MEMORANDUM

October 1st, 2002

TO: George Wright
Commissioner, L.E.R.A.

FROM: Judge Catherine Everett

Re: Review – Sept. 3rd, 2002 at 10:00 a.m.
S.M. **# 5502**

Attached is a transcript articulating my reasons for dismissing this application for review

M. Saur
for Judge Catherine Everett

/mrb

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

EXCERPT FROM SEPTEMBER 3, 2002

THE COURT: Ms. M my job here today is to decide whether the commissioner, to put it simply, made any mistake in the way he conducted the review of your case or whether his decision was unreasonable or whether he exceeded his jurisdiction, I am trying to put it in simple words, whether he did something that he did not have the power to do. That is my job here today, it is not to look back through all of the evidence myself, but I am sitting in review on the commissioner's decision.

I have his file and before I even came into court today I reviewed everything that he had done and all of the notes and every phone call and every contact they had with you as recorded in the file, I have looked at all of that. They interviewed the other witnesses that were involved and I have reviewed all of that and I have heard what you have had to say today about the case and even though I am not rehearing the case, I did let you tell me everything all over again that happened on that night and I am satisfied that the commissioner, in looking at your case, did not step outside of his jurisdiction, he acted within the limits of the power he has been given, that is what that means. I am satisfied that he has thoroughly investigated your case, he followed the rules of procedural fairness and I am satisfied that the decision he made to take no further action was not unreasonable, in fact it was, I might say, extremely reasonable given what the lawyers pointed out, there is many inconsistencies in the case, not to review the case all over again, there is contradictions and inconsistencies between what you say and between what even the other independent witness says.

So I am dismissing your application. There is no basis for this review, none, none at all. So we have heard

what you have had to say, I have considered it carefully. I have applied the law and I am rejecting the application. Thank you.

MR. MCKENNA: Your Honour, may we just perhaps on the record have that the ban on publication is continuing.

THE COURT: Yes. The ban on publication order -- I believe it's 13(4).

MR. MCKENNA: (4.1), yes.

THE COURT: 13(4.1) is continued. Thank you --

MR. MCKENNA: Thank you.

THE COURT: -- for pointing that out to me. Thank you.

MS. M. So do I have to go through some human rights group for this? Because I do have human rights.

THE COURT: Well --

MS. M. To continue on with this. Because I don't lie and I will state all this facts in front of my church congregation, so I'll find somebody that will help me.

THE COURT: Okay, that's fine. Thank you.

(EXCERPT CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I, GAIL DAYTON, hereby certify that the foregoing pages of printed matter, numbered 1 to 2, are a true and accurate transcript of the proceedings recorded by a sound recording device that has been approved by the Attorney-General and operated by court clerk/monitor, Donna Jorgerson, and has been transcribed by me to the best of my skill and ability.

CERTIFIED COURT TRANSCRIPT
FROM THE OFFICE OF
TRANSCRIPTION SERVICES UNIT

Gail Dayton
COURT TRANSCRIBER

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TRANSCRIPTION SERVICES UNIT