sleeping bags supplied by Mr. Moore. They all slept naked and played cards while naked.

[251] D.W. recalls two camping trips to Shuswap Lake. On the second camping trip D.W. slept beside Mr. Moore. D.W. was naked in his sleeping bag. Once the lights were out, D.W. says that Mr. Moore reached into his sleeping bag and grabbed D.W.'s penis and masturbated D.W., telling him to think of girls in the classroom to get D.W. aroused.

[252] D.W. got out of the tent to urinate behind the tent. When D.W. got back into his sleeping bag he lay on his stomach, but Mr. Moore turned D.W. over and continued to masturbate D.W. until he ejaculated. According to D.W., Mr. Moore moved D.W.'s hand so that D.W. felt his ejaculate.

[253] D.W. spoke with D.E. about this experience with Mr. Moore while the boys were still camping.

[254] D.W. says that he slept in the same sleeping arrangement beside Mr. Moore every night during the camping trip and he says that Mr. Moore masturbated D.W. each night. D.W. did not speak to Mr. Moore about him touching D.W.'s penis in his sleeping bag.

[255] D.W. did not speak with anyone about his experience with Mr. Moore during the camping trip other than D.E. while still camping, and he spoke to his wife about the camping experience three weeks before he testified in this trial.

[256] D.W. last spoke with D.E. in Grade nine, and he last spoke with M.P. in Grade 12.

[257] During cross-examination, D.W. was asked about being contacted by Constable Schwartz in 1988 concerning these allegations about Mr. Moore. D.W. has no recollection of any contact with Constable Schwartz.

[258] D.W. said that he never saw Mr. Moore sexually touch M.P. D.W. does not know Dennis Cooper.

[259] On August 31, 2022, D.W. was contacted by Constable Moon in relation to this investigation into Mr. Moore.

[260] D.W. testified that in giving his evidence at trial he was relying purely on his memory, he said that prior to his first day of testimony he had never spoken about his allegations of sexual interactions with Mr. Moore. D.W. also testified that he was testifying at this trial because he was compelled to attend the trial having been served with a subpoena. He said that if he had a choice he would not have testified at the trial.

**M.R.**

[261] M.R. is 57 years old and he works as an [omitted for publication].

[262] M.R. grew up in [omitted for publication]. He attended [omitted for publication] for Grades one to seven and Mr. Moore was M.R.'s Grade six teacher during the [omitted for publication] school year.

[263] M.R. described Mr. Moore as one of the best teachers he had while in school. He said that Mr. Moore knew how to explain things well and he had fun building small electric motors with Mr. Moore's instruction.

[264] M.R. testified about swimming with Mr. Moore and a few other students at the SFU pool and going water skiing. He recalls that Dennis Cooper and B.W. went swimming at SFU with M.R. and Mr. Moore.

[265] M.R. said that after swimming at SFU, Mr. Moore would allow the boys to steer his car having them sitting on his lap.

[266] M.R. said that when showering at the SFU pool after swimming, Mr. Moore insisted that the boys shower naked.



[267] M.R. said that he has known B.W. since the boys were four or five years old and that they are still friends. He recalls that Dennis Cooper started at [omitted for publication] in Grade five.

[268] After swimming, Mr. Moore would drop the boys off back at home.

[269] While they were water skiing, the boys were naked in the wetsuit and M.R. recalls Mr. Moore challenging the boys to water ski naked. The boys had baby powder on to help them get into the wetsuit.

[270] M.R. testified that he went on a trip to California with Mr. Moore and another student during the summer of [omitted for publication]. M.R. obtained permission from his parents to go on the trip to California which involved a camping experience at a place called Lake Britton where the boys and Mr. Moore water skied.

[271] While camping at Lake Britton, all three slept in the same tent. One night while camping, M.R. recalls Mr. Moore talking about erections. M.R. thinks he was 11 or 12 years old on that trip.

[272] According to M.R., Mr. Moore grabbed M.R.'s penis on the camping trip and folded M.R.'s penis. Mr. Moore also encouraged M.R. to touch M.R.'s own penis.

[273] The trip to California lasted less than two weeks.

[274] M.R. continued to spend time with Mr. Moore up to Grade nine or 10. M.R. worked at a business next to Mr. Moore's business on [omitted for publication].

[275] During cross-examination, M.R. said he could not recall the name of the other classmate who accompanied himself and Mr. Moore on the trip to California. M.R. described the trip to California as uneventful except for the sexual touching that happened prior to going to bed while camping.

[276] M.R. described Mr. Moore as one of his better teachers in both elementary school and high school.

[277] Also during cross-examination, M.R. said he thought he went to the SFU pool with Mr. Moore about 10 times. M.R. described Mr. Moore's motorboat as a small outboard motorboat.

[278] M.R. was questioned about the statement he gave to the police on July 5, 2022, during this investigation. In that statement, M.R. told the police that he had been contacted by Dennis Cooper about things that happened with Mr. Moore. He also said that Dennis Cooper mentioned a Class Action law suit to hold the School District accountable for not taking any action against Mr. Moore at the time.

[279] M.R. believes he was given Dennis Cooper's statement, but it is not clear if that was Dennis Cooper's police statement or some other statement. M.R. gave no details about what he read in the statement he was given.

[280] M.R. says that he has spoken with D.C., Dennis Cooper, and B.W. about this case. He is not a part of any chat groups and he does not know M.P.

**M.P.**

[281] M.P. is 56 years old and he is married with three children. He is a [omitted for publication]. He holds a [omitted for publication].

[282] M.P. grew up in [omitted for publication] and attended [omitted for publication] from Kindergarten to Grade seven.

[283] M.P. was in Mr. Moore's Grade six class for the [omitted for publication] school year. M.P. graduated from [omitted for publication] in June 1981.

[284] M.P. recalls engineering projects during his Grade six year with Mr. Moore where he made a light box. M.P. recalls activities with Mr. Moore and other students outside of school including swimming at SFU, going to Mr. Moore's home, and camping at Shuswap Lake.

[285] M.P. believes he went to Mr. Moore's home in Lynn Valley during his Grade six year a few times. He was invited to the home by Mr. Moore.

[286] M.P. recalls meeting Mr. Moore's wife a few times.

[287] M.P. went swimming at the SFU pool two or three times during the Grade six year, mostly in the winter. M.P. was invited to go swimming at the SFU pool by Mr. Moore.

[288] The boys would jump off the high diving tower and M.P. recalls Mr. Moore swimming lengths while the boys were swimming and jumping.

[289] After swimming all the boys would go to the pool showers and M.P. recalls all of the boys and Mr. Moore being naked in the shower. Mr. Moore encouraged the boys to be naked in the shower. After swimming, M.P. recalls Mr. Moore driving him home.

[290] M.P. recalls some of his classmates as D.E., D.W., and C.P.

[291] M.P. recalled a camping trip with Mr. Moore to Shuswap Lake towards the end of his Grade six school year or early in the summer after his Grade six year. Mr. Moore came to M.P.'s home to speak with M.P.'s parents about the proposed camping trip.

[292] M.P. recalls that he, D.E., and D.W. went camping with Mr. Moore at Shuswap Lake.

[293] M.P. says that Mr. Moore drove them all to Shuswap Lake towing Mr. Moore's boat which M.P. described as a small fibreglass boat.

[294] The group set up their camping site and all were sharing the same tent.

[295] There was plenty of water skiing while at Shuswap Lake and the boys swam from the north side to the south side of the lake.

[296] M.P. recalls that the camping trip lasted five or six days.

[297] In terms of the sleeping arrangements, M.P. recalls that Mr. Moore slept in a sleeping bag beside him. During the evening, M.P. recalls the conversation in the tent talking about girls and sex. M.P. says that on a number of occasions Mr. Moore touched him.

[298] M.P. recalls that he slept in his underwear while camping. He also recalls that while lying beside Mr. Moore, Mr. Moore reached into M.P.'s sleeping bag and touched his penis.

[299] M.P. says that Mr. Moore was stimulating M.P.'s penis and on one occasion Mr. Moore stimulated M.P. to ejaculation. M.P. recalls Mr. Moore's fingers were lengthwise on his penis.

[300] M.P. recalls Mr. Moore talking about puberty and ejaculation and that he was trying to be educational.

[301] M.P. says that on one occasion Mr. Moore put a condom on M.P. and stimulated M.P. to ejaculate into the condom. M.P. felt that the situation with Mr. Moore was educational, awkward and weird. M.P. also said that the event felt "normalized". He does not think that he spoke with D.W. or D.E. about Mr. Moore touching him.

[302] M.P. did not have any conversation with Mr. Moore about the touching. M.P. says that he has never talked to anyone about the sexual touching by Mr. Moore during the camping trip to Shuswap Lake.

[303] M.P. has a vague recollection speaking to someone at the North Vancouver School District and a conversation in 1988 with the police about the touching by Mr. Moore.

[304] In 1988, M.P. was 20 years old. He says that he has kept these events to himself. M.P. and a number of his friends from [omitted for publication] attended [omitted for publication] school in [omitted for publication].

[305] In 2022, M.P. was contacted by the police as part of the investigation into Mr. Moore.

[306] In cross-examination, M.P. stated that he took his post-doctoral training at [omitted for publication]. He lived in [omitted for publication] for 11 years. He moved back to the [omitted for publication] in 2006.

[307] When asked about being interviewed by the police in 1988, M.P. recognized that it was important for him to be thorough and honest in the police interview, but he has no knowledge of the 1988 police investigation. M.P. was contacted by Constable Moon in July, 2022, and gave a statement to Constable Moon on July 21, 2022.

[308] M.P. recalls that the camping trip to Shuswap Lake lasted four to six days.

[309] When taken to his statement to the police in July 2022, M.P. acknowledged that he did not mention to the police that Mr. Moore stimulated him to ejaculation during the Shuswap camping trip. M.P.'s police statement happened less than two years before M.P. testified at this trial.

[310] M.P. is aware of the Class Action law suit that has been filed against Mr. Moore and the North Vancouver School District. M.P. is not currently a part of that Class Action law suit.

[311] M.P. indicated towards the end of his cross-examination that he has not spoken with any of the other complainants in this case.

**B.W.**

[312] B.W. is 58 years old and grew up in [omitted for publication]. He currently lives in [omitted for publication] and runs a [omitted for publication]. He is married with one teenage son.

[313] B.W. attended [omitted for publication] from Grade one to Grade seven and Mr. Moore was his Grade six teacher. B.W. did not know Mr. Moore prior to Grade six.

[314] B.W. described Mr. Moore as a very good teacher who allowed his students a number of liberties.

[315] From his Grade six class photo, B.W. identified M.R., Dennis Cooper, and D.C. as among his classmates.

[316] B.W. described activities with classmates and Mr. Moore outside of school hours that included swimming at the SFU pool, ski trips to Apex Mountain and Big White, and camping and water skiing at Shuswap Lake.

