

1 JULY 27, 2016

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3 THE JUDGE: So moving now to the next matter and
4 I'm going to apologize in advance because I'm sure I'm not
5 going to pronounce this name correctly and there is
6 absolutely no disrespect intended. It looks like [REDACTED]
7 [REDACTED].

8 MR. [REDACTED]: That's me.

9 THE JUDGE: Oh, that's yourself, Sir? Okay.
10 Very good. Just --

11 THE CLERK: I'll get you to stand by a
12 microphone. Just have --

13 THE JUDGE: Good afternoon, Mr. [REDACTED].

14 MR. [REDACTED]: Good afternoon.

15 THE JUDGE: So you're here on your own without a
16 lawyer?

17 MR. [REDACTED]: Yes.

18 THE JUDGE: Now is it your intention to hire a
19 lawyer to represent you in this matter?

20 MR. [REDACTED]: No.

21 THE JUDGE: Okay. You wish to proceed on your
22 own?

23 MR. [REDACTED]: I wish to actually say I'm not
24 proceeding because I don't think I have faith in the system
25 to get me justice so I'll just leave it that way. I don't
26 want to waste my time and at the end of the day I feel
27 (inaudible) so I will rather just let it go.

28 THE JUDGE: Well that's --

29 MR. [REDACTED]: That's what I'll do.

30 THE JUDGE: -- I'm certainly disturbed to hear
31 your assessment of the, the system but you're an adult and
32 obviously if you've considered the matter, you've thought
33 it through and you've determined that you do not wish to
34 proceed, that's ultimately your choice.

1 I, certainly my role here is not to talk you into
2 going ahead except to say that the proceeding would be
3 impartial, there are no prejudgments and the court would
4 make its determination based on the facts presented. You
5 can be assured of that. That said, as I say, ultimately at
6 the end of the day your choice and your decision. So is
7 this a decision that you have firmly made or do you wish to
8 reconsider?

9 MR. [REDACTED]: Your Honour, if a police officer
10 could come to somebody's house at 1:30 a.m. in the morning
11 to arrest him, wake them from sleep, arrest him and if I
12 complain to the commission or whatever it has been
13 called --

14 THE JUDGE: Um-hum.

15 MR. [REDACTED]: -- and there was no justice and
16 (inaudible) the bench, I don't think I have faith in the
17 system. I will let it go and hopefully will leave this in
18 the hand of God at this point. I'm not going to waste my
19 time coming here and you have to come back several times,
20 spend my money --

21 THE JUDGE: Yeah.

22 MR. [REDACTED]: -- to have hearing and at the end of
23 the day it's nothing. The police officer can still go out,
24 arrest people on the street.

25 THE JUDGE: Well --

26 MR. [REDACTED]: Hopefully somebody will get justice
27 for them or for me.

28 THE JUDGE: Yeah. A couple of things. First of
29 all, you would be able to set the matter down today. There
30 wouldn't be several appearances. You would have to come
31 back one further time if you wish. And you know,
32 regardless of what the commissionaire has done, the reason
33 that there is an appeal proceeding is for another higher
34 authority, in this case this court, to review that

1 decision. So the fact that the commissioner had decided
2 one thing doesn't mean that the matter is at an end.
3 That's in fact why we have a review proceeding.

4 And finally, when you say you don't want to have
5 to spend your money --

6 MR. [REDACTED]: Yes.

7 THE JUDGE: -- I don't know if you're referring
8 to lost income or lost wages because there's no actual cost
9 associated with your proceeding. It's simply a matter of
10 in this case because you don't have a lawyer, your time. I
11 just want you to have all of the facts clear so you can
12 make an informed decision as to what you wish to do.

13 So please keep in mind what I've said. If you
14 need some time to think about what I said I'm prepared to
15 give you that opportunity. If as I say, you've made your
16 own mind up and you wish to pursue the position you first
17 advanced, you're a grown up, it's a free country and you
18 can do as you wish so what do you say?

19 MR. [REDACTED]: Your Honour, thank you so much for
20 your counsel but like I say, I do not have any faith in the
21 system honestly.

22 THE JUDGE: All right.

23 MR. [REDACTED]: I, I do not believe there's justice,
24 that I can get justice so I will suck it up and just take
25 it that way. It does happen, it does happen, I will let it
26 go. And hopefully I hope the Winnipeg Police Service will
27 be able to talk to their police, to the officers to conduct
28 themselves in appropriate ways so that it doesn't escalate
29 into something more than this (inaudible) so that people
30 who may not have kind of (inaudible) towards this. That's
31 what I'll say.

32 THE JUDGE: All right. So you, you wish to
33 withdraw your application?

34 MR. [REDACTED]: Yes, Your Honour.

1 THE JUDGE: Okay. I'll note it as being
2 withdrawn.

3 MR. [REDACTED]: Thank you.

4 THE JUDGE: All right. Thank you.

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(PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 4, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability.

DARLA D. FORBES
COURT TRANSCRIBER

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: The Law Enforcement Review Act
Complaint No.: 2015/65

BETWEEN:

[REDACTED],

Complainant,

- and -

[REDACTED]

Respondents.

TRANSCRIPT OF PROCEEDINGS, before The Honourable
Judge Lerner, held at the Law Courts Complex, 408 York
Avenue, in the City of Winnipeg, Province of Manitoba, on
the 27th day of July, 2016.

APPEARANCES:

MR. [REDACTED], in person

MR. D. JOHNSTON, for the Respondents