

ORIGINAL

IN THE MATTER OF:

An application pursuant to s.13(2)
of the Law Enforcement Review Act
R.S.M. 1987, c L75

3541

BETWEEN:

M. D. ,

Complainant,

- and -

CONSTABLE N. B. , #
and CONSTABLE B. C. , #

Respondents.

EXCERPT FROM PROCEEDINGS - REASONS FOR DECISION as
delivered by The Honourable Judge Joyal, held at the Law
Courts Complex, 408 York Avenue, in the City of Winnipeg,
Province of Manitoba, on the 18th day of February, 2000.

APPEARANCES:

MR. M. D. , In Person.

MR. P. MCKENNA, for Constables N. B. and B. C. .

MR. D. GUENETTE, for Acting Commissioner.

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

1 EXCERPT FROM FEBRUARY 18, 2000

2

3 THE COURT (Orally): This application was brought
4 by Mr. D . It's an application where obviously he's
5 seeking to have me rule that the Commissioner erred in
6 declining to take further action with respect to his
7 complaint.

8 When I examine the record before me, the record
9 upon which the Commissioner came to his decision, as
10 outlined in his letter of January 14th, 1999 to Mr.
11 D , I can determine the following: The Commissioner
12 did not exceed his jurisdiction; the Commissioner followed
13 the rules of natural and procedural fairness; the
14 Commissioner acted within the limits of the statute; and his
15 decision that the complaint was, in fact, a frivolous
16 complaint, whether that be a matter of fact, law or mixed
17 fact of law, I am satisfied that based on either a standard
18 of patently unreasonable or correctness the Commissioner did
19 not err in these circumstances in declining to take further
20 action with respect to Mr. D complaint.

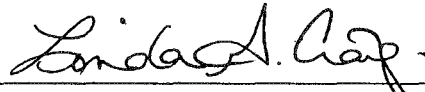
21 Accordingly, based upon, amongst other things,
22 that those contradictions outlined to me today and the
23 record that contains further discussion of such matters, I
24 find that the determination of frivolousness was not in err
25 and certainly the Commissioner was not in err when he
26 declined to take further action with respect to Mr.
27 D ' complaint.

28 Accordingly, I will dismiss the request for a
29 review. The decision of the Commissioner is upheld and I'll
30 further make an order banning publication of this matter and
31 obviously the names discussed in this hearing.

32 (EXCERPT CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I, LINDA G. CRAIG, hereby certify that the foregoing page of printed matter, numbered 1, 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, Marcy Gaudet, and has been transcribed by me to the best of my skill and ability.



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