



Nfld. & Labrador

Sexually assaulted cadet needlessly traumatized in court, lawyer says



Jane Doe seeking more than \$900K in damages from Government of Canada

[Mark Quinn](#) · CBC News · Posted: May 15, 2017 6:57 PM NT | Last Updated: May 15, 2017



Lawyer Will Hiscock is representing woman who is suing the federal government for damages after she was sexually assaulted by a cadet leader. She was 14 when the assaults began. (Mark Quinn/ CBC)

A woman who was sexually assaulted by a cadet leader when she was 14 and he was 33 was unnecessarily traumatized in court according to her lawyer.

"It concerns me if questions that would cause distress or trauma are asked. Those kind of questions should only be asked if they are required to delve into a particular area that is at

issue in this case," said lawyer William Hiscock.

“I think it was a particularly egregious line of questioning.”

- Will Hiscock

Hiscock is representing a woman who was repeatedly sexually assaulted as a 14-year-old cadet by Travas Kendell, who taught marksmanship.

Her identity is protected by a court-ordered publication ban. Court documents refer to her as Jane Doe.

Hiscock believes it was unfair for federal government lawyers to question his client's integrity by suggesting she had hidden the sexual relationship.

"Any suggestion that there was hiding or sneaking on the part of a young child when in fact it was the child and not the cadet officers, or the abuser, or anybody else, who brought this matter forward," he said.

"It was the child herself who brought it forward. In those circumstances, I think it was a particularly egregious line of questioning."

In June 2011, Kendell pleaded guilty to sexual touching and sexual assault and was sentenced to 21 months in prison and a year's probation.

"This case had a criminal conviction. I didn't think it was appropriate to ask some questions about the sexual assaults and I wanted to say that to the judge to see if in his ruling he wants to address that issue," said Hiscock.

"I think it is up to a judge afterwards to say look there were areas of questioning that have no legal purpose but were traumatising and we can't have that."

Civil lawsuit seeking damages

Jane Doe, now 21, is suing four parties including the Attorney General of Canada, and is asking for more than \$900,000 in damages from the Government of Canada.

She has just reached an agreement with a fifth party, the Army Cadet League Of Canada.

- [St. John's lawyer wants Ottawa to accept responsibility for sexual offender cadet leaders](#)

"We're claiming that some very serious sexual abuse occurred of a period of five months by an officer in the cadet movement against a young cadet," Hiscock said.

"The cadet organization, that the Attorney General of Canada and the Department of National Defence are responsible for their officers when they do this sort of thing and at the end of the day they need to compensate."

Defence says Canada not liable

In its statement of defence, The Attorney General "denies that it is directly or vicariously liable for the conduct of the First Defendant [Kendell]."

"Canada further states that any sexual contact ... was committed outside the course and scope of [Kendell's] duties."

In a statement to CBC News, the Department of National Defence said welfare of cadets is always the department's first priority, but could provide no further comment on this specific trial.

It went on to say that all adults working with cadets are held to a very high standard of conduct, and undergo police screenings. It also said that if a criminal act is committed, police are notified and the officer in question would be suspended immediately.

Travas Kendell is due back in court in Corner Brook in June for a sentencing hearing. He has pleaded guilty to sexual offences against another person, other than Jane Doe.