

IN THE MATTER OF:

**Law Enforcement Review
Complaint No. 5920**

BETWEEN:

A.K.,

Complainant,

- and -

CONSTABLE R.F.

CONSTABLE S.S.

CONSTABLE R.S.C.

CONSTABLE D.B.

CONSTABLE M.Q.,

Respondent.

TRANSCRIPT OF PROCEEDINGS had and taken before
The Honourable Judge Devine, held at the Law Courts
Building, 408 York Avenue, in the City of Winnipeg,
Province of Manitoba, on the 6th day of October, 2004.

APPEARANCES:

MR. S. BOYD, for the Commissioner

MR. J. WEINSTEIN, for the Respondents

OCTOBER 6, 2004

THE CLERK: This hearing is open. Judge Devine presiding.

MR. WEINSTEIN: Good morning, Your Honour.

MR. BOYD: Good morning, Your Honour

THE COURT: Gentlemen.

MR. WEINSTEIN: Just for appearances, Josh Weinstein here on behalf of the respondent officers, and my friend Mr. Boyd is here on behalf of the Commissioner.

THE COURT: Mr. K. is unrepresented, I understand.

MR. WEINSTEIN: He is. I can just indicate from my understanding, he was tracked down prior to the hearing in terms of getting a package picked up at Mr. Boyd's office, the brief. He did attend and pick it up.

MR. BOYD: I am informed by my assistant and the receptionist that he did pick it up at some point last week and that document had the date, time and location of the hearing.

THE COURT: All right. Well, we'll give him until ten and see if he's here by then. Otherwise, I'll hear from you then.

THE CLERK: Order. All rise. Court is recessed.

(BRIEF RECESS)

THE CLERK: Court is reopened.

THE COURT: I take it there's been no further response from Mr. K.

MR. WEINSTEIN: There hasn't. And we paged him. And, just again, as I had indicated, he had picked up, as mentioned, had picked up the package from the -- regarding the brief, which indicates the date.

On behalf of the respondent officers, I'm asking

that the, the application to review be dismissed. I don't know if my friend takes a position at all on these things or ...

MR. BOYD: The Commissioner isn't taking a position.

THE COURT: Well, I have to say that the Commissioner's brief is enough to scare off most unrepresented accused, I would think.

But, there being no evidence with respect to the application or no appearance by the complainant, I am prepared to order that his application for review is dismissed and that the ban on publication of the respondents' names continue.

THE CLERK: Order. All rise.

(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 2, are a true and accurate transcript of the proceedings recorded by an approved sound recording device, transcribed by me to the best of my skill and ability.

JACQUELYN DYSON
COURT TRANSCRIBER