[317] B.W. recalls swimming at the SFU pool on several occasions and he recalls his class mates, D.C., Dennis Cooper, and M.R. among those who also went swimming at SFU.

[318] After swimming, B.W. recalls Mr. Moore emphasizing the importance of cleaning off after swimming so the boys were all naked in the shower. The boys were having fun in the shower playing hockey with a bar of soap and snapping their towels at each other.

[319] Mr. Moore was watching the boys from the side of the shower and B.W. recalls that Mr. Moore was clothed in the shower.

[320] B.W. recalls being driven in Mr. Moore's Barracuda sports car and that the boys would reach out of the back of the car dangling pop tins along the road. B.W. says that was exciting for him.

[321] After swimming, Mr. Moore would drop B.W. off at the school and sometimes would drop him back at home.

[322] With reference to the ski trips with Mr. Moore, B.W. says that he first went on a ski trip with Mr. Moore to Apex Mountain where they stayed in a log cabin style motel in Penticton. Mr. Moore brought his BB gun on the trip that the boys used to shoot at targets. B.W. recalls three ski trips to Apex Mountain with Mr. Moore, D.C., and Dennis Cooper. B.W. said the ski trips were fun.

[323] The sleeping arrangements in the motel were that two of the boys slept in the living room and one boy slept in the bed with Mr. Moore. On the third trip to Apex Mountain B.W. recalls he was in the bed with Mr. Moore.

[324] B.W. also recalls that Dennis Cooper came running out of the bedroom one night saying that he was not going to sleep in the room with Mr. Moore and that there was weird stuff going on in the bedroom.

[325] Nonetheless, B.W. slept in the bed with Mr. Moore and they were sleeping naked. He recalls Mr. Moore starting to rub his leg and touching his penis.

[326] B.W. says that Mr. Moore was playing with B.W.'s penis trying to make him erect. B.W. left the bedroom to sleep with the other boys. He says he felt very weird, confused, and a bit betrayed/abused by Mr. Moore.

[327] B.W. cannot recall if he told the other boys about what he says happened with Mr. Moore. According to B.W., the next day everything was back to normal.

[328] B.W. says that he did not tell his family about what happened while at Apex Mountain with Mr. Moore. He said he felt scared.

[329] B.W. recalls one ski trip to Big White but he does not recall anything about that ski trip. Mr. Moore drove the boys to Big White.

[330] B.W. also recalls a ski trip to SilverStar Mountain with Mr. Moore but he has no memory of anything that happened on that ski trip.

[331] B.W. recalls one camping trip to Shuswap Lake with Mr. Moore, Dennis Cooper, and D.C. during the summer after Grade six. The group went to a remote camping site and had Mr. Moore's powerboat with them to go water skiing. They water skied from dawn until dusk and the boys took turns driving the boat.

[332] The camp setup included two tents with two boys in one tent and the other boy in a tent with Mr. Moore.

[333] The boys and Mr. Moore went skinny dipping in the lake. B.W. and Dennis Cooper got out of the lake and shone a flashlight towards Mr. Moore and the other boys which made Mr. Moore very angry.

[334] B.W. and D.C. were in one tent and Dennis Cooper and Mr. Moore slept in the other tent.

[335] At one point, Dennis Cooper came running into the boys' tent saying that weird stuff was happening in the tent with Mr. Moore. The boys did not talk about what that weird stuff was.

[336] All of the ski trips mentioned by B.W. happened during the Grade [omitted for publication] school year.

[337] B.W. gave a statement to the police on July 5, 2022. During cross-examination B.W. said that he has remained in contact with Dennis Cooper and M.R. and that they are friends.

[338] In 2022, Dennis Cooper called B.W. to tell him that he planned to step forward with his allegations of what he said happened with him and Mr. Moore. B.W. says that Dennis Cooper did not tell him of any other people that Dennis Cooper had spoken to about his allegations. Also, according to B.W., Dennis Cooper did not tell him about his allegations against Mr. Moore and B.W. did not tell Dennis Cooper about his allegations against Mr. Moore.

[339] B.W. says that he has not read any media stories about these allegations against Mr. Moore; however, he is aware of other individual's stories about what they say happened to them with Mr. Moore. He says that their stories are similar to B.W.'s allegations – that these other individuals were alone with Mr. Moore and he made advances against them.

[340] B.W. says that nobody has emailed their stories to him. He is a Facebook friend with M.R. but he is not part of any Facebook group.

[341] At a [omitted for publication], B.W. says that he discussed with Dennis Cooper some of these events although he did not give any evidence about any of the details he discussed with Dennis Cooper.



[342] When referred to his statement to the police, B.W. acknowledged that he wanted to let Dennis Cooper know that he was not the only person with alleged experiences with Mr. Moore and that B.W. was going to corroborate Dennis Cooper's story.

[343] During cross-examination, B.W. confirmed that he recalls Dennis Cooper told him that Mr. Moore tried to touch Dennis Cooper but that he stopped Mr. Moore.

[344] B.W. recalls there being two tents during the Shuswap camping trip because he recalls Dennis Cooper or D.C. running into B.W.'s tent that he was sharing with one of the other boys.

### **Dennis Cooper**

[345] Dennis Cooper is 58 years old and he started attending [omitted for publication] half way through Grade five.

[346] Dennis Cooper is married with two children and he has worked in technology sales for 25 years.

[347] Mr. Moore was Dennis Cooper's Grade 6 teacher. According to Dennis Cooper, Mr. Moore was a very popular teacher engaging students in science experiments.

[348] Mr. Moore engaged in activities with Dennis Cooper outside of school, as with many of the other witnesses in this case. Those activities included water skiing, snow skiing, camping trips, and swimming at the SFU pool.

[349] Dennis Cooper said he thought he went on as many as 20 trips with Mr. Moore to the SFU pool. Dennis Cooper enjoyed the swimming trips to the SFU pool where the boys would jump from the high diving platform.

[350] After swimming, the boys would shower naked with Mr. Moore in the public shower at the pool and they played with a bar of soap that they kicked around in the shower.

[351] After leaving the pool, Mr. Moore allowed the boys to drive his car in an empty parking lot where the boys would sit on Mr. Moore's lap and steer the car.

[352] Dennis Cooper went water skiing with Mr. Moore in Deep Cove. Mr. Moore would invite Dennis Cooper to go water skiing along with other boys in his Grade six class. Dennis Cooper says he went water skiing with Mr. Moore dozens of times. According to Dennis Cooper, Mr. Moore owned a 16 foot fibreglass boat.

[353] While water skiing, the boys were naked in the wet suit supplied by Mr. Moore.

[354] Dennis Cooper met Mr. Moore's wife at their home on a number of occasions.

[355] Mr. Moore took Dennis Cooper along with some other boys on ski trips to the Okanagan when Dennis Cooper was in Grade six and Grade seven.

[356] Mr. Moore would bring a BB gun with them for the drive to the Okanagan and the boys would shoot the BB gun at traffic signs as they drove through Manning Park.

[357] Dennis Cooper remembers that Mr. Moore would play music in the car and in particular the Fleetwood Mac album Rumours.

[358] On one ski trip to Apex Mountain, Dennis Cooper recalls staying at the Shieling's Motel which was a log cabin type of motel complex. Dennis Cooper says that the other boys on that ski trip were M.P., M.R. and B.W.

[359] Dennis Cooper testified that during the night at the Shielings Motel, Mr. Moore had lubricant jelly and demonstrated masturbation to the boys. Dennis Cooper recalls that the masturbation demonstration was more funny than serious although he says it was a bit shocking.

[360] Dennis Cooper says that all three boys participated by masturbating. He says that Mr. Moore told all of the boys to sleep naked and that Dennis Cooper never wore pyjamas to bed on the ski trips.

[361] Dennis Cooper says that he slept that night in bed with Mr. Moore. The two were lying parallel to each other and during the night Mr. Moore reached over and masturbated him. Dennis Cooper went further and said that Mr. Moore attempted oral sex with him, but he blocked Mr. Moore. Dennis Cooper was not sexually aroused and he says that Mr. Moore told him to think of something exciting.

[362] According to Dennis Cooper, Mr. Moore then placed Dennis Cooper's hand on Mr. Moore's penis and Mr. Moore then ejaculated on his own stomach.

[363] Dennis Cooper said he then fell asleep in bed with Mr. Moore.

[364] Dennis Cooper said he did not talk with his friends about what he says happened with Mr. Moore at the Shielings Motel. Dennis Cooper planned to keep quiet about those alleged events.

[365] Dennis Cooper says that he participated in the group masturbation with Mr. Moore along with his friend, B.W.

[366] Dennis Cooper testified about camping with his friends and Mr. Moore at Shuswap Lake. Dennis Cooper believes the camping trip happened during the summer between Grade six and Grade seven. He recalls that D.C. and E.B. were on that camping trip.

[367] Dennis Cooper recalls that they set up their camp with everyone in their own tent. One of the features of this Shuswap camping trip was that the boys and Mr. Moore went water skiing including water skiing at night.

[368] Dennis Cooper recalls that at one point he flashed a light at the lake and Mr. Moore was in the light.

[369] Mr. Moore became angry with Dennis Cooper and got out of the lake and struck Dennis Cooper on his head asking him if he was trying to have the group caught.

[370] During the night of this camping trip to Shuswap, Dennis Cooper testified that Mr. Moore got into his tent and climbed into Dennis Cooper's sleeping bag. Both were naked.

[371] Dennis Cooper alleges that during that night, Mr. Moore groped Dennis Cooper's genitals.

[372] A unique feature of the evidence in this case is that Dennis Cooper remained friends with Mr. Moore long after elementary school. In fact, according to Dennis Cooper, he and his family continued to socialize with Mr. Moore until the summer of 2022, when these allegations against Mr. Moore became widely known.

[373] Dennis Cooper described Mr. Moore as a surrogate father figure in his life in light of the fact that Dennis Cooper had a troubled relationship with his birth father.

[374] Dennis Cooper testified that his children were raised within this close relationship with Mr. Moore. He had monthly contact with Mr. Moore, and Dennis Cooper invited Mr. Moore to family gatherings with his family. Dennis Cooper testified that he regularly socialized with Mr. Moore at Mr. Moore's home both as a child and as an adult.

[375] In June 2022, Dennis Cooper received a text message from E.B., but rather than communicate via text message, Dennis Cooper replied that he and E.B. should meet and talk in person. Dennis Cooper and E.B. met for a beer at a pub in [omitted for publication] and discussed what they say happened to them with Mr. Moore and they identified other potential victims of Mr. Moore.

[376] At some point, Dennis Cooper tried to talk to Mr. Moore about what he says happened with Mr. Moore while Dennis Cooper was at [omitted for publication], and Mr. Moore responded saying that it would be a complicated conversation. At some point after he spoke with Mr. Moore, Dennis Cooper filed his Class Action law suit against Mr. Moore and the North Vancouver School District.

