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Mike Ferguson Situation Update #2

John McKay - Witness for the Defence **Former RCMP member John McKay's letter to the JIBC** **Listserve group regarding the Ferguson situation**

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The following letter has been released for publication by

John: I became involved in this thing with Mike about a year after the incident and continued with the case through 3 sets of lawyers. I appeared in court on his behalf at the 2nd trial where he got the second hung jury.

Joel interviewed me the other night on this and what he has printed is the story in a nutshell.

You could argue that the prosecution were head hunters, but I spoke to them at trial and I didn't get that sense, What I got was that based on the evidence, that Mike provided during his interviews, (statements and reenactments) coupled with the evidence provided by the RCMP expert; they originally believed that Mike got angry and executed Varley.

I don't believe that the RCMP investigators were malicious in any way and I don't think Mike believes that either. They were doing what they should do which is to try to get at what happened.

In my opinion this whole incident can be summed up as a training and resources issue. Mike had no resources in Pincher Creek to assist with Varley either at the hospital or at the jail. He was the one mountie on duty for 180 miles. He had no resources with which to safe a firearm in the jail. The guard while a nice guy had heart problems and wasn't able to assist Mike during the fight.

Mike had 3 Calibre Press seminars and a 3 day 9mm transition which included OC spray and baton. He had no framework with which to explain use of force so he made it up as he went and typically, he said exactly what he shouldn't have said. Believing that the force would "look after him" he went into the interviews based on his lawyer's advice without the lawyer

present. This lawyer was not a police use of force lawyer but a criminal lawyer who also believed that the Force would look after Mike. He didn't see anything wrong with what Mike had done so he let Mike go off and tell the story over and over to the investigators. Mike reenacted what he thought was the jail incident but of course he couldn't account for a hell of a lot of things.

None of these folks including the RCMP investigators or lawyers had heard of Phil Messina, Bill Lewinski or any of the other currently recognized experts outside the Force. They really didn't like me and they still don't. Nor had they heard any of the current RESEARCH about any of the issues that have been part of this blog. All these investigators and experts were amazed to see how a gun can be taken out of a holster. Can you imagine this?

Another big issue in this case was the fact that Mike had a cap on his defense fund. The funding for member's defense is done through Ottawa and there are strict guidelines on how much can be spent. None of the lawyers knew if they were going to be paid. I don't think Earl Wilson who handled the defence for Mike's 2nd and 3rd trial has ever been paid nor Jack Harris who did the first trial. You will have to ask them directly about that but this was a HUGE issue all during these trials. So the question begs how far were they prepared to go to get experts when these lawyers were paying for Mike's defence out of their own pockets?

I could go on forever about this whole story but there was no malicious prosecution. In all aspects in my opinion, it came down to resources and training. Of all the things it could have resulted from, it shouldn't be training and resources. Mike was let down by his lack of training and a lack of appropriate resources right from the get go. He was then abandoned by his organization.. Mike is a good man and I find this really sad.

I am still in this fight John.

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Thanks, John

John has been involved in this thing from early on. We need voices, people ... you need to get angry about this and direct that anger at changing a system that is outdated and dangerous for each and every one of you.

Ignorance is the enemy of truth ... time to get schooled.

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