

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Julian, 2010 NSPC 1

Date: January 19, 2010

Docket: 1818028, 1818029, 1818030

Registry: Halifax

Between:

Her Majesty the Queen

v.

Amanda Julian

Judge:

The Honorable Judge Jamie S. Campbell

Decision:

January 19, 2010

Charge:

CC 344, CC 344, CC 344

Counsel:

Ronald Lacey, counsel for the Crown
Peter Nolan, counsel for the Defendant

- 1) On September 13, 2007, Angela Lahey was robbed at knife point in the parking lot of MacPhee Pontiac in Dartmouth.

- 2) On September 14, 2007, Iris Decker and her daughter Jean Decker Sampson were also robbed at knife point, in the parking lot of the Halifax Shopping Centre.

- 3) Tom Rogers has been convicted of all three robberies. The Crown says that Amanda Julian was the driver of the getaway car. She has been charged with being a party to those offences.

- 4) During her interview with the police Amanda Julian made up so many different versions of events that it would appear as though she stumbled upon the truth only by coincidence. That of course, is bound to lead to trouble.

Background:

- 5) Amanda Julian is 20 years old. She was technically an adult when these events took place. She was at that time the girlfriend of Tom Rogers. They had been in a relationship for about a year and a half. Although she lived in Sackville with her mother, she would spend a couple of nights a week at Rogers' apartment and he would spend nights at her home as well.

6) Tom Rogers was addicted to crack cocaine. Amanda Julian was caught up in the sad and sordid consequences of that addiction. Tom Rogers convinced her, that with her help, he could put his crack addiction behind him. She was, apparently, readily manipulated. She was convinced by Rogers that she should leave her job at a local hotel for a much lower paying job preparing and delivering pizza's. The idea was so that she could be around for him, when he needed her.

7) Amanda Julian was, at that time, pregnant with Tom Rogers child. She had not told him but wanted to see if he would deal with his crack addiction first.

Similar fact application:

8) A similar fact application was made by the Crown. That application was granted for reasons that I have already provided.

9) Evidence with respect to the Halifax incident may be used with respect to the Dartmouth incident and vice versa. The factual and evidentiary connections are considerable. Tom Rogers has been convicted with respect to all three robberies. All three of the robberies took place in parking lots during day light hours. Knives were used. The victims were women. Purses were stolen. A red car was involved. In each case the car was driven by a young woman.

10) The potential for ether moral or reasoning prejudice is acknowledged but is slight. All of the charges are with respect to robbery. The likelihood of a finding based on an assumption of

propensity is very small. The evidence is not so complex that evidence with respect to one count is likely to be confused with evidence of the others.

11) The Halifax incident establishes the identity of the female person involved to be Amanda Julian. There is no issue of identification. She has admitted that she was the person sitting in the car to which Tom Rogers ran after robbing Iris Decker and Jean Decker Sampson. Ms. Julian denies any prior knowledge of what Tom Rogers was up to.

12) The Crown asserts that the Halifax incident provides evidence that Amanda Julian was the person involved in the Dartmouth robbery. There is evidence that in that Dartmouth incident, Tom Rogers jumped into a moving car, very similar to Ms. Julian's car, and made a get away in that car driven by a young blonde woman. Her involvement in Halifax, in a situation that is remarkably similar, in the Crown's assertion, helps to place her at the Dartmouth robbery.

13) The Crown then asserts that, having placed her at the Dartmouth robbery, where the driver was more clearly a party, and operating a getaway vehicle, that involvement makes her explanation with respect to the Halifax incident not believable.

14) The similar fact evidence is then applied in both directions.

September 14th: Halifax Shopping Centre

15) It would seem logical to deal first with the Halifax incident, where identity is not

disputed.

16) When the robbery took place on September 14th, Amanda Julian was sitting in her red Hyundai, in the parking lot at the Halifax Shopping Centre. She testified as to why she and Tom Rogers were there. She said that they had been in an argument the day before. She had questioned him about his whereabouts with her car that night and in the course of the argument he pushed her down a flight of stairs. She drove home to Sackville. He called later to apologize and offered to take her to the Halifax Shopping Centre the next day to buy her a gift at the Body Shop.

17) She agreed to go with him to the mall, a decision that she said was “stupid”. They arrived and she sat in the car while Rogers went into the mall. She offered no reason for her decision to stay in the car while he went in to pick something out for her.

