

1 OCTOBER 22, 2014

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3 THE JUDGE: All right, Mr. McKenna, which matter
4 would you like to deal with next?

5 MR. MCKENNA: I'm fine with dealing with the
6 first one on the docket, Your Honour, 2013/32, [REDACTED]

7 [REDACTED].

8 THE JUDGE: Yes. Is Mr. [REDACTED] here? Okay, I
9 have a note that I think last time was his first appearance
10 and he didn't appear and it looks like Judge Pullan put the
11 matter over to today to see if he would appear. Have you
12 heard anything from him, Mr. McKenna?

13 MR. MCKENNA: Your Honour, I have not. I have
14 not received any correspondence whatsoever from him and I
15 can advise that I have been copied with a letter that was
16 sent at the instruction of Judge Pullan, from the Law
17 Enforcement Review Agency to Mr. [REDACTED], advising that, that
18 today would be the next date and that -- and I'll, I'll
19 quote: "If you fail to appear it is possible that your
20 complaint may be dismissed at the request of the
21 respondent."

22 THE JUDGE: Okay.

23 MR. MCKENNA: So that was sent to him by
24 registered mail at his last known address from the file
25 and --

26 THE JUDGE: Is there a date on that letter?

27 MR. MCKENNA: Yes, the letter is September 25,
28 2014.

29 THE JUDGE: Okay. I wonder, Madam Clerk, would
30 you page [REDACTED], please?

31 THE CLERK: [REDACTED], please attend to
32 courtroom 401. [REDACTED], courtroom 401.

33 MR. JOHNSTON: And, Your Honour --

34 THE JUDGE: Yes.

1 MR. JOHNSTON: -- it's Johnston for the
2 Commissionaire of LERA.

3 THE JUDGE: Yes.

4 MR. JOHNSTON: Just further to my learned
5 friend's comments, I can indicate that LERA did, indeed,
6 send the letter that my friend referred to. I can
7 indicate, however, that it was returned ultimately to LERA,
8 having been unclaimed by Mr. [REDACTED]. So they would have
9 left a delivery notice on his door to pick the letter up at
10 a post office but he failed to do so.

11 THE JUDGE: I see. All right. Thank you. Well,
12 counsel have any position as to what they feel is
13 appropriate here?

14 MR. MCKENNA: Yes, I think in the circumstances
15 that the -- I am, I am asking that the matter be dismissed
16 for failure to participate in the system, Your Honour.

17 THE JUDGE: Thank you.

18 MR. JOHNSTON: And we would take no position,
19 Your Honour.

20 THE JUDGE: Thank you. All right. Well, first
21 appearance was September 24, 2014, Mr. [REDACTED] did not
22 appear. Judge Pullan put the matter over. A letter was
23 sent to him although it sounds as though it may not have
24 reached him. But he has not made any inquiries of counsel.
25 It is now 2:04 on the second appearance and Mr. [REDACTED] has
26 not responded to the page nor has the court office received
27 any communication from him.

28 So his, his application will be dismissed.

29 MR. MCKENNA: Thank you, Your Honour. Might I
30 have an order that the ban on publication continue pursuant
31 to Section 13(4.1)?

32 THE JUDGE: Any position on that, Mr. Johnston?

33 MR. JOHNSTON: It's ordinarily granted, Your
34 Honour.

1 THE JUDGE: Okay. Yes, that is fine, it will
2 continue.

3

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(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 3, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability.

PAMELA S. PESCIPELLI
COURT TRANSCRIBER

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THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: The Law Enforcement Review Act
Complaint No. 2013/32

AND IN THE MATTER OF: An application pursuant to s. 13(2)
of The Law Enforcement Review Act

BETWEEN:

[REDACTED]

Complainant,

- and -

[REDACTED]

Respondents.

TRANSCRIPT OF PROCEEDINGS before The Honourable
Judge Carlson, held at the Law Courts Complex, 408 York
Avenue, in the City of Winnipeg, Province of Manitoba, on
the 22nd day of October, 2014.

APPEARANCES:

MR. D. JOHNSTON, for the Law Enforcement Review Agency

MR. P. MCKENNA, for the Accused

BAN ON PUBLICATION