[377] Dennis Cooper has been, and is, a driving force behind this criminal case and the civil Class Action law suit. Most, if not all of the complainants and witnesses called by

the Crown, were asked about any information sharing among each other and in particular with Dennis Cooper.

[378] Dennis Cooper acknowledged that he gave statements to the media about the allegations against Mr. Moore. He also agreed that he was involved in a Facebook Page involving alumni from [omitted for publication].

[379] There can be no doubt that as of August 2022, this case involving Mr. Moore had a media presence and Dennis Cooper was featured in those media posts.

[380] According to Dennis Cooper, E.B. put Dennis Cooper in touch with Jim Hanson, a civil litigator, who commenced the Class Action law suit against Mr. Moore and the North Vancouver School District.

[381] Between Dennis Cooper and E.B., they tried to recall other young classmates who might have been harmed by Mr. Moore, and they gave the names of other potential victims to the police.

[382] At the end of his direct-examination, Dennis Cooper said, quite bluntly, that he maintains a vivid memory of his hand on Mr. Moore's penis while Mr. Moore ejaculated.

[383] During his cross-examination, Dennis Cooper was confronted with his police statements and any sharing of information he had with the other witnesses and complainants in this case.

[384] With respect to E.B., Dennis Cooper acknowledged that E.B. told him that without corroborating witnesses it would be difficult to prove that something happened in the privacy of a bedroom 40 years ago. While on its surface that statement may raise a concern about the possibility of collusion or fabrication, but that statement is also true. According to Dennis Cooper, E.B. made this comment to him between June 15 and June 18, 2022.

[385] Dennis Cooper confirmed during his cross-examination that he went on one camping trip with Mr. Moore to Shuswap Lake during the summer of 1978. He also recalls that with him on that camping trip were I.M., D.C., and Mr. Moore.

[386] I.M. did not testify at this trial.

[387] Dennis Cooper was shown a photograph of him skiing during a ski trip with Mr. Moore and E.B. Dennis Cooper did not recall where the photo was taken but he confirmed that he got the photograph from Mr. Moore.

[388] During cross-examination, Dennis Cooper was confronted with a number of emails he wrote to the RCMP which can fairly be described as urging the RCMP to move forward with their investigation and questioning why charges had not yet been laid against Mr. Moore.

[389] Within his correspondence to the police, Dennis Cooper gave a description of the inside of Mr. Moore's home and he identified locations where the police might find evidence, including the possibility of videos kept by Mr. Moore. No such evidence was presented during this trial.

[390] Also during his cross-examination, Dennis Cooper confirmed that he is the representative Plaintiff in the Class Action law suit against Mr. Moore and the North Vancouver School District. Dennis Cooper was shown the Notice of Claim in the Class Action law suit and he was questioned about some of the details contained in that Notice of Claim. To the extent that details about this case, as listed in the Class Action Notice of Claim, differ from Dennis Cooper's evidence, I find that the Notice of Claim was drafted by a lawyer (albeit on instructions from Dennis Cooper), the Notice of Claim is not evidence, and Dennis Cooper acknowledged that his evidence did not align in some respects with the allegations set out in the Class Action Notice of Claim.

[391] Dennis Cooper said during cross-examination that he did not circulate the Notice of Claim and he did not recall if he gave a copy of the Notice of Claim to any media outlets.

[392] Dennis Cooper agreed that other complainants in this case could have read or heard details about this case captured by the media coverage of the case. I will return to this issue later in this decision.

**M.C.**

[393] M.C. is 58 years old and he grew up in [omitted for publication] from the time he was in Grade [omitted for publication].

[394] He is a [omitted for publication]. He has a degree in Chemistry. He has three adult children and he lives in [omitted for publication].

[395] He attended [omitted for publication] and Mr. Moore was his Grade six teacher. He recalls some of his classmates being Dennis Cooper, M.R., and B.W.

[396] M.C. recalls fun activities in Mr. Moore's class and he was part of the stage crew for some school productions including Jesus Christ Superstar and Fiddler on the Roof. M.C. set up sound systems and lights for those productions.

[397] M.C. recalls going to the SFU pool with Mr. Moore. He says he went to the pool somewhere between six to ten times.

[398] M.C. recalls the high diving platform at the SFU pool which sticks out in his mind. He recalls that after swimming, the boys and Mr. Moore showered naked and the boys played the game "Donkey" with a bar of soap. After swimming, M.C. says that Mr. Moore allowed the boys to drive his car sitting on Mr. Moore's lap and steering the vehicle while Mr. Moore's feet were on the pedals.

[399] M.C. recalls that Mr. Moore dropped off the boys at home after swimming.

[400] M.C. says that he water skied with Mr. Moore as many as 10 times and that they water skied in Deep Cove in North Vancouver. M.C. described the water skiing as fun. He had never water skied before going out on Mr. Moore's boat which he described as a small boat with an outboard motor.

[401] M.C. recalls one close friend from [omitted for publication] – R.E. who is not a witness in this trial.

[402] M.C. testified that he went on a two or three night camping trip with Mr. Moore to Shuswap Lake. Mr. Moore spoke with M.C.'s parents prior to going on the camping trip. The classmates on that camping trip included I.M., Dennis Cooper, and K.W.

[403] M.C. recalls that during the camping trip, he slept naked in his sleeping bag but he did not feel threatened or uncomfortable. He does not have a clear recollection of the number of tents at the camp site, but he recalls a friend, K.W. sleeping in his tent with him.

[404] M.C. does not recall seeing Mr. Moore naked on this camping trip and he says that the camping trip was fun.

[405] During cross-examination, M.C. was asked about a statement that he gave to the police on July 19, 2022, in which he says that he had been recently contacted by Dennis Cooper but he was not sure how close to his police statement he had the contact with Dennis Cooper. According to M.C., Dennis Cooper mentioned I.M. and K.W., but Dennis Cooper did not mention anything about D.C. and M.R. M.C. also told the police that he had spoken with B.W., but he did not tell me about any details of that conversation.

**E.B.**

[406] E.B. is 59 years old. He grew up living in [omitted for publication]. He is a [omitted for publication].

[407] He attended [omitted for publication] and Mr. Moore was E.B.'s Grade [omitted for publication]. He described Mr. Moore as a god-send as E.B. did not have much interaction with his own father.

[408] As with many of the other witnesses, E.B. described activities with Mr. Moore including swimming at SFU, hiking, camping, and water skiing.

[409] E.B. recalls water skiing in Deep Cove during Grade six and possibly Grade seven. He testified that he went water skiing 12 to 20 times and he recalls water skiing



all day from 8:00am until 3:00pm or 4:00pm. He said the boys would wear a wetsuit and they were naked under the wetsuit. Mr. Moore helped the boys put on the wetsuit.

[410] E.B. had not water skied before going water skiing with Mr. Moore. Mr. Moore allowed E.B. to drive the boat which E.B. thought was a big deal.

[411] E.B. went on a camping trip with Mr. Moore and another classmate named A.B. They camped on a small island off of Cates Park. They went swimming naked, slept naked, and stood around the fire naked while drying off.

[412] In the morning, Mr. Moore woke up and had an erection. A.B. said that was weird and that they should not tell anyone about the erection. E.B. said that seeing Mr. Moore with an erection really stood out in his mind.

[413] E.B. described going on a multi night ski trip with Mr. Moore and Dennis Cooper. E.B. did not know how to ski and his legs got sore while skiing.

[414] He said that Mr. Moore came into E.B.'s room and was completely naked. He rubbed E.B.'s legs. Mr. Moore had an erection. He brought cream with him into the room.

[415] E.B. said that Mr. Moore tried to masturbate E.B. but he could not get an erection. He said that Mr. Moore leaned over and put his mouth on E.B.'s genitals. He then tried to force E.B.'s head down towards Mr. Moore's genitals but E.B. resisted.

[416] He said that the situation with Mr. Moore became very uncomfortable when Mr. Moore laid on his back and was masturbating himself. He encouraged E.B. to masturbate and told E.B. to spit into his hand while masturbating. Mr. Moore was masturbating on E.B.'s right side and then leaned over and put E.B.'s genitals in Mr. Moore's mouth.

[417] E.B. said he felt like a loser, he was scared, confused, and lost. He said he was embarrassed that he let this happen with Mr. Moore rather than stand up for himself. Mr. Moore then got up and left.

[418] E.B. said that the ski trip was the last activity he did with Mr. Moore.

[419] He said they stayed in a motel on the ski trip but he could not exactly recall the layout of their motel room.

[420] E.B. said that he never spoke to anyone about what happened with Mr. Moore until he spoke with the police. He said he then spoke with Dennis Cooper. The two of them met at a pub in Port Moody. He said he let Dennis Cooper know that something happened with Mr. Moore but he says he did not tell him any details.

[421] They then met a second time on Dennis Cooper's boat and E.B. spoke with him about the details of what he says happened with Mr. Moore.

[422] E.B. said that Mr. Moore was asked to leave teaching as a result of something that happened between Mr. Moore and the principal's stepson, but E.B. did not provide any details.

[423] In cross-examination, E.B. confirmed that he gave two police statements – one on June 15, 2022 and the second on June 30, 2022.

[424] E.B. testified that he contacted Dennis Cooper after having spoken with someone named K.W. E.B. asked Dennis Cooper if anything "funky" or weird had ever happened with Mr. Moore. Dennis Cooper let E.B. know that something had happened but did not share any details.

[425] It was while Dennis Cooper and E.B. were on Dennis Cooper's boat that E.B. told him about the incident of oral sex involving Mr. Moore. He said that Dennis Cooper did not tell E.B. that Mr. Moore attempted oral sex with Dennis Cooper, but he did tell E.B. about a couple of other incidents Dennis Cooper had learned.

[426] Also during cross-examination, E.B. confirmed that he told the police that he would get more names of potential victims of Mr. Moore. He said to the police that he would get a small army to tell their stories. He said he did not want to stand up alone.

[427] E.B. confirmed that he was suggesting ways the police could pursue their investigation of Mr. Moore.

[428] E.B. said that he learned about the issue with the principal's stepson from Dennis Cooper and another former classmate.

[429] E.B. was able to piece together a brief chronology of his conversations with Dennis Cooper and giving his police statements. He said he met with Dennis Cooper at the [omitted for publication] on June 13, 2022, which was two days prior to giving his first police statement on June 15, 2022. Between June 13 and 15, 2022, E.B. said he was putting out feelers to see if he could find any other former students with anything to say about Mr. Moore, but he received no pertinent information.

[430] When asked about camping with A.B. on Mr. Moore's boat, E.B. said he told the police he thought the camping trip was to Bowen Island or Gabriola Island, neither of which is near Cates Park. He described Mr. Moore's boat as an 18 foot aluminium boat.

### **I.S.**

[431] I.S. is 25 years old. He grew up in [omitted for publication].

[432] I.S. knows Mr. Moore personally. I.S.'s [omitted for publication] and Mr. Moore were friends and Mr. Moore spent considerable time with the "Story" family, joining for holiday events and dinners. I.S. considered Mr. Moore as an uncle or grandfather.

