1 JULY 27, 2016 2 THE JUDGE: So moving now to the next matter and 3 4 I'm going to apologize in advance because I'm sure I'm not 5 going to pronounce this name correctly and there is б absolutely no disrespect intended. It looks like 7 8 : That's me. MR. 9 THE JUDGE: Oh, that's yourself, Sir? Okay. Very good. Just --10 I'11 11 THECLERK: get you to stand by а 12 microphone. Just have --13 THE JUDGE: Good afternoon, Mr. 14 MR. : Good afternoon. 15 THE JUDGE: So you're here on your own without a 16 lawyer? 17 : MR. Yes. 18 THE JUDGE: Now is it your intention to hire a 19 lawyer to represent you in this matter? 20 MR. : No. 21 Okay. You wish to proceed on your THE JUDGE: 22 own? 23 MR. : I wish to actually say I'm not 24 proceeding because I don't think I have faith in the system 25 to get me justice so I'll just leave it that way. I don't 26 want to waste my time and at the end of the day I feel 27 (inaudible) so I will rather just let it go. 28 THE JUDGE: Well that's --29 : That's what I'll do. MR. 30 THE JUDGE: -- I'm certainly disturbed to hear your assessment of the, the system but you're an adult and 31 32 obviously if you've considered the matter, you've thought 33 it through and you've determined that you do not wish to 34 proceed, that's ultimately your choice.

[1]

1 I, certainly my role here is not to talk you into 2 going ahead except to say that the proceeding would be 3 impartial, there are no prejudgments and the court would 4 make its determination based on the facts presented. You 5 can be assured of that. That said, as I say, ultimately at the end of the day your choice and your decision. 6 So is 7 this a decision that you have firmly made or do you wish to reconsider? 8

9 MR. : Your Honour, if a police officer 10 could come to somebody's house at 1:30 a.m. in the morning to arrest him, wake them from sleep, arrest him and if I 11 complain to 12 the commission or whatever it has been 13 called --

14

THE JUDGE: Um-hum.

MR. MR. -- and there was no justice and (inaudible) the bench, I don't think I have faith in the system. I will let it go and hopefully will leave this in the hand of God at this point. I'm not going to waste my time coming here and you have to come back several times, spend my money --

21

THE JUDGE: Yeah.

22 MR. . -- to have hearing and at the end of 23 the day it's nothing. The police officer can still go out, 24 arrest people on the street.

25

THE JUDGE: Well --

26 MR. Hopefully somebody will get justice 27 for them or for me.

28 THE JUDGE: Yeah. A couple of things. First of 29 all, you would be able to set the matter down today. There 30 wouldn't be several appearances. You would have to come 31 back one further time if you wish. And you know, 32 regardless of what the commissionaire has done, the reason 33 that there is an appeal proceeding is for another higher 34 authority, in this case this court, to review that

decision. So the fact that the commissioner had decided
one thing doesn't mean that the matter is at an end.
That's in fact why we have a review proceeding.

And finally, when you say you don't want to have to spend your money --

MR. : Yes.

7 THE JUDGE: -- I don't know if you're referring 8 to lost income or lost wages because there's no actual cost 9 associated with your proceeding. It's simply a matter of 10 in this case because you don't have a lawyer, your time. I 11 just want you to have all of the facts clear so you can 12 make an informed decision as to what you wish to do.

13 So please keep in mind what I've said. If you 14 need some time to think about what I said I'm prepared to 15 give you that opportunity. If as I say, you've made your 16 own mind up and you wish to pursue the position you first 17 advanced, you're a grown up, it's a free country and you 18 can do as you wish so what do you say?

19 MR. Your Honour, thank you so much for 20 your counsel but like I say, I do not have any faith in the 21 system honestly.

22

б

THE JUDGE: All right.

23 MR. : I, I do not believe there's justice, that I can get justice so I will suck it up and just take 24 25 it that way. It does happen, it does happen, I will let it 26 And hopefully I hope the Winnipeg Police Service will qo. be able to talk to their police, to the officers to conduct 27 28 themselves in appropriate ways so that it doesn't escalate 29 into something more than this (inaudible) so that people 30 who may not have kind of (inaudible) towards this. That's 31 what I'll say.

32 THE JUDGE: All right. So you, you wish to 33 withdraw your application?

34 MR. Ses, Your Honour.

1		THE	JUDGE:	Okay.	I'11	note	it	as	being
2	withdrawn	•							
3		MR.	:	Thank you.					
4		THE	JUDGE:	All right.	Thank	you.			
5									
6			(PR	ROCEEDINGS CO	ONCLUDE	D)			

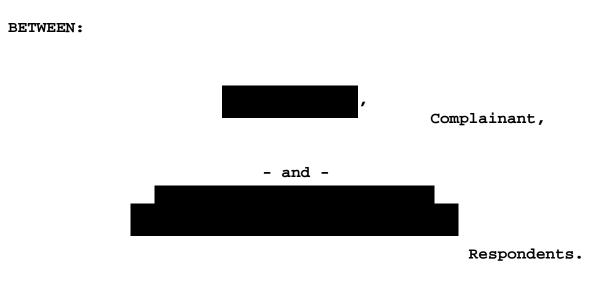
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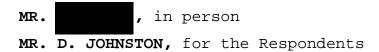
THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: The Law Enforcement Review Act Complaint No.: 2015/65



TRANSCRIPT OF PROCEEDINGS, before The Honourable Judge Lerner, held at the Law Courts Complex, 408 York Avenue, in the City of Winnipeg, Province of Manitoba, on the 27th day of July, 2016.

APPEARANCES:



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