

**IN THE MATTER OF:**                    **Law Enforcement Review Act**  
   **Complaint No. 5594**

**BETWEEN:**

**F.L.,**

Complainant,

- and -

**CONSTABLE R.D.**  
**and CONSTABLE D.K.,**

Respondents.

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**REASONS FOR DECISION** delivered by The Honourable Judge Newcombe, held at the Law Courts Complex, 408 York Avenue, in the City of Winnipeg, Province of Manitoba, on the 1st day of June, 2004.

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**APPEARANCES:**

**MR. S. BOYD**, for the Commissioner.

**MR. P. MCKENNA**, for the Winnipeg Police Association.

**MS. C. DUNN**, for Mr. F.L.

EXCERPT FROM JUNE 1, 2004

THE JUDGE: Well, some of the people that come forward with these complaints are, at best, semi-literate, uneducated, unintelligent people from time to time. That's not the case with Mr. L.; he's an articulate and well spoken man but nonetheless a layman. He's not trained in the law, he's not practised in filing these complaints, at least so far as I know, so there has to be a certain allowance. I have given Mr. L. a lot of rope based not only, Mr. L., on the representations you made in court at the end of January, but the representations that you made to two members of our staff, which were passed on to me as I told you it would be, but your representations were illness and your travails of various sorts, and this was delayed and delayed and delayed and delayed. I mean, I have a responsibility to all parties in this, not just to you, Mr. L. So not having been provided with the information you said could be easily and readily obtained in several weeks, and now we are almost half a year later, and you've come with nothing of the, of the sort that you had thought you would and hoped you could, I am left with the same fact situation as I was, say, in January, and whether I impose the most stringent or the least stringent test, the result is the same today as it, as it was then.

I agree 100 percent with the Commissioner. One hundred percent. The appeal is dismissed.

Thank you gentlemen, ma'am.

(EXCERPT CONCLUDED)

**CERTIFICATE OF TRANSCRIPT**

I, **SHEREE DOYLE**, hereby certify that the foregoing page of printed matter, numbered 1, is 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, Doreen Edmunds, and has been transcribed by me to the best of my skill and ability.

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