[433] I.S. has an older brother, T.S. who is two years older than I.S.

[434] I.S. described how Mr. Moore would sometimes babysit the two boys at their home.

[435] One night when I.S. was seven or eight years old, I.S. and T.S. were staying at Mr. Moore's home for the night. Mr. Moore offered to babysit the boys as their mother had to work that night.

[436] I.S. described being sexually assaulted by Mr. Moore that night. He said that there was only one bedroom and the two boys and Mr. Moore all slept in the same room. He described there being two twin beds on either side of the room and a cot between the beds.

[437] The boys did not have pyjamas with them so Mr. Moore gave I.S. a pair of boxer shorts and told I.S. to take off his underwear and sleep in the shorts.

[438] According to I.S., the three of them went to bed with T.S. and Mr. Moore sleeping in the twin beds and I.S. on the cot. He said the room was very dark when they turned off the lights.

[439] I.S. said while he was lying on the cot, Mr. Moore reached his hands under the covers and under the boxer shorts and started to masturbate I.S.'s penis. He said he got out of bed and went to the bathroom for a while. He then went back to bed and turned himself away from Mr. Moore's bed. I.S. is not sure if T.S. was sleeping when Mr. Moore reached into I.S.'s bed and under his shorts to touch his penis.

[440] I.S. and Mr. Moore said nothing to each other. I.S. said he was in shock and did not know what was happening. Eventually he fell asleep.

[441] I.S. says that he has never spoken to Mr. Moore about what happened that night. He did not tell T.S. When the police investigation started, I.S. told his parents about what happened that night with Mr. Moore and he has also told T.S. what happened.

[442] I.S. never slept over at Mr. Moore's house again, after that night.

[443] During cross-examination, I.S. said that his parents told him about the investigation into Mr. Moore, and that is when he told his parents what he says happened with Mr. Moore.

[444] I.S. says he has never spoken with Dennis Cooper about this incident with Mr. Moore.

[445] I.S. says that he did not see anyone do anything to him that night and he did not hear anyone say anything while this incident was happening. He said that in his police statement he gave no description of who touched him.

[446] Also during cross-examination, I.S. acknowledges that when speaking with the police he did not initially mention being masturbated by Mr. Moore but he did mention masturbation later in the police statement when he was asked more pointed questions by the police.

### **J.S.**

[447] J.S. is the [omitted for publication] of I.S. and T.S. She lives in [omitted for publication]. She has been married for 32 years.

[448] Mr. Moore met J.S.'s [omitted for publication] through their work. J.S.'s [omitted for publication] restores pianos and at the time, Mr. Moore owned an antique finishing business.

[449] Over time, Mr. Moore became a regular visitor to J.S.'s family home.

[450] Mr. Moore would sometimes watch I.S. and T.S. when J.S. and her [omitted for publication] went out for an evening.

[451] According to J.S., Mr. Moore took a keen interest in T.S. and started tutoring him in Math.

[452] In April or May 2022, Mr. Moore came to Vernon to visit with the S. family. In June 2022, J.S. learned of the allegations against Mr. Moore from Dennis Cooper. J.S. does not recall Dennis Cooper sharing any names of potential victims with her.

[453] At the time, I.S. was tree planting so J.S. waited until he came home to speak with I.S. about Mr. Moore.

### **I.C.**

[454] I.C. is 57 years old and is [omitted for publication].

[455] I.C. lived in [omitted for publication]. He moved to [omitted for publication] half way through Grade one.

[456] I.C. has a brother, D.C., who is one year older than him. Both I.C. and D.C. are complainants in this case.

[457] I.C. was a student at [omitted for publication] from partway through Grade one until Grade seven. Mr. Moore was D.C.'s Grade six teacher when I.C. was in Grade five. I.C. was in Mr. Moore's Grade six class during the [omitted for publication] school year.

[458] I.C. described Mr. Moore as comfortable to be around. I.C. went on activities outside of school including water skiing in Deep Cove and swimming at the SFU pool with classmates. After swimming, all of the boys and Mr. Moore were naked in the public shower. The boys kicked around a bar of soap and were being silly. I.C. describes himself as a shy boy.

[459] I.C. described a vivid memory when he went water skiing with Mr. Moore in Deep Cove. Only Mr. Moore and I.C. were on the boat. I.C. recalls that Mr. Moore removed his wetsuit and had an erection. Mr. Moore was masturbating and talking to I.C. about masturbating. According to I.C., Mr. Moore took I.C.'s hand and placed it on Mr. Moore's penis.

[460] I.C. says he felt confused and conflicted. I.C. says that he did not tell anyone about this incident for 25 years. He says that he and his brother, D.C. never talked about this incident but it came to light two years ago as a result of the police investigation into this case.

[461] I.C. described going on a camping trip to Shuswap Lake with Mr. Moore and two other boys. He recalls the campfire and the boys shooting Mr. Moore's 22 calibre rifle.

[462] In terms of the sleeping arrangements on this camping trip, all three boys and Mr. Moore slept in the same large tent. They were all naked. I.C. says he intentionally

slept farthest away from Mr. Moore. I.C. says he knew something disgusting or sexual was going to happen with Mr. Moore.

[463] During his last night on this camping trip, I.C. says that Mr. Moore reached into I.C.'s sleeping bag while I.C. was pretending to sleep. Mr. Moore was touching I.C.'s genitals. He is not sure if the other boys were asleep or awake.

[464] I.C.'s reaction was to try to get away. He says that Mr. Moore was persistent and touched him again. I.C. also says that Mr. Moore took I.C.'s hand to touch Mr. Moore's erect penis.

[465] The next morning, I.C. told Mr. Moore that he had to go back home and he took a Greyhound bus home. I.C. says he felt awful leaving the other two boys at the campsite with Mr. Moore and he did not tell those boys about Mr. Moore touching him. When he got home, I.C. told his mother that he was not having a good time camping and that is why he came home on the Greyhound bus.

[466] I.C. has not had any contact with Mr. Moore since Grade seven or eight.

[467] During the summer of 2022, D.C. asked I.C. if anything had happened to him with Mr. Moore.

[468] Prior to the summer of 2022, I.C. says that his brother D.C. said nothing negative about Mr. Moore.

[469] I.C. gave his statement to the police on July 8, 2022. In cross-examination I.C. says his memory from childhood is very sporadic. He said in his police statement that he found it was weird that his memory of being sexually touched by Mr. Moore came back to him. He said his memories are getting clearer.

[470] I.C. disagreed with the suggestion put to him that Mr. Moore drove I.C. back home from Shuswap Lake.

[471] Other than speaking with D.C., I.C. has spoken with the police and the prosecutor. I.C. says he did not share any details of what he alleges happened with

Mr. Moore with D.C. I.C. has seen a newspaper article in a local newspaper from the first week of this trial.

**D.C.**

[472] D.C. is 58 years old. He grew up in [omitted for publication].

[473] D.C. now lives in [omitted for publication]. He works as an [omitted for publication]. Prior to moving to [omitted for publication] worked for a [omitted for publication] for 18 years.

[474] D.C. started Grade three at [omitted for publication] and Mr. Moore was D.C.'s Grade six teacher. He was a popular teacher. D.C. mentioned that he was friends with Dennis Cooper and B.W. D.C. said he last spoke with B.W. in elementary school.

[475] D.C. recalls going swimming at the SFU pool with Mr. Moore. He says that Mr. Moore taught him how to hotwire a car.

[476] D.C. does not recall driving Mr. Moore's car around the SFU parking lot after swimming. All of the boys and Mr. Moore showered naked after swimming in the SFU pool.

[477] D.C. recalls water skiing with Mr. Moore and a few other boys in Deep Cove. D.C. wore a wetsuit provided by Mr. Moore and he removed all of his clothing to put on the wetsuit.

[478] D.C. recalls going on a ski trip with Mr. Moore and Dennis Cooper to SilverStar Mountain in Vernon. He says he spoke with Dennis Cooper who confirmed the ski trip was to SilverStar.

[479] D.C. says that he recalls on the first night of the ski trip, Dennis Cooper shared a bed with Mr. Moore. After that night, D.C. says that Dennis Cooper told him to be careful with Mr. Moore.



[480] On another night during the Vernon ski trip, D.C. was sleeping in bed with Mr. Moore. Both were naked in bed and Mr. Moore was talking about masturbation and was encouraging D.C. to masturbate. D.C. said he has a vague recollection of Mr. Moore assisting him with the tempo of his masturbation.

[481] D.C. said that Mr. Moore guided him through the process of masturbation by using words and gestures. D.C. recalls Mr. Moore touching his hand while it was on his genitals.

[482] D.C. testified that eventually he ejaculated from the masturbation. D.C. said that he had not masturbated before this night in the bed with Mr. Moore.

[483] D.C. did not touch Mr. Moore's body while this was happening although Mr. Moore asked him to touch Mr. Moore, but Mr. Moore then left D.C. alone.

[484] D.C. said that he has not spoken to anyone about what happened in the bed with Mr. Moore on the ski trip other than his ex-wife and his current wife.

[485] D.C. said that he has not shared specific details of what happened with Mr. Moore with his brother, I.C., and I.C. has not shared with D.C. specific details of what happened to I.C.

[486] In cross-examination, D.C. confirmed that he gave a statement to the police on July 7, 2022, while D.C. was in Canada for a social engagement.

[487] D.C. was contacted by Dennis Cooper by Facebook and he told D.C. that he had experienced things with Mr. Moore and was bringing a court case against Mr. Moore. D.C. says that Dennis Cooper did not tell him what happened to him.

[488] D.C. is not an active participant in the Class Action law suit that has been filed against Mr. Moore and the North Vancouver School District.

[489] D.C. had not spoken with M.R. prior to D.C. giving his statement to the police.

[490] D.C. testified that he has spoken about grooming with Dennis Cooper and his brother, I.C.

[491] In 2010 – 2011, D.C. had a stress breakdown which affected his memory but he did not elaborate on this in his evidence.

### **LEGAL ISSUES**

[492] Aside from the main issue in this case being whether the Crown has proven its case against Mr. Moore beyond a reasonable doubt, there are three other issues that I had to consider during the course of this trial.

[493] As can be seen from the above evidence summaries, much of the evidence from the complainants and witnesses was remarkably similar. The Crown applied for a ruling on the use of Similar Fact Evidence in this case and I ruled that the Crown could rely on the doctrine of Similar Fact Evidence to bolster its case with respect to each count on the Information, and the Crown could rely on the doctrine of Similar Fact Evidence as between Counts.

[494] The allegations in this case span six years from 1976 until 1982. The complainants are all former Grade six students in Mr. Moore's class, with the exception of I.S. While some of the complainants were classmates in Mr. Moore's class in any given year, other complainants did not know and do not know the other complainants in this case.

[495] Yet they all gave remarkably similar accounts of activities with Mr. Moore, including swimming at the SFU pool, water skiing in Deep Cove, and snow skiing trips to the Okanagan and camping at Shuswap Lake.

