

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: Law Enforcement Review Act  
Complaint #2014-170

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,  
 ) for the respondents  
 [REDACTED], )  
 Complainant, ) Mr. D. Johnston,  
 ) for the LERA Commissioner  
 )  
 - and - )  
 )  
 [REDACTED] )  
 )  
 Respondents. ) Judgment delivered  
 ) September 21, 2016

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

1 KRAHN, A.C.P.J. (Orally)  
 2 MR. MCKENNA: Your Honour, if we could go back to  
 3 [REDACTED] who was paged. Is that --  
 4 THE JUDGE: Yes.  
 5 MR. MCKENNA: -- appropriate at this point?

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

1 MR. JOHNSTON: I take it [REDACTED] isn't in  
2 the gallery?

3 THE JUDGE: We'll page him one more time.

4 THE CLERK: [REDACTED] please report to  
5 courtroom 408. [REDACTED], courtroom 408.

6 THE JUDGE: And so I see from the disposition  
7 sheet that the matter had been put over from, I guess, July  
8 27th in order to send a letter to [REDACTED] when he did not  
9 appear at that time. On the last date, August 24th, there  
10 was a consent adjournment because Mr. Johnston, you weren't  
11 sure if that letter had been sent.

12 MR. JOHNSTON: Correct.

13 THE JUDGE: So do we have an update on that?

14 MR. JOHNSTON: Yes. So following last month's  
15 docket I did indeed send a letter to [REDACTED] I can  
16 provide a copy to the court. It's dated October the 25th  
17 advising [REDACTED] of, of today's court date.

18 The one matter that I'll note, Your Honour, is it  
19 does refer to courtroom 401, which is where we ordinarily  
20 have the docket, although as they, I believe, indicated  
21 earlier, I believe there's a note on the door redirecting  
22 people and [REDACTED] has now been paged twice.

23 THE JUDGE: Yes, they're, I am advised that  
24 they're -- and you've, you've seen the note?

25 MR. JOHNSTON: I have seen the note, Your Honour.

26 THE JUDGE: Okay. I was advised there would be a  
27 note and counsel tell me they have seen the note. Mr.  
28 [REDACTED] it would appear, did not appear on the first  
29 appearance date. Has not appeared today either and he was  
30 sent a letter on August 25th and indicates via courier.  
31 We've paged him twice. The time is 2:22, so I'm going to  
32 treat this matter as withdrawn.

33 MR. MCKENNA: And Your Honour, can I get an order  
34 that a ban on publication continue, please.

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

1                   THE JUDGE:       Yes, as there has been no  
2 determination on the merits, the ban on publication  
3 continue.  
4

\_\_\_\_\_

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