18) The decision to return to pick up Rogers after the unpleasant incident of the previous night, where she claims that he took her car without permission and then pushed her down a flight of stairs after she questioned him about it, could hardly withstand the scrutiny of either cold logic or common sense.

19) The last step of both logic and common sense is to acknowledge when they do not apply. Amanda Julian’s behaviour was not governed by either, through much of her involvement with Tom Rogers. To many, if not most people, the offer of something like a bottle of Pink Grapefruit

Bath Gel from the Body Shop might not come close to righting the situation. Amanda Julian's perception of the world, at least at that time, was not grounded in such practical considerations.

20) Ms. Julian drove the red Hyundai to the Halifax Shopping Centre with Tom Rogers. She says that she had no idea whatsoever that Tom Rogers had planned to rob anyone at the mall. Her evidence was that she drove him there with the absolutely innocent intention of having Tom Rogers pick out a gift for her.

21) She sat in the car with the music playing, while she waited for him to return. She was apparently not on the lookout for Rogers. Had she been, she would have seen him returning to the car.

22) Rogers returned, running. He got in the car, with a purse in his hands and, in an elevated voice, told her to drive. As it turned out, that was the purse that he had stolen from Iris Decker. Amanda Julian's evidence was that she looked over at him, "like, what the hell are you doing". She said that she told him that she was not going to help him rob someone. She testified that she heard screaming and within seconds people were by her vehicle.

23) She said at this point she was upset at Tom Rogers. He insisted that she drive the car. When she did not, he kicked out the window, leapt out, feet first and ran away. At that point, a white truck came behind her, blocking her from backing out of the space. She could not, in any event have driven forward because of a cement barrier.

24) She was then left, sitting in the car, alone, surrounded by upset people. She said that she was upset and shocked. She remained in the car until the police arrived.

25) The evidence of those at the scene was that when Tom Rogers got into the car there was a conversation. There was some issue as to whether it was animated or not.

26) The evidence from the various people who were there, was that as soon as Mr. Rogers got into the car, a white pest control truck pulled in behind the car to block its exit. Their evidence was that the vehicle could not leave at any point once Rogers was inside.

27) Ms. Julian in her testimony said that there was no vehicle behind her right away. She said that she could have got away by backing out, "for about a minute at least".

28) That evidence is not consistent with her own evidence in the police interview. At that time she said that he told her to drive and when she looked in her rear view mirror she saw the white truck behind her. While her statements from the interview are a tangle of truth and fiction, in this instance, her police statement is confirmed by the evidence of the other people at the scene.

29) Ms. Julian's evidence was that she was upset and "in shock" when this happened. The other witnesses commented on her demeanor, remarking that while her hands were shaking, she was very calm.

30) Iris Decker, the victim of one of the robberies clearly did not want to improperly implicate someone in a crime. She did not want to identify the young woman later because she was not entirely sure. She was at first concerned that the young woman in the car was another victim. Ms. Decker's testimony is particularly reliable. She was very careful not to say more than she was confident in recalling.

31) She said that the man was speaking to the young woman but was not making gestures toward her. Ms. Decker said that someone, perhaps herself, or perhaps someone else, asked the young woman if she was alright. The young woman looked at her, sitting quietly, showing no signs of distress in her estimation.

32) After Rogers made his escape, Ms. Decker spoke to Ms. Julian, through the open driver's window. Ms. Julian simply smoked her cigarette, trembling a little. Ms. Decker was not sure if Ms. Julian lit the cigarette after Rogers left or if she had been smoking all along.

33) Ms. Decker's daughter, Jean Decker Samson was also present. She had followed Tom Rogers to the red Hyundai. She noted that Ms. Julian was extremely calm, and just sat there smoking. She was asked whether she might have been mistaken and that Ms. Julian was in shock instead. Ms. Decker Samson replied that she, herself, was in state of shock. The young woman in the car was calm.

34) She said that the young woman had just sat there, after a man had jumped in her car carrying a knife and a purse. Ms. Decker Samson said that she had no sense at all that the young

woman in the car might have been a victim. The young woman, Ms. Julian, remained calm in the midst of a chaotic scene and made the comment “ I don’t know him”.

35) Mr. Tom Nason rushed to the scene, after relaxing in the back seat of his sister’s car in the parking lot. He gave chase in his stocking feet. While he held the passenger’s door closed to keep Rogers in, he was able to notice that the driver, Ms. Julian, was just sitting there, not much concerned about what was going on. He said that she did not seem to be scared of Rogers. He did say that his attention was not focused on the driver but on Tom Rogers. When asked if what he observed as calm might have been shock, he allowed that it might be so, though it did not appear to be that in his view.

