

1 FEBRUARY 22, 2017

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3 MR. JOHNSTON: On the second matter, Your Honour,  
4 the complainant is an individual named [REDACTED]. I  
5 don't believe he's in the courtroom yet so perhaps we could  
6 have Mr. [REDACTED] paged.

7 THE CLERK: [REDACTED], please attend courtroom  
8 401. [REDACTED], please attend courtroom 401.

9

10 (OTHER MATTERS SPOKEN TO)

11

12 MR. JOHNSTON: And so Your Honour, that completes  
13 the LERA docket subject only to matter number 2 and I  
14 suppose we should stand that matter down for a little bit  
15 of time in the event that Mr. [REDACTED] 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. [REDACTED] shows up.

23 THE JUDGE: All right. 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 [REDACTED] matter?

31 MR. JOHNSTON: Yeah, (inaudible).

32 THE JUDGE: All right. So while counsel is  
33 speaking with Ms. [REDACTED] we'll return back to the LERA  
34 docket dealing with the [REDACTED] matter.

1 MR. BARTEL: Bartel for the monitor, Your Honour,  
2 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. [REDACTED] 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. [REDACTED]  
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. [REDACTED] had counsel at one point in time  
23 although I understand that his counsel is no longer  
24 practicing. Mr. [REDACTED], subsequent to that, indicated an  
25 intention to continue with the proceeding and did appear at  
26 one of the dockets. Believe this was in November of 2016  
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.

8 THE JUDGE: All right. Thank you very much,  
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.

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THE PROVINCIAL COURT OF MANITOBA

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

BETWEEN:

[REDACTED],

Complainant,

- and -

[REDACTED]

Respondents.

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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.

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APPEARANCES:

MR. D. JOHNSTON, for the LERA Commissioner

MR. G. BARTEL, for the Respondents