[496] There is also a remarkable similarity in the evidence of the complainants as to the sexual touching alleged against Mr. Moore. Speaking generally the complainants all described Mr. Moore masturbating them at night while sleeping naked next to Mr. Moore. Short of some compelling evidence of collusion, it is very difficult to conclude

that the complainants were inventing their evidence about what they say happened to them.

[497] The most compelling Similar Fact Evidence is that of I.S. who was not one of Mr. Moore's students at [omitted for publication] but rather a family friend connected through Mr. Moore and I.S.'s [omitted for publication].

[498] The allegation involving the sexual interference of I.S. covers a date range of September 2005 to September 2007, some 22 to 25 years after Mr. Moore left teaching at [omitted for publication]. However, the evidence of I.S. that Mr. Moore reached under I.S.'s covers at night and touched I.S.'s penis in much the same way as described by some of the other complainants cannot be a coincidentally invented story from I.S. That conclusion is absurd. So too, is the suggestion that I.S.'s older brother, T.S., was the person reaching under I.S.'s bedsheets and masturbating his brother during a sleepover at Mr. Moore's home.

[499] In short, the similarities in the evidence from the complainants, in my view strengthens the Crown's case against Mr. Moore, and I will consider the Similar Fact Evidence when determining whether the Crown has established its case beyond a reasonable doubt.

[500] The second legal issue that I will comment upon is Bad Character Evidence led by the Crown concerning alleged activities engaged in between Mr. Moore and the complainants and witnesses.

[501] Much of the evidence from the complainants was led within a *voir dire* out of a concern that the prejudicial effect of that evidence would outweigh its probative value. In the end, I ruled that the evidence led on the *voir dire* would form part of the evidence in the trial proper.

[502] In my ruling, I described the pervasive insistence by Mr. Moore that the boys strip naked during different activities Mr. Moore engaged in with the boys. I found Mr. Moore's behaviour to be a form of grooming the boys for other more intrusive acts allegedly committed against the boys by Mr. Moore.

[503] Stripping naked with your 10 to 12 year old classmates might, on rare occasions, seem acceptable, but stripping naked with your Grade six teacher is unimaginable. Even when showering after swimming at the SFU pool, it is hard to understand why a Grade six teacher would strip naked with his young students, let alone going on ski trips and camping trips and demonstrating his erection and encouraging his young students to experiment with masturbation.

[504] So, the Bad Character Evidence is before me to consider in reaching a conclusion as to whether the Crown has proven its case beyond a reasonable doubt.

[505] The last legal issue that I will address now is the issue of collusion. Most if not all of the complainants and witnesses were asked during their testimony whether they had spoken to other complainants, whether they had read any information about this case in the media, and whether they were familiar with the allegations made within the Class Action law suit.

[506] It is clear on the evidence before me that Dennis Cooper has communicated with some of the other complainants in this case, but what is not clear is precisely what he told those other complainants. He was never asked that during his testimony.

[507] Dennis Cooper is the lead Plaintiff in the Class Action law suit and he was taken through portions of the Statement of Claim prepared by the Class Action lawyer acting for the Claimants in that law suit. Mr. Cooper acknowledged that some of the details set out in the Class Action Statement of Claim are incorrect, but the pleading was not tendered into evidence, likely because it is hearsay, prepared by the lawyer who is not a witness in this case, and so its probative or evidentiary value would be limited.

[508] Nonetheless, if an allegation of collusion among the complainants in this case was to form a feature in Mr. Moore's defence, I would have thought that the complainants would have been asked much more probing questions about the dates and details of any conversations they had with other complainants.

[509] As can be seen from the evidence summaries above, nearly all of the complainants said clearly in their evidence that they have not discussed the allegations

in this case with anyone other than their spouses or partners, and only when the allegations against Mr. Moore became public.

[510] In short, I find that the allegation of collusion among the complainants and witnesses in this case is unfounded. There is no evidentiary basis to conclude that the complainants and witnesses have manufactured their evidence to align with the evidence of others. There is no evidentiary basis to reach that conclusion other than between a few of the complainants who shared between themselves that something had happened to them at the hands of Mr. Moore, but no details were shared. An exception to that finding could be argued that E.B. and Dennis Cooper shared between them some of what they say happened to them with Mr. Moore, but again neither complainant was pressed about the details shared between them.

[511] As for the news stories about this case, those stories were not entered as exhibits in this case so they are not part of the evidence before me. Some complainants said that they were aware of news stories captured by the CBC and some local reporting in North Vancouver. While the stories were not tendered in evidence, I was given a copy of a news story that featured Dennis Cooper.

[512] Some of what Dennis Cooper told the news reporter is not consistent with Dennis Cooper's evidence in this trial. Dennis Cooper was not challenged on those inconsistencies.

[513] The details set out in the news stories were not repeated by other complainants or witnesses other than E.B. but then only with respect to masturbation and attempted oral sex.

[514] Under the heading "A Secret Kept for 40 years", Dennis Cooper is recorded as saying that coming forward with these allegations marks the first time the complainants discussed their experiences with each other, their parents, wives, partners, and children.

[515] So I am left with a very limited evidentiary record in support of the allegation of collusion, and nothing upon which I can conclude that collusion forms any part of this case. Accordingly I find that the allegation of collusion in this case is unfounded.

### **ANALYSIS**

[516] This case falls to be decided based upon my assessment of the credibility and reliability of the evidence of the complainants and witnesses called by the Crown.

[517] Mr. Moore, through counsel, has highlighted problems in the evidence of nearly all of the complainants and I will address those alleged frailties with respect to each complainant below.

[518] The starting point of my analysis is recognizing that these allegations against Mr. Moore date back to between 42 and 48 years ago. The allegations relate to incidents that his former Grade six students say happened to them when they were 10 to 12 years old in his Grade six class; and an incident involving I.S., who was not a student in Mr. Moore's Grade six class and whose allegations date back 18 to 20 years ago. The complainants from Mr. Moore's Grade six class are now all in their mid to late fifties.

[519] Cases of alleged historical sexual abuse are always very difficult because of faded memories and unclear recollections of what the complainants say happened to them. This case, in most respects, does not suffer from those frailties.

[520] While I will address each complainant individually, I have this to say generally. I was impressed with the evidence of each of the complainants. They gave their evidence in a forthright manner. They were not argumentative and they conceded that aspects of their evidence were problematic in terms of differences in what they told the police in 2022, and what they told me in court in 2024.

[521] Specific and detailed recollections as to events that happened when a mid-fifties adult is recounting events that he says happened to him when he was 10 to 12 years old will suffer from uncertainty. What impressed me from the evidence of these 12

complainants is that while details may be somewhat unclear around the location of the alleged incidents, the specific sexual touching is clear. Not only is it clear from their recollection, but the similarity of the alleged sexual touching could not be invented from complainant to complainant with no evidence to support a conclusion of collusion.

[522] In my view, the conclusion in this case is overwhelming in respect of all but three complainants to which I will address later in my analysis. I will address the concerns raised by Mr. Moore with respect to frailties in the evidence of each complainant and the witnesses, but I have already stated my finding that this is an overwhelming case for the prosecution, except for three of the counts.

[523] With reference to Mr. Moore's arguments concerning the weaknesses in each of the complainant's evidence I make the following comments.

1. E.B.

[524] E.B. struggled with some of the details of what he said happened to him with Mr. Moore.

[525] Mr. Moore points out that E.B. said that the water skiing outings last all day, and not just after school as testified to by the other complainants.

[526] I am not satisfied that E.B.'s testimony is accurate that the water skiing outings lasted all day. Mr. Moore was teaching at [omitted for publication] so he could not have taken boys water skiing all day during school hours.

[527] All of the other witnesses who told me about going on water skiing outings with Mr. Moore testified that those outings happened after school hours and in my view E.B. is mistaken around how long the water skiing outings lasted.

[528] However, in my view, E.B.'s mistaken recollection of how long the water skiing outings lasted is not determinative of the reliability and credibility of his evidence. His evidence about the water skiing outings is consistent with each and every other complainant who told me about the water skiing outings save and except that the

outings occurred after school and not during the school day. E.B. is simply wrong about his recollection of the timing of the water skiing outings.

[529] Other alleged frailties in E.B.'s evidence as to whether Mr. Moore's boat was a fibreglass boat or an aluminium boat or whether he went on camping trips to Gabriola or Bowen Island with Mr. Moore are of no moment. The gist of E.B.'s evidence as it relates to this case is what he says happened between himself and Mr. Moore relating to sexual touching.

[530] E.B. testified about a ski trip with Mr. Moore and others to Apex Mountain. During one night on that ski trip, E.B. says that Mr. Moore was in bed with E.B., that Mr. Moore had an erection and talked with E.B. about erections and masturbation, which Mr. Moore said was normal. E.B.'s evidence on those topics is consistent with many of the other complainants.

[531] E.B. testified about a very brief event involving Mr. Moore placing E.B.'s genitals in his mouth. The event lasted only a few seconds. Other than Dennis Cooper, none of the other complainants testified about attempted oral sex involving Mr. Moore.

[532] Mr. Moore argues that during his direct-examination, E.B. did not say that he was touched by Mr. Moore's hand. Mr. Moore argues that E.B.'s failure to mention being touched by Mr. Moore's hand during this incident is fatal to the reliability and credibility of E.B.

[533] I disagree. Looking at this alleged sexual event from the eyes or mind-set of a child in Grade six, I am satisfied that the oral sex component of this alleged incident with Mr. Moore would have been fixed in E.B.'s memory more so than being touched by Mr. Moore's hand.

[534] Much of the rest of Mr. Moore's criticism when it comes to the reliability of E.B.'s testimony centres on the possible collaboration or collusion between E.B. and Dennis Cooper, but for the reasons above, I am not satisfied that E.B. has invented his account of what happened between him and Mr. Moore based on undisclosed information that he allegedly shared with Dennis Cooper.



[535] In conclusion with respect to the evidence of E.B., I believe him. He was a credible witness. The concerns raised by Mr. Moore with respect to E.B.'s evidence as outlined above do not raise any doubt in my mind as to the truth or veracity of E.B. as a complainant in this case.

2. B.W.

[536] Much of Mr. Moore's concern about the evidence of B.W. relates to exactly who attended a camping trip to Shuswap Lake with Mr. Moore back in Grade 6.

[537] According to Dennis Cooper, he recalls some different boys going on the camping trip at Shuswap Lake with Mr. Moore and he recalls B.W. being on that camping trip.

[538] B.W.'s evidence does not stand or fall on his recollection of the classmates who camped at Shuswap Lake with Mr. Moore back in Grade six. The other classmates on that camping trip are not material to the details of the sexual touching alleged by B.W. against Mr. Moore.

[539] The main thrust of Mr. Moore's criticism of B.W.'s evidence involves Dennis Cooper saying that during the night on a ski trip to Penticton, Mr. Moore handed out KY jelly to the boys on that ski trip and demonstrated to the boys how to masturbate with lubrication while Mr. Moore masturbated himself in front of the boys.