36) Myrtle Marie Nowlan is Mr. Nason’s sister. She arrived on the scene after her brother. She noted that while she could not see the young lady’s face, she thought it “pretty strange” that she remained so calm.

37) Constable Joe Fougere of the Halifax regional Police was called to respond. He came upon the scene moments after Rogers had fled. He described Ms. Julian as being “nonchalant”.

38) Jonathan Flynn was the driver of the pest control truck that blocked the exit of the red Hyundai. He was within ten feet of the driver of that vehicle and described her as being “very calm”. He did not observe the young woman trying to leave the car.

39) Gerald Ferguson arrived on the scene after hearing someone scream. He drove over to the

red Hyundai and told the young woman in the driver's seat to turn the car off. He recalls that Rogers was "screaming and hollering" at her and that "she was just sitting there". He said that there wasn't much she could do. Mr. Ferguson said that the man's hands were "all over the place". He was angry and agitated. After Rogers made his escape, Mr. Ferguson chased him with a small baseball bat in his hand.

40) While the car was parked very close to an exit, it was parked. It was not stopped in the area where one might go if they were picking up a person who had been in the mall. It was not even parked in a way that would make for a quick get away. It was parked facing a concrete barrier. In order to make a getaway she would have to back the car out of the parking spot. That is not always an easy proposition. Ms. Julian could not even get a clear line of sight of Rogers approaching the vehicle.

41) Even with the engine running, that would be a singularly poor way to organize a getaway. Idling in a lane of traffic by the mall, or even facing out of a parking spot would have both been better options.

42) When Rogers got into the car, Ms. Julian had little or no advance warning. She had not started to back out before he got to the car. By all accounts the car was stationary when Rogers got in. A planned robbery, or at least a not absurdly poorly planned robbery, would likely involve the getaway car either ready to leave or in the process of leaving when the robber arrived.

43) There is a danger inherent in assuming that people behave logically or plan things well. They don't always. Robbers and getaway car drivers, especially those who are caught, are apparently not very skilled at it. That is why, for the most part, they get caught. In the trial process actions must be assessed having regard to logical behaviour and common sense. Bearing in mind that people's actions do not always comport with logic and common sense, that test is not always reliable. At the same time however, when a person is accused of driving a robbery getaway car, inferences can be drawn from facts that would be inconsistent with at least a modestly well planned effort.

44) Those who arrived at the scene took note of Ms. Julian's calm demeanor. It was suggested that this might be consistent with shock. Those who observed the situation did not seem to believe that shock was involved. If a person who had been surprised by a stranger jumping into her car, carrying a purse and a knife, one would expect a very animated reaction to that occurrence.

45) Ms. Julian however was not surprised by a stranger. A man she knew well, and whom she in fact was expecting to get into the car, got into her car and yelled at her to drive. She was not afraid that he was going to stab her or attack her. As the girlfriend of a crack addict, she had likely seen impulsive, irrational and bizarre behaviour before. While her reaction was outwardly calm, it should not be contrasted with the degree of excitement that one would expect from a victim surprised by a robber. She was not a victim and she knew it. Other's weren't entirely sure at the time.

46) She stayed in the car. She said “I don’t know him”. That was, of course, not true. At this point the car was becoming surrounded by excited strangers. She had brief seconds to react.

47) Amanda Julian had only a few options open to her:

- (1) She could have opened the door and fled. That, in the eyes of some may well have confirmed her complicity.
- (2) She might have reacted strongly to Tom Rogers. She could have become visibly upset and shouted back. Given that he was prepared to threaten bystanders and kick the window out of the car to make his escape, that may not have been the most high percentage play on her part. The nature of the relationship between the two would suggest that Amanda Julian would not be inclined to or capable of making the quick decision to firmly defy Rogers.
- (3) She might have got out of the car and explained to the assembled group what had just happened. That might have been the best option but certainly one that would have called for a great deal of composure and quick thinking. It would also have required a split second decision to betray Tom Rogers, something that her police statement would suggest, she was very much not inclined to do.

48) Sitting impassively in the car, denying knowledge of him, could well have been the only option that she thought of at the time. It could point to her involvement as the getaway driver, as asserted by the Crown. If that were the case however, and she were the getaway driver, her calmness would be equally remarkable. If she had indeed been caught in the perpetration of the crime, she was very calm and nonchalant about it.

