FEBRUARY 22, 2017 PROCEEDINGS

1 FEBRUARY 22, 2017 2 3 MR. JOHNSTON: On the second matter, Your Honour, 4 the complainant is an individual named Ι 5 don't believe he's in the courtroom yet so perhaps we could 6 have Mr. paged. 7 THE CLERK: , please attend courtroom 8 401. , please attend courtroom 401. 9 10 (OTHER MATTERS SPOKEN TO) 11 12 MR. JOHNSTON: And so Your Honour, that completes the LERA docket subject only to matter number 2 and I 13 14 suppose we should stand that matter down for a little bit 15 of time in the event that Mr. shows up. 16 17 (OTHER MATTERS SPOKEN TO) 18 19 MR. JOHNSTON: And so Your Honour, that completes 20 the LERA docket subject only to matter number two and I 21 suppose we should stand that matter down for a little bit 22 of time in the event that Mr. shows up. All right. 23 THE JUDGE: So that matter will be 24 stood down then; number 2 on the LERA list. 25 MR. JOHNSTON: Thank you. 26 27 (OTHER MATTERS SPOKEN TO) 28 29 THE JUDGE: Did we want to maybe readdress Mr. 30 matter? 31 MR. JOHNSTON: Yeah, (inaudible). 32 THE JUDGE: All right. So while counsel is 33 speaking with Ms. we'll return back to the LERA matter. 34 docket dealing with the

MR. BARTEL: Bartel for the monitor, Your Honour,
for the respondent officers in this matter.

3 THE JUDGE: All right.

4 MR. JOHNSTON: And it's Johnston again for the 5 Commissioner of LERA. Expect that my learned friend will 6 have a motion he's going to want to make. Perhaps before he 7 does that, just for the court's information, I can advise 8 that this matter was on the January LERA docket. That was 9 on January the 26th, 2017.

10 Mr. failed to attend court at that time 11 and as a result Judge Garreck set the matter over to 12 today's date and had a letter sent out to Mr. 13 advising him of the new court date as well as advising him 14 that the matter could potentially be dismissed if he once 15 again failed to attend court. I'm not sure if you have a 16 copy of that, Your Honour?

17 THE JUDGE: I do.

18 MR. JOHNSTON: Okay. I can also indicate Your 19 Honour that this is a file that has been in abeyance for a 20 number of years. In fact, prior even to my involvement in 21 it.

22 Mr. had counsel at one point in time 23 although I understand that his counsel is no longer 24 , subsequent to that, indicated an practicing. Mr. intention to continue with the proceeding and did appear at 25 Believe this was in November of 2016 26 one of the dockets. 27 but has not attended any of the court dates since that 28 time.

29 THE JUDGE: All right. Thank you.

30 MR. BARTEL: Yes, Your Honour. As my learned 31 friend indicated, we do bring a motion to have this matter 32 dismissed given the circumstances as have been described by 33 my learned friend. We ask that Your Honour dismiss this 34 matter.

1 THE JUDGE: All right. Thank you very much. 2 3 (REASONS FOR JUDGMENT DELIVERED) 4 5 MR. BARTEL: Thank you, Your Honour. 6 MR. JOHNSTON: Thank you, Your Honour. Those are 7 my only matters. THE JUDGE: All right. Thank you very much, 8 9 counsel. 10 MR. BARTEL: Thank you. Good afternoon. 11 12 (PROCEEDINGS CONCLUDED)

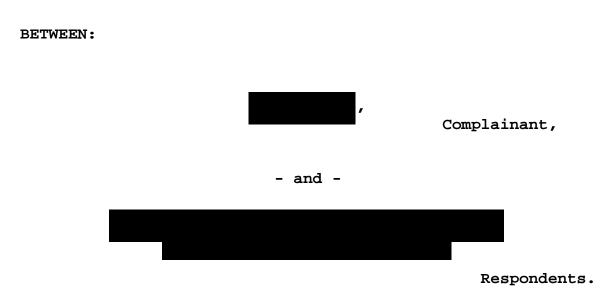
## CERTIFICATE OF TRANSCRIPT

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.

CO

## THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: The Law Enforcement Review Act Complaint No.: 2009/236



**TRANSCRIPT OF PROCEEDINGS,** before The Honourable Judge Huberdeau, held at the Law Courts Complex, 408 York Avenue, in the City of Winnipeg, Province of Manitoba, on the 22nd day of February, 2017.

## **APPEARANCES:**

MR. D. JOHNSTON, for the LERA Commissioner MR. G. BARTEL, for the Respondents

Note: For the purposes of distribution, personal information has been removed by the Commissioner.