[540] B.W. did not testify about this group masturbation event with Mr. Moore. Dennis Cooper was clear that this group masturbation event happened in Penticton.

[541] What is not clear on the evidence, is who was on this ski trip to Penticton with Dennis Cooper and Mr. Moore. Regardless, Mr. Moore is not charged with participating in a masturbation training exercise with his Grade six students.

[542] Simply because B.W. does not recall events the same way that Dennis Cooper recalls event does not, in my view, detract from the veracity of B.W.'s evidence. Dennis Cooper could be mistaken as to who was on the Penticton ski trip. Dennis Cooper testified that he went on a few ski trips to the Okanagan with Mr. Moore so his memory

of who was on the ski trip involving group masturbation with Mr. Moore may be faulty and I will address that issue when reviewing Dennis Cooper's evidence.

[543] I would have thought that had there been a group masturbation session with Mr. Moore involving B.W. that B.W. would recall that event, but he did not mention it in his evidence.

[544] The bulk of the criticism of B.W.'s evidence is that it does not align with the evidence of Dennis Cooper or D.C. as to the events that happened during this ski trip to Apex Mountain.

[545] The crux of B.W.'s evidence in this case is what he says happened to him at the hands of Mr. Moore during the night while on the Penticton ski trip.

[546] B.W. was another forthright and compelling witness. His recollection of exactly what happened 44 years ago when he was in Grade six does not align with the recollection of Dennis Cooper or D.C. It could be that the memories of who was on that ski trip has faded or has been inaccurately reconstructed, but B.W.'s evidence of what he says happened to him at the hands of Mr. Moore was clear and not challenged at all during cross-examination. I accept B.W.'s evidence as it relates to what he says happened between him and Mr. Moore on the ski trip to Penticton.

[547] I do not accept that B.W.'s recollection of events on the ski trip, to the extent that they are not consistent with Dennis Cooper's recollection about events over four decades ago, diminishes B.W.'s evidence and renders his testimony unreliable or not credible.

### 3. D.C.

[548] Mr. Moore's criticisms of D.C.'s evidence is that it is not consistent with Dennis Cooper's recollection of these historical events. Also, D.C. was upfront about his difficulties with his memory, dating back four decades.

[549] Mr. Moore points out that D.C. responded to questions 37 times during his evidence, "I don't recall". I do not view that response to questions, when under oath, to

be a solid basis to discredit D.C., rather he was being honest and forthright that he could not recall details about events that happened when he was in Grade six.

[550] Much of the criticism of the evidence of D.C. and many of the other witnesses, is that their evidence is not consistent with the evidence of Dennis Cooper. With respect to D.C., he did not testify about a camping trip to Shuswap Lake with Mr. Moore and Dennis Cooper. When confronted with Dennis Cooper's evidence about the Shuswap camping trip, D.C. said, "That is his memory not mine."

[551] Later on in his evidence, D.C. seemed to recall a vague memory of a camping trip to Shuswap Lake, but he was not confident about this memory and was concerned his memory might be tainted by discussions with other people. Significantly in my view, is that D.C. was not pressed about these discussions with other people such as who he spoke with, other than Dennis Cooper, and what they discussed.

[552] Again, this is an argument that ventures into the allegation of collusion among the complainants in this case but without any evidence around details shared and then adopted by one or more of the complainants.

[553] D.C.'s memory about a number of these historical events is vague and imprecise. However, he testified with certainty about sleeping in bed with Mr. Moore while on a ski trip to SilverStar and Mr. Moore touching D.C.'s penis and masturbating him to ejaculation. D.C. testified that this was the first time he had masturbated and ejaculated and it was a clear memory.

[554] D.C. did not testify about group masturbation in Penticton as alleged by Dennis Cooper which would be memorable in my view. Mr. Moore is not charged with teaching his students how to masturbate and supplying them with KY jelly to help them masturbate.

[555] D.C. testified that Dennis Cooper warned him about sleeping in bed with Mr. Moore. On the evidence in this case, that seems to me to be a fair warning.

[556] In the end, I find that D.C., despite the frailties with his memory, was an honest and credible witness in this trial. He freely acknowledged that his memory of historical events was poor. However, he testified with certainty about the first time he masturbated and ejaculated while he was in bed with Mr. Moore on a ski trip to SilverStar. I believe D.C. I do not find that his evidence is tainted, as alleged by Mr. Moore, or that his evidence negatively impacts the evidence adduced by the Crown in this case.

#### 4. Dennis Cooper

[557] Dennis Cooper plays a central role in this case. He was very persistent with the police during the summer of 2022, urging the police to investigate these allegations and lay charges against Mr. Moore. Also, Dennis Cooper is the lead Plaintiff in the Class Action law suit commenced against Mr. Moore and the North Vancouver School District.

[558] Another unique feature of Dennis Cooper in this case, is that he maintained a friendly relationship with Mr. Moore up until these allegations came to light in 2022.

[559] Mr. Moore, through counsel, raises significant concerns about differences in the evidence from Dennis Cooper and many of the other complainants and witnesses in this case. Those concerns are fair, but they need to be considered in the factual context of this case. These allegations relate to alleged incidents that occurred over 40 years ago when the complainants and witnesses were in Grade six and Grade seven at [omitted for publication].

[560] Dennis Cooper recalls other boys going on the ski trips and the Shuswap Lake camping trip, and events that he says happened during those trips and some of the other complainants and witnesses do not corroborate Dennis Cooper's evidence.

[561] I am of the view that simply because the complainants and witnesses have a different recollection of some of the evidence from Dennis Cooper relating to events so far in the distant past does not fatally undermine the evidence of Dennis Cooper and those other complainants and witnesses.

[562] I have not lost sight of the central issue in this case, that being that the Crown must prove its case beyond a reasonable doubt, but in my consideration of the evidence of Dennis Cooper and the other complainants in this case I must assess the veracity and reliability of each witness based upon what they told me during their evidence and my assessment of their credibility in light of all of the evidence adduced in this trial.

[563] Mr. Moore raises concerns with respect to Dennis Cooper's evidence around his recollection as to which other students were present during the camping trip to Shuswap Lake. Dennis Cooper testified that he went on one camping trip to Shuswap Lake with Mr. Moore and two other students.

[564] The concern lies in the fact that Dennis Cooper did not testify that B.W. was on this Shuswap Lake camping trip. However, B.W. testified that he went on a camping trip to Shuswap Lake with Dennis Cooper and Mr. Moore.

[565] When taken to his police statement during cross-examination, Dennis Cooper conceded that he told the police in 2022 that the other boys on the camping trip were D.C. and I.M. He did not tell the police that B.W. was with him on that camping trip.

[566] In my view, this case does not stand or fall on the various witnesses' recollections of who they were with on camping or skiing trips with Mr. Moore back when they were in Grade six. This case stands or falls based upon my assessment of the credibility and reliability of their evidence of what they say happened to them during these trips with Mr. Moore.

[567] I accept that in reaching my conclusion on the credibility and reliability of the evidence in this case I need to take account of differences in the evidence from witness to witness, but I also need to take account of the fact that these allegations date back over 40 years and each of the witnesses may have differing accounts of the people present when the alleged incidents occurred.

[568] One of the main concerns about Dennis Cooper raised by Mr. Moore, through counsel, is that neither B.W. nor D.C. testified about the group masturbation sessions with Mr. Moore on the ski trips to the Okanagan.

[569] I agree that if, while on a ski trip with Mr. Moore, these boys were confronted by Mr. Moore naked with an erection while he handed out bags of KY jelly and instructed them on how to masturbate, that would be a very memorable event. Only Dennis Cooper recalls this group masturbation event.

[570] Mr. Moore argues that this inconsistency in Dennis Cooper's evidence when measured against the evidence of the other witnesses who did not tell me about the group masturbation events raises a serious doubt as to the veracity of Dennis Cooper's evidence or the evidence of the other witnesses.

[571] Neither D.C. nor B.W. were confronted with this allegation of group masturbation, so neither denied that these events ever happened. Mr. Moore's argument is that a group masturbation event would be so memorable to the affected witnesses that their failure to recall that event casts doubt on their evidence or the evidence of Dennis Cooper.

[572] I do not quarrel with that argument advanced by Mr. Moore, but where we differ is that the witnesses were not confronted with Dennis Cooper's evidence about the group masturbation event or events, so I do not know what they would say if confronted with that evidence. The witnesses gave very compelling evidence of the alleged crimes committed against them by Mr. Moore. Their evidence was focused on Mr. Moore engaging with them in masturbation, albeit while in bed, and not in the living area of the motel they were staying in.

[573] In the end, I am giving little weight to Dennis Cooper's evidence of the group masturbation with Mr. Moore at the motel in Penticton. The more pressing question is whether the limited weight I place on Dennis Cooper's uncorroborated evidence of group masturbation with Mr. Moore leads to a conclusion that I cannot place sufficient weight on Dennis Cooper's evidence as to the alleged crimes he says were committed against him by Mr. Moore.

[574] Dennis Cooper was not challenged on his evidence about the sexual crimes he alleges were committed against him on the ski trip to Penticton and on the camping trip to Shuswap Lake.

[575] Another issue raised by Mr. Moore concerning Dennis Cooper's evidence is that Dennis Cooper recalls speaking with some, but not all, of the other complainants about details concerning his allegations against Mr. Moore.

[576] As with other witnesses, Dennis Cooper was not pressed during his evidence as to the details he shared with other witnesses. Without those details I am not able to reach a conclusion that there was tainting of the evidence or collusion among the complainants based upon details provided by Dennis Cooper.

[577] Dennis Cooper is quoted in media reports about his allegations against Mr. Moore. Some of the complainants acknowledged being aware of those media reports, but none were confronted with the allegation that they were making up their evidence and basing their evidence on Dennis Cooper's narrative as set out in the media reports or in the Notice of Civil Claim in the proposed Class Action law suit.

[578] While Dennis Cooper has been very vocal about his allegations in this case, his media presence and the fact that he is the lead Claimant in the Class Action law suit, in my view does not diminish his otherwise clear, concise, and compelling evidence in this case setting out what he says happened to him with Mr. Moore. Dennis Cooper was not argumentative, evasive, or non-responsive to questions asked of him challenging his evidence.

[579] Dennis Cooper, in my view, was a credible and reliable witness as to the criminal allegations relating to him as against Mr. Moore. I reach that conclusion keeping in mind that I can give little weight to his allegation of group masturbation with Mr. Moore.

[580] In the case of Dennis Cooper, I am of the view that his evidence about the masturbation he alleges Mr. Moore engaged in with him, is bolstered by the doctrine of Similar Fact Evidence based upon the similarities in the evidence of Dennis Cooper and

that of the other complainants who described their experiences involving masturbation instigated by Mr. Moore.