49) It could also point to her quick decision to do the easiest thing she could do. It is consistent with her not being shocked but simply in state of indecision. In the midst of a group of agitated people and a boyfriend who had just robbed someone, an appearance of calm or resignation could indeed be a plausible reaction. The appearance of calm doesn't establish a state of mental ease. A person, particularly a person like Ms. Julian, who may have been overwhelmed by both the immediate events facing her and overwhelmed by the broader circumstances in which she found herself, can affect a look approaching calmness. It may be nothing more than indecision, resignation or denial of the reality. No one on the scene was able to engage Ms. Julian enough to fully make those distinctions.

50) There are then some aspects of the evidence that cast doubt on Ms. Julian's involvement as the driver of the getaway car in the Halifax robberies. Those do not rely so much on her credibility, which is so tattered as to be in a very fragile state, so much as on the surrounding circumstances.

51) The red Hyundai was not positioned in a way that would be consistent with it being a getaway car.

52) Her reaction was not necessarily a calm from which her involvement would be strongly inferred. Her reaction of outward calm, as described by the witnesses, could be consistent with the assertion that she was for some reason calm because she had been caught as a party to a robbery and surrounded by an excited, shouting group of victims and bystanders. It is equally consistent with denial of the situation in which she had found herself, indecision as to what to do, or simply resignation that there was nothing really that she could do.

Sept 13th, Dartmouth Incident:

53) That situation could be changed in the face of proof that Ms. Julian was at the wheel of the get away car when Angela Lahey was robbed in Dartmouth. A car, very much like Ms. Julian's red Hyundai was seen picking up a fleeing Tom Rogers. In that incident it would be much more difficult to suggest that the driver was anything other than involved as the driver of a get away car. If Ms. Julian had been involved in that incident, there is a strong inference that she was also involved in the Halifax incident, involving the same robber and a very similar method.

54) Back at Tom Rogers apartment on Farrell Street police found Angela Lahey's purse in the garbage can. They also found evidence that Ms. Julian was having some of her mail sent to that address.

55) The Crown asserts that Ms. Julian was the blonde woman driving the vehicle when Tom Rogers robbed Angela Lahey. She fit the general description, as did the vehicle. Ms. Lahey's purse was found in Tom Rogers' apartment. Ms. Julian was a sometime resident of that

apartment.

56) Ms. Julian has taken pains to explain some matters that really need no explanation. She said that her bank statement was being sent to Farrell St. rather than to her home in Sackville to hide from her mother the fact that she had quit her job. Her bank statement would show her pay cheques being deposited and perhaps might lead one to conclude that she had changed jobs. The fact that her bank statement went to Mr. Rogers apartment proves little other than the fact that they were in a relationship and that she did indeed spend considerable time at that address. That was not seriously disputed.

57) Similarly, her car registration was found in that apartment. She said that Tom Rogers told her that she should not carry it with her, in her purse. That is perhaps odd, but only that.

58) It is not necessary to conclude that if Ms. Julian was living with Mr. Rogers to prove anything relevant to this matter. If she saw Ms. Lahey's purse in Tom Roger's apartment that is not proof that she was involved as the driver of the get away car in that robbery. Ms. Julian's police interview makes it abundantly clear that she was not prepared to "rat out" Tom Rogers. Had she seen the purse it is unlikely that she would have called Crime Stoppers, much less the police, even if she had known that he had stolen it.

59) In any event, Ms. Julian describes a version of events that has her not entering Mr. Rogers apartment on the evening of September 13th. She says that on that evening she fell asleep and he made off with her car. She realized it was gone when she woke up. She then had to make

her way to work by bus. She had no idea where he was. She said that she called him every half hour and he had his phone turned off.

60) When she finished work, she came back to his apartment building waited on his back step for him. When he finally arrived he refused to tell her where he had been and an argument ensued. After pushing her down a flight of five steps he gave her the car keys so she could go home. He called later to apologize and she accepted the invitation to go the mall in Halifax the next day so that he could buy her something.

61) The evidence placing Ms. Julian at the scene of the Dartmouth robbery is circumstantial. The person who committed the robbery was Tom Rogers. The vehicle used was very similar in description to hers, despite the comment that the vehicle involved “may” have had rust which Ms. Julian’s vehicle did not have. It is overwhelmingly probable that Tom Rogers used Amanda Julian’s red Hyundai to make his getaway from the robbery of Angela Lahey. There is no direct evidence that Amanda Julian was in the vehicle.

