

IN THE MATTER OF:

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

BETWEEN:

C-G.

Complainant,

- and -

CONSTABLE P.O.
and CONSTABLE J.N.

Respondents.

TRANSCRIPT OF PROCEEDINGS had and taken before The
Honourable Judge Norton, held at the Law Courts Complex, 408
York Avenue, in the City of Winnipeg, Province of Manitoba,
on the 24th day of January, 2002.

APPEARANCES:

MR. D. GUENETTE, for the Commissioner, George Wright.

MR. P. MCKENNA, for the Respondents.

1 JANUARY 24, 2002

2

3 THE JUDGE: Mr. Guenette?

4 MR. GUENETTE: That is me Your Honour.

5 THE JUDGE: Yes, and Mr. --

6 MR. GUENETTE: I'm here on behalf of the
7 commissioner. The commissioner is in the courtroom, George
8 Wright.

9 THE COURT: Mr. McKenna?

10 MR. MCKENNA: Good morning Your Honour, I'm here
11 on behalf of the respondent officers. Perhaps if I can just
12 give you background as to how we got to, to where we are
13 right now.

14 THE JUDGE: Sure.

15 MR. MCKENNA: That, perhaps, may be helpful to
16 you.

17 About a week ago we entered into settlement
18 discussions with Mr. G. and those discussions ended
19 up in a settlement. We contacted M B who
20 coordinates these matters and asked her whether or not it
21 was sufficient to just simply send a letter confirming that
22 we had settled the matter or did, did Your Honour want
23 personal appearances. She phoned me back and she said that
24 you wanted personal appearances at 10:00 a.m. to get the
25 matter on the record.

26 THE JUDGE: Yeah.

27 MR. MCKENNA: She asked me to phone Mr. G.
28 to advise him of that. I -- excuse me. I did so on Monday
29 morning at his home address as -- home phone number I should
30 say, and advised him of the fact that you, you wanted us
31 there at ten o'clock and I expected it would be rather
32 brief, but it was to get it on the record and he indicated
33 that he would be there. I, I'm not sure why he's not. I
34 have his home number if, if you wish to contact him. As an

1 officer of the Court, Your Honour, I can tell you that we
2 have settled the matter. I, I -- I don't wish to disclose
3 the, the details of the settlement on the record. I can
4 tell you though that we have a, a signed release by Mr.
5 G and all, all parts of the settlement have been
6 completed. There are no outstanding matters.

7 THE JUDGE: I see. Does he have counsel?

8 MR. MCKENNA: No he does not have counsel.

9 THE JUDGE: No counsel. Are you drawing the order
10 of dismissal or withdrawal Mr. McKenna?

11 MR. MCKENNA: Well in -- what we have done in
12 prior instances, Your Honour, has, has been to appear before
13 the judge and have the judge confirm with the parties that,
14 that the matter has been, in fact, settled. And then from
15 the bench the judge typically just then dismisses the
16 hearing, from the bench and we don't get any written orders
17 signed or anything. Because it's not, we're not in a court
18 per se.

19 THE JUDGE: Yeah.

20 MR. MCKENNA: So that's been the most typical way
21 of doing it is to appear in front of the judge and have the
22 judge, just for his or her own satisfaction, that in fact it
23 has been settled. Unfortunately Mr. G isn't here
24 and he may be at his home phone, you know. If you wanted
25 to --

26 THE JUDGE: Do you have a signed release from him?

27 MR. MCKENNA: I do have a signed release, Your
28 Honour, yes.

29 THE JUDGE: So all you need from me that the -- is
30 a pronouncement that the matter is settled.

31 MR. MCKENNA: Yes.

32 THE JUDGE: There's no such thing as a withdrawal
33 of the complaint?

34 MR. MCKENNA: Well that, typically, is part of

1 the, of, of the -- the settlement is that -- it, it, there
2 -- it's been recorded in different ways. Some have recorded
3 it as having been resolved informally. I understand, from
4 the commissioner, that other counsel who have dealt with
5 these matters have had the matter recorded as withdrawn.
6 It's, it's -- I don't know that there's much of a difference
7 at this point in time.

8 THE JUDGE: Yes I just pose that to you because
9 once before I had -- I know that it was withdrawn, that the
10 matter settled and counsel signed it and, but if you're
11 satisfied with that and Mr. Guenette, you're satisfied with
12 that?

13 MR. GUENETTE: We have no objection to that Your
14 Honour.

15 THE JUDGE: Yeah, very good.

16 MR. MCKENNA: Thank you Your Honour.

17 (PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I, ALAIN ROCH, hereby certify that the foregoing pages of printed matter, numbered 1 to 3 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, Monique Navitka, and has been transcribed by me to the best of my skill and ability.

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