5. I.C.

[581] Mr. Moore raises concerns about I.C.'s evidence largely based upon the potential for his evidence to have been tainted by sharing details about Mr. Moore with his brother, D.C., and Dennis Cooper and concerns about I.C.'s memory.

[582] I.C. was not challenged about his evidence that he went water skiing alone with Mr. Moore in Deep Cove and that during that water skiing incident Mr. Moore had an erection, that he discussed masturbation with I.C., and that he asked I.C. to touch Mr. Moore's erect penis which I.C. did. Mr. Moore's criticism about this evidence from I.C. is that it does not accord with the evidence of the other complainants and witnesses about water skiing in Deep Cove because no other witnesses testified to water skiing alone with Mr. Moore.

[583] The crux of the concern about this allegation of sexual touching by Mr. Moore on the water skiing incident is that I.C. testified that he and Mr. Moore were alone on the boat in Deep Cove, so there would not have been a spotter on the boat to keep an eye on the person water skiing.

[584] All of the other complainants and witnesses who gave evidence about water skiing in Deep Cove spoke about the fact that there was usually Mr. Moore and three other students water skiing which meant that there would always be a spotter on the boat to keep an eye on the person water skiing.

[585] I.C. was not challenged by Mr. Moore about the substance of what he says happened on the boat that forms the basis of the criminal allegation before the court, rather he was challenged about the absence of a spotter, which I agree is an odd discrepancy from the other accounts of water skiing as presented by the other witnesses.



[586] In my view, Mr. Moore was quite comfortable presenting himself with an erect penis to his Grade six students on these activities that occurred out of school hours so that part of I.C.'s account as to what happened while water skiing with Mr. Moore is not unusual. The alleged lack of a spotter while water skiing with Mr. Moore, while unusual, in my view does not detract from I.C.'s account of what happened. His evidence aligns with many of the other complainants regarding Mr. Moore presenting himself naked with an erection and the topic of discussion and activities engaged in focused on masturbation.

[587] Again, I find that I.C.'s evidence of what happened while water skiing with Mr. Moore is bolstered by the doctrine of Similar Fact Evidence, not because of his account of water skiing without a spotter, but based on his account of Mr. Moore presenting his student with an erection, discussing masturbation, and asking I.C. to touch Mr. Moore's erect penis.

[588] I.C.'s account of Mr. Moore reaching into his sleeping bag while camping at Shuswap Lake is also consistent with the evidence of other complainants whether camping or on ski trips or as recounted by I.S. during his sleepover at Mr. Moore's home.

[589] I.C. was not challenged on his evidence about the sexual touching with Mr. Moore that allegedly happened on the Shuswap Lake camping trip.

[590] As with all of the criticisms about evidence tainting or collusion in this case, I.C. was not pressed for details as to what he and his brother discussed concerning Mr. Moore, what he recalled from news articles he read concerning Mr. Moore, or any other sources of information about Mr. Moore that I.C. may have adopted in his evidence. I find that there is insufficient evidence upon which I can conclude that I.C.'s evidence has been influenced by information shared between him and his brother or information he read in news articles. Significantly, I.C. denied ever speaking with Dennis Cooper about this case.

[591] Despite I.C.'s fractured memory from his childhood, I find that his evidence is credible and reliable and his evidence is bolstered by the doctrine of Similar Fact Evidence.

6. M.P.

[592] M.P. is a highly educated individual who holds a [omitted for publication].

[593] The concern raised by Mr. Moore with respect to M.P.'s evidence are the changes in his evidence from what he told the police in his statement in July 2022, and what he described happened to him with Mr. Moore during his evidence in this trial on June 27, 2024.

[594] In his police statement in July 2022, M.P. described his camping trip with Mr. Moore to Shuswap Lake. M.P. said that during one night while camping Mr. Moore reached into M.P.'s sleeping bag and masturbated M.P. If that was the extent of M.P.'s evidence I would find it bolstered by virtue of the Similar Fact doctrine.

[595] However, M.P.'s evidence at trial was much more detailed than what he told the police in his statement. At trial, M.P. specifically described how Mr. Moore was stroking his penis, that Mr. Moore masturbated M.P. to ejaculation, and that on one occasion, he recalls Mr. Moore placing a condom on his penis and masturbating him to ejaculation.

[596] It is hard to understand or reconcile why in his police statement M.P. did not tell the police about being stimulated to ejaculation, or that Mr. Moore allegedly put a condom on M.P. and stimulated him to ejaculation.

[597] M.P.'s evidence given to the police in July 2022, and at this trial in June 2024, comes with the frailties of memories dating back over 40 years to when he was a child. Some of the other complainants whose evidence I have discussed above have given evidence that does not align with some of the evidence of other witnesses and complainants, but those inconsistencies, as I have said, do not render their evidence unreliable. Those inconsistencies can be attributed to different memories between each individual of events that happened so many years ago.

[598] However, the differences in M.P.'s evidence between what he told the police and what he told me at trial, cannot be attributed to M.P. having a different recollection of events as described by others. M.P.'s evidence of being stimulated to ejaculation would be memorable and having Mr. Moore placing a condom on him and then stimulating him to ejaculation would be memorable, but his failure to tell the police about those things poses a reliability problem with M.P.'s evidence.

[599] I find that I cannot rely on M.P.'s evidence to prove the allegations against Mr. Moore as they relate to M.P.

7. T.C.

[600] T.C. has given information or evidence about his allegations against Mr. Moore on four different occasions. In 1982, T.C. was one of the boys who spoke with his step-father, C.Z., at the meeting described above, where the boys spoke about incidents of nudity with Mr. Moore. No further details as to what the boys told C.Z. are before me. The meeting led C.Z. to go to [omitted for publication] to report his concerns to the [omitted for publication], which in turn led to Mr. Moore resigning from teaching at [omitted for publication].

[601] In 1988, T.C. gave a police statement when the allegations about Mr. Moore came to the attention of authorities.

[602] On October 5, 2022, T.C. gave his statement to the police in the course of their investigation into the charges before the court.

[603] On June 17, 2024, T.C. gave his evidence in this trial.

[604] Mr. Moore argues that T.C.'s evidence is unreliable because there is no evidence that during the meeting with C.Z. the boys said that they were sexually touched by Mr. Moore, only that there were occasions of nudity with their teacher.

[605] In his June 30, 1988 statement to Constable Schwartz during the first police investigation into Mr. Moore, T.C. said that he was indecently assaulted by Mr. Moore

during a ski trip to Penticton when Mr. Moore and the boys stayed at the Shielings Motel.

[606] During his evidence in this trial, T.C. testified that during a ski trip with Mr. Moore to Penticton, Mr. Moore and the boys stayed at the Hansel and Gretel Motel where there was an indoor swimming pool and Mr. Moore had the boys go skinny dipping in that pool.

[607] T.C. said that the sexual touching by Mr. Moore happened at the Hansel and Gretel Motel.

[608] Lastly, in his police statement on October 5, 2022, T.C. told the police that the sexual touching occurred at Mr. Moore's home and not during a ski trip to the Okanagan.

[609] I do not find it significant that during the meeting with C.Z, the boys did not mention that there had been sexual touching by their teacher. These were four boys still in Grade six raising serious allegations about their teacher. They told C.Z. about the nudity and that alone proved to be sufficient to have Mr. Moore resign from his teaching position.

[610] As for T.C.'s evidence in his 1988 police statement about the sexual interference happening at the Shielings Motel, versus his evidence at trial that the sexual interference occurred at the Hansel and Gretel Motel, I am not persuaded that the mention of different motels significantly detracts from the reliability of T.C.'s evidence. His description of the sexual touching by Mr. Moore is bolstered by virtue of the doctrine of Similar Fact Evidence in that what he described happened to him is nearly identical to the description of sexual touching by Mr. Moore either in a motel on a ski trip or while camping at Shuswap Lake.

[611] The difficulty I have with T.C.'s evidence is the fact that he told the investigating officer, Constable Eason-Long, in his statement on October 5, 2022, that the sexual touching occurred at Mr. Moore's home. His evidence to the police cannot be reconciled with his evidence in court that while at the motel in Penticton, T.C. said that

Mr. Moore told the boys that he had a six pack of beer and a Playboy magazine for them. T.C.'s evidence went further in that he says Mr. Moore told the boys they could have a beer if they took off their clothes.

[612] It is one thing to be mistaken about the name of the motel they stayed at over 40 years ago, but it is quite another thing to change from the alleged offence happening at the motel, with classmates, the teacher, beer and a sexually explicit magazine, to the alleged offence happening at the teacher's home and while alone with the teacher.

[613] Mr. Moore argues that the change in T.C.'s evidence is some proof that his evidence has changed as a result of collusion or evidence tainting by speaking with other complainants in this case. Mr. Moore's argument on this point suffers from the same evidentiary absence of any of the details allegedly shared between the complainants. While I understand the argument that T.C.'s evidence bears remarkable similarities to the evidence of other complainants, there is no evidence upon which I can conclude that those similarities arise from collusion or evidence tainting and not from the similarities due to actual experiences by the complainants.

[614] Having said that, T.C.'s change in his evidence from the sexual offence happening at a Penticton motel to the offence happening at Mr. Moore's home, cannot be overlooked.

[615] In the result, I find that T.C.'s evidence about the location of the alleged sexual touching by Mr. Moore is unreliable and I cannot rely on his evidence to found a conviction against Mr. Moore on the allegation in count seven of this Information.

#### 8. M.S.

[616] M.S.'s account of being indecently assaulted by Mr. Moore differs in some material respects from the evidence led against Mr. Moore from many of the other complainants.

[617] M.S. alleges he was indecently assaulted by Mr. Moore while being driven home after attending at Mr. Moore's home to make waterproof matches.

[618] M.S.'s allegation involves Mr. Moore masturbating in his car with M.S. when Mr. Moore stopped the car on route to drive M.S. home. M.S. says that while stopped, Mr. Moore had a discussion with M.S. about masturbation and then M.S. took his penis out of his pants and Mr. Moore tried to masturbate M.S. but it did not work.

[619] Other than the masturbation while Mr. Moore was alone with one of his Grade six students, I do not see sufficient similarity in M.S.'s allegation when looking at the evidence in this case as a whole to rely on the doctrine of Similar Fact Evidence to bolster M.S.'s evidence. However, I am also satisfied that I do not need to rely on that doctrine to bolster M.S.'s allegation of being sexually touched by Mr. Moore on the occasion in question.

[620] Mr. Moore argues that when M.S. first met with Jim Hanson, the lawyer who was initially retained for the purpose of pursuing the Class Action law suit, M.S. apparently had no recollection of being sexually touched by Mr. Moore, but after more than one meeting with Mr. Hanson, M.S. went to the police and gave them a statement alleging that he had been indecently assaulted by Mr. Moore.

[621] Obviously the details of M.S.'s discussions with a lawyer are privileged. The evidence I have before me is M.S.'s evidence about what he says happened to him on the drive home with Mr. Moore, the fact that he told the police about what he says happened to him in the car with Mr. Moore, and the fact that when he first met with Jim Hanson, M.S. apparently did not mention the alleged sexual interference.

