

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: Law Enforcement Review Act  
Complaint #2014-168

AND IN THE MATTER OF: An Application for Review pursuant  
to s.13(2) of The Law Enforcement  
Review Act R.S.M. 1987, c. L75

BETWEEN: ) Mr. R. Histed,  
 ) for the complainant  
 [REDACTED], )  
 Complainant, ) Mr. P. McKenna,  
 ) for the respondents  
 )  
 - and - ) Mr. D. Johnston,  
 ) for the LERA Commissioner  
 CONSTABLE [REDACTED] )  
 CONSTABLE [REDACTED] )  
 CONSTABLE [REDACTED] )  
 CONSTABLE [REDACTED] )  
 CONSTABLE [REDACTED] and )  
 CONSTABLE [REDACTED] )  
 Respondents. ) Judgment delivered  
 ) September 21, 2016

**RESTRICTION ON PUBLICATION**  
 Pursuant to the Criminal Code of Canada and/or  
 the Youth Criminal Justice Act, there is a  
 restriction on publication regarding this matter.

1 KRAHN, A.C.P.J. (Orally)  
 2 MR. MCKENNA: Your Honour, I would, if it's all  
 3 right with you ask that the [REDACTED] matter be brought

**Reviewed – Release authorized by Krahn, A.C.P.J.**

1 forward given Mr. Histed is here to withdraw as counsel and  
2 just to assist him in getting on with his day.

3 MR. HISTED: I appreciate that. Thank you.  
4 Yeah, Mr. [REDACTED] hasn't given me any instructions about  
5 proceeding and my understanding is that he's not interested  
6 in the matter anymore.

7 THE JUDGE: I did receive, or I saw an email  
8 chain on the file indicating that. So Mr. Histed, you're  
9 allowed to withdraw. Perhaps we can just page out of an  
10 abundance of caution [REDACTED]

11 THE CLERK: [REDACTED] please attend courtroom  
12 408. [REDACTED], courtroom 408.

13 THE JUDGE: And nobody has any updated  
14 information from that email chain?

15 MR. HISTED: No.

16 THE JUDGE: I should just put on the record, a  
17 judicial assistant in our office received a phone call from  
18 Mr. [REDACTED] indicating his intention to withdraw this and  
19 not proceed with the Section 13 review.

20 So based on that I'll treat that application, or  
21 that review as withdrawn.

22 MR. HISTED: Thank you. Good afternoon, Your  
23 Honour.

24 THE JUDGE: Thank you, good afternoon.

25 Mr. McKenna: Your Honour, and can I ask that the  
26 initial ban on publication pursuant to Section 13(4.1) of  
27 the Act continue?

28 THE JUDGE: Yes, that ban on publication will  
29 continue.

30

Reviewed – Release authorized by Krahn, A.C.P.J.