62) There is no reliable evidence that she was the woman driving the car in the Dartmouth incident. There is no eyewitness testimony that identifies her. Neither of the accounts of the witnesses from the scene could positively identify Amanda Julian as being in that car.

63) The evidence from Tom Rogers apartment makes it clear Angela Lahey’s purse was in

his garbage can, and not carefully hidden from view. This evidence is capable of supporting the inference that Ms. Julian was involved, but it is equally consistent with the inference that Tom Rogers knew that she was so naive that she would not “rat him out”, even if she did see the stolen purse.

64) Amanda Julian’s version of events on the evening of September 13th was almost like an evidentiary fencing match with the Crown. For each piece of evidence that potentially implicates her, she proposes an explanation. Tom Rogers is in her car. She responds saying he took the car while she was asleep. Angela Lahey’s purse is found in the apartment. She responds by saying she wasn’t in the apartment that evening but waited outside, on the steps for Tom Rogers. She was clearly with him in the car the next day. She responds by saying that she got a call from him to go to the mall so he could buy her a gift. None of these explanations are themselves inherently incredible. It is just that Amanda Julian’s credibility has been so battered through this process that truth would seem to make an appearance only at random intervals.

65) But, while what she says may not be reliable, there is one theme that emerges that is reliable. Amanda Julian was duped by Tom Rogers. She was pregnant with his child. She wanted him to choose between crack cocaine and their relationship before telling him about that. She was prepared to cover up for him and went through a long and difficult police interview process, refusing to implicate him.

66) That parasitic relationship is consistent with his making off with her car and refusing to tell her where and with whom he had been. It is indeed consistent with his being with another

blonde woman in Ms. Julian's car while he robbed Angela Lahey of her purse. It is consistent with his having the view that she would not report him to the police even if she did know that the purse in his apartment.

67) Amanda Julian's evidence is hardly reliable. The evidence implicating her in the Dartmouth robberies however is hardly compelling or convincing either, without support from inferences that could be made from the Halifax incident.

68) Ms. Julian's interview with the police provides little by way of direct information upon which any reliance can be placed. It does however serve to confirm the theme that Amanda Julian was prepared to say just about anything to protect Tom Rogers.

Police interview:

69) In the hours following the incident Amanda Julian was questioned by the police. There was no issue raised as to the voluntariness of the statement which was given over the course of hours.

70) Ms. Julian's statement was a bizarre combination of mendacity and confusion. She said that she sometimes stayed on Farrell Street in Dartmouth with some friends or family. No mention at all was made of Tom Rogers. She said that she had no boyfriend at the time and had not spoken to Tom Rogers for some time. She said that she had broken up with Tom Rogers in

order to focus on her GED. That was clearly not true.

71) She wove a story about going to her aunt's house in Spryfield to wash a blanket and stopping by the mall to use a gift certificate from the Body Shop. She met the man who committed the robbery and picked him up near the Commons in Halifax. She eventually gave the name Devon Sykes. That information was all untrue.

72) She said that with respect to the incident in Dartmouth the night before, she was at home and her car was with her, in Sackville. She said specifically that Tom Rogers did not have her car. "Tom, no. He ain't allowed to drive my car. Not at all."

73) When the police told her that she had been identified as having been in Dartmouth, near MacPhee Pontiac, she said that she had in fact been in Dartmouth, in the area around MacPhee Pontiac buying gas at the PetroCan station. She said that she picked up a person in the parking lot of the Steak and Stein, near MacPhee Pontiac. She heard screaming and drove off. The person had a woman's purse with him.

74) Through more than six hours of intense questioning Ms. Julian steadfastly refused to implicate Mr. Rogers in any of the robberies. She was clearly a young woman who was intensely protective of a person who did nothing to deserve that loyalty. The fabricated stories tumbled over one another to the point that the only really reliable thing that can be determined is that she was prepared to lie to protect Tom Rogers, regardless of how absurd the story or how inconsistent the versions might be. She was prepared to lie to protect herself as well, but when it

appeared as though that might result in Tom Rogers being implicated, she was prepared as well to make admissions.

75) That entire interview has to be considered in light of the intensely stressful circumstances in which it took place. A young woman, who has recently learned of her pregnancy, was doing whatever she could to lead the police away from the child's father. She was prepared to lie to the point where almost nothing she said could be relied on as bearing any reflection of reality.

76) Her comments to the police are focused on protecting Tom Rogers and keeping him out of the sights of the police. She alternated lies and truth so much that it would be difficult to hold her to any statement that she made that could not be independently verified.