[622] In the end, I believe M.S. He has a specific recollection of going to Mr. Moore's home on the afternoon or night in question. He has a specific recollection of the drive home in Mr. Moore's car and a specific recollection as to where Mr. Moore diverted the drive home to a specific location in Lynn Valley where the masturbation and sexual touching occurred.

[623] M.S. has never spoken with Dennis Cooper and he is not a part of any Facebook page. There is no evidence that M.S. has spoken to, or shared or been provided details of allegations against Mr. Moore by any of the other complainants. The only common

point of connection between M.S. and any of the other complainants is Jim Hanson and the details of what M.S. discussed with Mr. Hanson are privileged.

[624] I believe M.S., and I accept what he says happened to him in the car with Mr. Moore. The fact that the incident involved Mr. Moore exposing himself to one of his Grade six students and engaged in the topic of masturbation with M.S. bears a striking similarity to many of the other allegations in this case, but I am not prepared to bolster M.S.'s evidence based upon the doctrine of Similar Fact Evidence, I simply say that M.S.'s evidence has the ring of truth, and I believe him.

9. C.B.

[625] C.B., just like most if not all of the other complainants in this case, was forthright in his evidence. He acknowledged that his evidence in court was not entirely consistent with what he said to the police in 2022. Those differences; however, in my view do not fatally compromise C.B.'s evidence.

[626] One of Mr. Moore's criticisms of C.B.'s evidence is that he is not sure whether he was naked in bed with Mr. Moore or if C.B. was wearing underpants in bed with his teacher.

[627] While nudity with Mr. Moore is a prominent feature of the evidence in this case, I do not place much weight on C.B.'s uncertainty around whether he was naked in bed with Mr. Moore.

[628] C.B. was clear that while in bed with Mr. Moore, his teacher touched C.B.'s penis.

[629] Another point of contention with respect to C.B.'s evidence is that he said he now recalls that Mr. Moore touched his buttocks while they were in bed together.

[630] C.B. did not tell the police during his police statement that he recalled Mr. Moore touching his buttocks.

[631] In my view, C.B.'s evidence of Mr. Moore reaching over and touching C.B.'s penis while they were in bed together on a ski trip is bolstered through the doctrine of Similar Fact Evidence.

[632] The similarity of his evidence with the evidence of other complainants is strengthened by the fact that he has had no communication with Dennis Cooper or any of his former classmates. He is not part of any Facebook chat groups. His evidence is persuasive and I believe him.

[633] C.B. testified that when he returned from the ski trip he told his parents about what he said happened to him with Mr. Moore in bed on the ski trip. C.B. testified that upon hearing what he says happened to him, C.B.'s father went to [omitted for publication] to speak with the principal.

[634] C.B. testified that his father told him he would not be in Mr. Moore's class any longer but he continued to be Mr. Moore's student following C.B.'s father speaking with T.F.

[635] Whether C.B.'s father actually spoke with T.F. is not in evidence before me other than through C.B.'s recollection of his conversation with his father. The fact that C.B. remained in Mr. Moore's class after the ski trip is not inconsistent with the evidence of many of the other complainants in this case so this recollection from C.B.'s memory, in my view, is not fatal to C.B.'s reliability in this case.

[636] Another concern raised by Mr. Moore with respect to C.B.'s evidence is the fact that C.B. testified that while driving to the Okanagan, Mr. Moore allowed C.B. to steer the car on a snowy highway. C.B. testified that while steering Mr. Moore's car on the snowy highway, he lost control of the car and Mr. Moore had to regain control of the vehicle.

[637] The concern raised by Mr. Moore is that C.B. is the only witness who testified about steering Mr. Moore's car other than in the SFU parking lot.



[638] I agree with Mr. Moore that this evidence of steering Mr. Moore's car on the snowy highway seems improbable. I have no evidence suggesting otherwise and Mr. Moore was clearly inclined to let his Grade six students steer his car while sitting on his lap.

[639] In the end, C.B.'s evidence of being touched on his buttocks while in bed with Mr. Moore and steering Mr. Moore's car on a snowy highway is overshadowed by the similarity of C.B.'s evidence of Mr. Moore touching his penis while in bed with his teacher and I accept C.B.'s evidence that he was sexually touched by Mr. Moore while on the ski trip to Penticton.

#### 10. R.H.

[640] Mr. Moore's concern with R.H.'s testimony is centred on the suggestion of evidence tainting and collusion. For the reasons already stated, I find no support for the argument that R.H.'s testimony in this trial has been tainted or is the result of collusion.

[641] R.H. stated in his testimony that he contacted Dennis Cooper via LinkedIn prior to giving his police statement on August 17, 2022, and that he had a phone conversation with Dennis Cooper after R.H. gave his statement to the police. R.H. testified that Dennis Cooper told R.H. some of the details of what he says happened between him and Mr. Moore.

[642] I was not told of any details shared between R.H. and Dennis Cooper as to what they allege happened with Mr. Moore so the concern raised by Mr. Moore about evidence tainting and collusion with respect to R.H. has no evidentiary foundation.

[643] Again, complainants talking among themselves does not rise to the level of tainting or collusion without more. In this case there is no more. Without details of what was discussed and evidence of changed narratives from the complainants, I do not accept Mr. Moore's allegations of tainting and collusion.

[644] In the end, I accept R.H.'s evidence of being sexually touched by Mr. Moore on the school trip to Kamloops.

11.P.F.

[645] P.F.'s evidence about being sexually touched by Mr. Moore is different from the evidence of most of the other complainants. P.F.'s allegation relates to sexual touching in the showers at the SFU or UBC pool while the boys were playing soap hockey naked in the shower after swimming and Mr. Moore was naked with them.

[646] Mr. Moore raises a concern that P.F.'s allegation is implausible and improbable.

[647] While there is ample evidence to conclude that Mr. Moore was naked in the shower with his students, only P.F. told me that Mr. Moore engaged in the soap hockey the children were playing as they were in the shower at the pool.

[648] P.F.'s evidence cannot be bolstered by the doctrine of Similar Fact Evidence since none of the other complainants testified about sexual touching while in the public showers at the SFU pool.

[649] Also, Mr. Moore argues that P.F. testified that he went swimming with Mr. Moore at both the SFU and the UBC pool which is not consistent with the testimony of most of the complainants that the swimming trips with Mr. Moore were at the SFU pool.

[650] In the end, I am not satisfied with P.F.'s evidence about being sexually touched by Mr. Moore while playing soap hockey in the steamy showers at a public swimming pool at SFU or UBC.

[651] There is no doubt in my mind that Mr. Moore was an opportunistic offender but P.F.'s evidence about being sexually touched by Mr. Moore in the public showers stands alone.

[652] P.F. also described being sexually touched by Mr. Moore while sitting in Mr. Moore's lap and steering his car in the SFU parking lot. Under cross-examination, P.F. acknowledged that he did not mention being sexually touched by Mr. Moore while steering his car in the SFU parking lot. In fact, P.F. said that he "implied" that part of his evidence. I am not prepared to accept as proof of the allegation raised by P.F. on the basis of "implied" evidence.

[653] Another concern raised by Mr. Moore about P.F.'s evidence concerns the resignation of Mr. Moore from teaching at [omitted for publication].

[654] I accept that there likely were rumours circulating among the students around why Mr. Moore stopped teaching at [omitted for publication] but that issue, in my view, is a red-herring in this case.

[655] I heard evidence from T.F. at [omitted for publication] at the time Mr. Moore resigned and any evidence about rumours that Mr. Moore had offended against T.F.'s stepson is nothing more than unsupported rumour evidence.

[656] I am not prepared to reject P.F.'s evidence on the basis that he told me about Mr. Moore's resignation due to facts that have not been proven. P.F. told me what he believes on this collateral issue, but I find that his belief has not been established in the evidence in this case.

[657] Accordingly, I find that there is insufficient evidence to support P.F.'s evidence about being sexually touched by Mr. Moore while playing soap hockey in the steamy shower at the SFU pool or while steering his car after swimming at SFU.

#### 12. I.S.

[658] I have already commented on the evidence of I.S. and the concerns raised by Mr. Moore concerning the reliability of I.S.'s evidence. Shortly put, the concern about I.S.'s reliability centres on I.S. allegedly being unsure whether he was masturbated by Mr. Moore or his older brother, T.S., who was also sleeping in the same bedroom with I.S. and Mr. Moore.

[659] At the time of this allegation I.S. was seven or eight years old and T.S. was nine or 10 years old.

[660] The suggestion that I.S.'s older brother, T.S., who was two or three years older than I.S., would reach under the covers of the cot I.S. was sleeping in and then masturbate his younger brother is preposterous. While the bedroom was so dark that

I.S. could not see anything, he gave convincing evidence that Mr. Moore reached under his bedsheets and masturbated this young boy.

[661] I find that I.S.'s evidence does not need to be bolstered by the application of the doctrine of Similar Fact Evidence. I believe him.

### **CONCLUSION**

[662] In argument, Mr. Moore has raised concerns about evidence tendered by the Crown from non-complainant witnesses and while some of those concerns raised by Mr. Moore may have merit, I have concluded that the Crown has proven, beyond a reasonable doubt that Mr. Moore is guilty of the offences as follows:

[663] Accordingly Mr. Moore if you could please stand.

- 1) Count 1: I find you guilty of the Indecent Assault of E.B. between September 6, 1976 to September 5, 1978;
- 2) Count 2: I find you guilty of the Indecent Assault of B.W. between November 1, 1977 to April 30, 1978;
- 3) Count 3: I find you guilty of the Indecent Assault of D.C. between November 1, 1977 to April 30, 1979;
- 4) Count 4: I find you guilty of the Indecent Assault of Dennis Cooper between September 6, 1977 to September 4, 1979;
- 5) Count 5: I find you guilty of the Indecent Assault of I.C. between June 30, 1978 to September 4, 1979;
- 6) Count 6: I find you not guilty of the Indecent Assault of M.P. between September 4, 1979 to September 2, 1980;
- 7) Count 7: I find you not guilty of the Indecent Assault of T.C. between September 4, 1979 to September 2, 1980;

- 8) Count 8: I find you guilty of the Indecent Assault of M.W.S. between September 1, 1981 to February 28, 1982;
- 9) Count 9: I find you guilty of the Indecent Assault of C.B. between November 1, 1980 to April 30, 1981;
- 10) Count 10: I find you guilty of the Indecent Assault of R.H. between September 1, 1980 to June 30, 1981;
- 11) Count 11: I find you not guilty of the Indecent Assault of P.F. between September 1, 1981 to February 19, 1982; and
- 12) Count 12: I find you guilty of the offence of touching I.S. for a sexual purpose between September 2, 2005 to September 4, 2007.

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The Honourable Judge R. Hamilton  
Provincial Court of British Columbia