

1 FEBRUARY 28, 2018

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3 MR. JOHNSTON: At item number 1 is the complaint  
4 of Mr. [REDACTED] and I don't know if [REDACTED] is present  
5 in the courtroom yet.

6 THE COURT: [REDACTED]?

7 MR. JOHNSTON: If not, I'll suggest perhaps that  
8 we page Mr. [REDACTED] to the courtroom and stand the matter  
9 down in the meantime.

10 THE COURT: Yes. Let's do that, please.

11 THE CLERK: [REDACTED] to courtroom 401.

12

13 (OTHER MATTERS SPOKEN TO)

14

15 MR. JOHNSTON: So, Your Honour, I believe that  
16 brings us back to item number 1, Mr. [REDACTED].

17 THE COURT: Yes.

18 MR. JOHNSTON: He was paged earlier. I don't  
19 believe that he's --

20 THE COURT: I don't see him here.

21 MR. JOHNSTON: -- since arrived. Your Honour,  
22 this is a first appearance. I can indicate that the letter  
23 advising Mr. [REDACTED] of today's date was sent to him by  
24 Express Post and I do have confirmation of delivery of that  
25 letter. As it is a first appearance, the court of course  
26 has discretion either to dismiss the application for, for  
27 the applicant's failure to attend or to adjourn it to the  
28 next docket in which case I would advise him of the new  
29 date. I think it's often been the practice of judges in  
30 this court to, to grant one adjournment when there's a  
31 failure to attend at the first appearance but, again, that  
32 is up to the court's discretion.

33 THE COURT: I look for, to Mr. McKenna --

34 MR. MCKENNA: Thank you, Your Honour.

1 THE COURT: -- because I have reviewed the  
2 materials.

3 MR. MCKENNA: Yes. It's, it is quite accurate  
4 that in many cases there are such adjournments on a first  
5 time. I can tell you that before leaving to come here I  
6 checked my voicemail and I checked my e-mails and I, or,  
7 and I received no notice whatsoever from Mr. [REDACTED] that he  
8 would be having a problem attending. He is a multiple  
9 complainant and is very familiar with the system. And in  
10 these particular circumstances, on that basis I'm asking  
11 that the matter be dismissed, Your Honour.

12 THE COURT: Okay. I'm assuming that you also  
13 want a publication ban though before I do so?

14 MR. MCKENNA: I do, Your Honour. Thank you very  
15 much.

16 THE COURT: Okay. And I have had an opportunity  
17 to review the materials and given that Mr. [REDACTED] isn't  
18 here and given the, the nature of the materials I am going  
19 to be dismissing the application.

20

21 (PROCEEDINGS CONCLUDED)

#### CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter,  
numbered 1 to 2, are a true and accurate transcript of the  
proceedings, transcribed by me to the best of my skill and  
ability.

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CHERYL LAVIGNE  
COURT TRANSCRIBER

IN THE MATTER OF: Law Enforcement Review Act  
Complaint No. 2017/77

BETWEEN:

[REDACTED],

Complainant,

- and -

[REDACTED],

Respondents.

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TRANSCRIPT OF PROCEEDINGS, before the Honourable  
Judge Martin, held at the Law Courts Complex, 408 York  
Avenue, in the City of Winnipeg, Province of Manitoba, on  
the 28th day of February, 2018.

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APPEARANCES:

MR. D. JOHNSTON, for the Commissioner

MR. P. MCKENNA, for the Respondents

**BAN ON PUBLICATION**

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