77) Her "admission" to the police, coming as it did, in the midst of a confusing mixture of made up and real, can hardly now be relied upon, unless it is done as form of punishment for lying to police. It is simply not reliable evidence.

78) The Crown asserts that these are confessions, or admissions against interest and are therefore more reliable evidence than her various forms and versions of denial. In this view, where her evidence is inculpatory it should be accepted and where it exculpatory it should be rejected.

79) Ms. Julian cannot give conflicting versions of events and then simply chose one that she prefers with the expectation that it will be accepted as the “real” one. The Crown cannot select those portions of her evidence that implicate her in this matter and assert that at that point she is telling the truth, and at the same time maintain that other aspects are not credible or reliable. The statement cannot be parsed to the point that it is meaningless.

80) The entire statement was admitted as evidence. The extent to which it should be relied upon should be based on the statement as a whole. It cannot be dissected to the point where the reliability of portions of the statement depend entirely on whether they are inculpatory or exculpatory. The statement must be considered as a coherent, or in this matter perhaps, as an incoherent, whole. Lying to the police is a serious matter. The penalty should not be conviction on a charge of robbery.

81) Put simply, Amanda Julian’s statement to the police must be taken with a grain of salt. It can only be relied upon to the extent that some other evidence supports the inference sought to be made.

Conclusion:

82) The similar fact evidence in this case was sought to be used in two directions. Amanda Julian was in the car with the robber Tom Rogers when he committed the robbery in Halifax. The Crown seeks to use the Dartmouth incident as proof that she was not an innocent bystander in the Halifax matter. It then seeks to use the Halifax matter, as proof that she was indeed the

person involved in the Dartmouth matter.

83) The similarities are significant. If Amanda Julian were the driver in the Dartmouth robbery, it would be powerful evidence that her involvement in Halifax was not innocent. On the other hand, if her actions in Halifax do not prove that she was a party to the offences in Halifax, her presence in the car there hardly supports the inference that she was the driver with respect to the Dartmouth robbery.

84) The similarities point to the method of operation of Tom Rogers. Those similarities themselves do not serve to implicate Ms. Julian.

85) With respect to the Halifax robbery, Ms. Julian's calm demeanor is not proof of her involvement in Tom Rogers plan. It is reasonable to conclude that her response was that of a person who was at a loss to know how she should react. Running away, fighting back and sitting facing straight ahead might seem to be a reasonably complete set of reactions from which she might select on a second's notice. None of them are particularly attractive. Calmly getting out and explaining what had just happened would require a degree of self composure that Ms. Julian may not possess and would have required her to have made a decision about "ratting out" Tom Rogers right then and there.

86) The undisputed fact that the car was parked facing into a concrete barrier supports the inference that Tom Rogers and Amanda Julian had not planned a robbery together. In the Dartmouth robbery, only the day before, Tom Rogers got into a moving car. He knew that a

quick getaway might be needed. Even the most unsophisticated of planned robberies would take that requirement into account. Here, there is no evidence of any such planning. The parking of the car is consistent with Mr. Rogers acting on impulse with no plan being made in advance with Ms. Julian.

87) The only evidence that would place her in Dartmouth, other than portions of her statement to the police, was the fact that Tom Rogers was in Dartmouth, with what appeared to be her car, driven by a blonde woman. There is certainly a reasonable inference that she was the driver. There is also a reasonable inference that it could well have been another blonde woman. The relationship between Ms. Julian and Mr. Rogers appears to have been such that Mr. Rogers could act with impunity with regard to her. His simply taking her car without permission and using it to commit a robbery, while in the company of another woman, is consistent with that relationship.

88) The presence of the stolen purse in Tom Rogers apartment does not implicate Ms. Julian in the theft of that purse. There is no evidence that Ms. Julian saw the purse.

89) Her police statement serves to confirm only that she was prepared to agree to almost anything that would put the police off the trail of Tom Rogers. Her “admissions” do not trump her lies simply because they happen to conform to the allegations against her.

90) I am not satisfied that there is evidence to prove beyond a reasonable doubt that Amanda

Julian was the driver of the vehicle in which Tom Rogers made his escape after robbing Angela Lahey. I find her not guilty of that charge.

91) I am not satisfied that there is evidence to prove beyond a reasonable doubt that Ms. Julian was aware that Tom Rogers planned to rob anyone on September 14th, and find her not guilty with respect to those charges as well.