


File No. _____
E-File Name: 2018-06-_____ 
Appeal No. _____

IN THE PROVINCIAL COURT OF MANITOBA
WINNIPEG, MANITOBA

IN THE MATTER OF

THE LAW ENFORCEMENT REVIEW ACT
Complaint # 2012/58

AND IN THE MATTER OF

An Application for a Hearing pursuant to s.17 of the *Law Enforcement Review Act*
R.S.M. 1987, c. L75

BETWEEN



Complainant

and



Respondent

HEARING
(Pages T1 - T3)

June 27, 2018
Winnipeg, Manitoba

Royal Reporting Services Ltd.
300 - 2010 - 11th Avenue
Regina, Saskatchewan
S4P 0J3
Phone: 306-352-3234
Fax: 306-757-7788

BAN ON PUBLICATION

TABLE OF CONTENTS

| Description | | Page |
|----------------------------|-------------------|------|
| June 27, 2018 | Afternoon Session | T1 |
| Discussion | | T1 |
| Submissions by Mr. McKenna | | T2 |
| Ruling | | T2 |
| Certificate of Transcript | | T3 |

1 Proceedings taken in the Provincial Court, Winnipeg, Manitoba

2

3

4 June 27, 2018

Afternoon Session

5

6 The Honourable Associate Chief Judge

The Provincial Court of Manitoba

7 J. Guy

8

9 D. Johnston

For the Commissioner of LERA

10 P. McKenna

For the Respondent

11 K. Militere

Court Clerk

12

13

14 **Discussion**

15

16 THE COURT:

Good afternoon.

17

18 MR. MCKENNA:

Good afternoon, Your Honour.

19

20 MR. JOHNSTON:

Good afternoon, Your Honour. Good

21 afternoon. It's Devin Johnston appearing for the Commissioner of the Law

22 Enforcement Review Agency with respect to matters 1, 2 and 3 on Your Honour's

23 docket.

24

25 THE COURT:

Yes.

26

27 MR. JOHNSTON:

My learned friend, Mr. Paul McKenna, is

28 here on behalf of the respondent officers on those matters.

29

30 THE COURT:

M-hm.

31

32 MR. JOHNSTON:

Your Honour, on matter number 1, I

33 believe, my friend will be making a motion. Matter number 1 involves a complaint

34 of an individual named [REDACTED]. This matter has been in abeyance for a

35 number of years now. I believe the last appearance was in 2015, and since that

36 time, I understand that the complainant unfortunately has passed away.

37

38 THE COURT:

Okay.

39

40 **Submissions by Mr. McKenna**

41

1 MR. MCKENNA: Your Honour, the last time we heard
2 anything at all from ██████████ was in March of 2015, and at that time, he indicated
3 he was going to file some judicial review materials. In fact, he was going to file
4 one of them that day and he never did, and for three years we never heard a thing
5 from him and then I was advised that on May 24 of this year, 2018, he was killed
6 in a motorcycle accident. This is a Section 17 hearing on the merits and the request
7 that I have is that the matter be dismissed and that the ban on publication continue
8 pursuant to Section 25 of the *Act*.

9

10 **Ruling**

11

12 THE COURT: Yes, both those will go to the matter;
13 dismissed and then the order will continue.

14

15

16

17 PROCEEDINGS CONCLUDED

T3

IN THE MATTER OF *THE LAW ENFORCEMENT REVIEW ACT*

[REDACTED]

I, KARI SHORT, Court Transcriber, HEREBY MAKE OATH AND SAY that the foregoing typewritten pages being numbered T One (T1) to T Two (T2), inclusive, contain a true and correct transcription of the recorded proceedings taken herein to the best of my knowledge, skill and ability.

[REDACTED]

COURT TRANSCRIBER