

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: Law Enforcement Review Act
Complaint #2015/82

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. P. McKenna,
 [REDACTED],) for the Respondents
)
 Complainant,)
)
 - and -)
)
 [REDACTED] and) Mr. D. Johnston,
 [REDACTED]) for the LERA Commissioner
)
 Respondents.) Judgment delivered
) August 23, 2017

<p>RESTRICTION ON PUBLICATION Pursuant to Section 13(4.1) of the Law Enforcement Review Act there is a restriction on publication regarding this matter.</p>
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1 HEINRICHS, P.J. (Orally)
2 So, it's now 2:20 in the afternoon and I see on
3 Mr. [REDACTED] that he did not attend last month, and it was
4 put over as a courtesy?
5 MR. JOHNSTON: That's correct, Your Honour. The
6 matter appeared before Judge Carlson on July the 26th. He
7 did not attend at that time. Judge Carlson directed that I

1 write a letter to the complainant advising him of the new
2 court date, and advising him that the matter may be
3 dismissed if he, once again, did not attend.

4 I sent that letter out that very afternoon. I
5 can provide a copy to the court if needed.

6 THE JUDGE: Just -- I just need you to tell me
7 that, in fact, it has today's date in it.

8 MR. JOHNSTON: Yes, it does, Your Honour, today's
9 date, time, and courtroom.

10 THE JUDGE: August 23rd at two in 401 and he's
11 not here?

12 MR. JOHNSTON: And in anticipation of any motion
13 my learned friend might make, my client takes no position.

14 MR. MCKENNAN: Yes, Your Honour. I've checked my
15 messages and my emails before leaving, and there are no
16 messages whatsoever from Mr. [REDACTED], and so I'm making a
17 motion to have the matter dismissed, and to have the ban on
18 publication continue pursuant to Section 13(4.1).

19 THE JUDGE: The ban of publication can continue,
20 and the matter will be dismissed. He's had a couple of
21 chances. He seems to be indicating by his feat that he's
22 not participating or moving it forward.

23 MR. JOHNSTON: Thank you, Your Honour, those are
24 my matters.

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