

OFFENCE NUMBER
No
D'INFRACTION

2410854A

Location Code
Code
d'emplacement
du RIU
3360
N° d'infraction

2410854A

EXHIBIT 20

Form 4 Reg. 950 Provincial Offences Act Ontario Court of Justice
Formule 4 Régul. 950 Loi sur les infractions provinciales Cour de Justice de l'Ontario

Offence Notice / Avis d'infraction

ROBERT FUNDALL
(Print name/nom en lettres moulées)

Believes and certifies that on the day of Croit et atteste que le
VIA M/M D/J Time/À (Heure)
2 0 09 08 15 1058 AM

Name Nom
JACK MICHAEL
Family/Nom de famille

Address Adresse
1049 PRIMROSE LN RR4
Municipality/Municipalité P.O./C.P. Province Postal Code/Code postal
PETERBOROUGH ON K9J6X5

Driver's licence No./Numéro de permis de conduire
J005254407212160N

Birthdate/Date de naissance
1 9 72 12 16 M
Sex Sexe M/F
Motor Vehicle Involved/Véhicule impliqué N
Collision Involved/Collision Y N

At/À COUNTY RD 23 AT 14TH LINE OF SMITH, SMITH-ENNISMORE LAKEFIELD TWP
Municipality/Municipalité

Did commit the offence of: A commis l'infraction de:
FAIL TO YIELD TO TRAFFIC ON THROUGH HIGHWAY

Contrary to: Contrairement à:
HIGHWAY TRAFFIC ACT
Sect./L'art. 136(1)(b)

Plate number N° de plaque d'immatriculation BBBS 393 ON	Juris Aut. lég.	Commercial Utilitaire <input type="checkbox"/> Y <input type="checkbox"/> N	CVOR/IUVU <input type="checkbox"/> Y <input type="checkbox"/> N	NSC/CNS <input type="checkbox"/> Y <input type="checkbox"/> N	Code
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS					
And I further certify that I served an offence notice personally upon the person charged on the offence date. J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.					
Or other service date of: Autre date de signification, le :					
Signature of issuing Provincial Offences Officer Signature de l'agent des infractions provinciales Robert Fundall		Officer No. N° de l'agent 1740	Platoon Peloton A	Unit Unité 1100	
Set fine of Amende fixée de \$85.00	Total payable Montant total exigible \$110.00	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.			

Important:
You have 15 days from the day you receive this notice to choose one of the options on the back of the notice.

Important :
À compter de la réception du présent avis, vous avez 15 jours pour choisir une des options décrites au verso de l'avis.

Date of service if other than offence date
Date de la signification de l'avis si elle diffère de celle de l'infraction
VIA M/M D/J

Provincial Offences Act Ontario Court of Justice
Loi sur les infractions provinciales Cour de Justice de l'Ontario

Payment Notice/Avis de Paiement
To pay the total payable shown, forward your payment of the total payable with this notice and the offence notice to the address shown on this notice. Sign the plea of guilty on the offence notice (Option 1).
Pour acquitter le montant total exigible, faites parvenir votre paiement, accompagné de cet avis et de l'avis d'infraction, à l'adresse qui figure sur le présent avis. N'oubliez pas de signer le plaidoyer de culpabilité sur l'avis d'infraction (Option 1).
Complete the following information / Veuillez donner les renseignements suivants

Name/Nom _____
Address/Adresse _____
Telephone/Téléphone _____
 Cheque/money order enclosed
 Cheque/mandat joint
Card number _____
N° de carte _____
Card expiry date (month) _____
Date d'expiration (mois) _____
Date of expiration (year) _____
Année) _____
See back for mailing address and instructions / Pour connaître l'adresse postale et les instructions, s'il vous plaît, voir au verso.

Make cheque or money order payable to
City of Peterborough
and write the number of the offence notice on the front of the cheque/money order. Do not send cash or post-dated cheques with your payment.
Dishonoured cheques will be subject to an administrative charge and the amount may be referred to collection services.

Faire un chèque ou mandat à l'ordre du
Ville de Peterborough
et écrire le numéro d'avis d'infraction au recto du chèque/mandat. Ne pas envoyer d'espèces ou de chèques postdatés avec votre paiement.
Les chèques impayés sont assujettis à des frais administratifs et les renseignements concernant le montant impayé peuvent être transmis au service de recouvrement.

Cardholder's name
Nom du détenteur de la carte
Cardholder's signature
Signature du détenteur de la carte

Total Payable
Montant total exigible
\$ _____

Date of Offence:
Date de l'infraction:
Online Payment Option
www.paytickets.ca
Option de paiement en ligne
www.paytickets.ca

3360

Crown Brief - Confidential

Crown Brief Cover

Police service: Ontario Provincial Police
Police case ID: C09044485 Occurrence #(s): RM09096931
Regina vs. #12690 JACK, M.
OIC: #9740 FLINDALL, R.
Case class.:

Accused name: JACK, MICHAEL

Birth date: 1972/12/16

Criminal record: No

Charge	Offence date	YP status	Occurrence
HTA 136(1)(b) Fail to yield to traffic on through highway	2009/08/15	Adult	RM09096931

Case file synopsis

Ontario Provincial Police

Printed: 2009/10/15 12:11 by 9740

Case file: **C09044485: RM09096931; JACK, MICHAEL**

Author: #9740 FLINDALL, R.

Report time: 2009/10/15 12:07

Entered by: #9740 FLINDALL, R.

Entered time: 2009/10/15 12:07

Remarks:

SYNOPSIS - S. 136(1)(a) HTA - Fail to yield to traffic on through highway

On Saturday the 15th of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14th Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14th Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14th Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23.

Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. This occurred at 10:56 am. As a result, southbound traffic, consisting of 3 motor vehicles, had to brake hard to avoid colliding with PC M. JACK's cruiser and PC M. JACK had to take evasive maneuvers by turning hard into the north bound lane. PC M. JACK (continued southbound in the northbound lane) and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. JACK's driving was dangerous to not only himself but to the motoring public as well.

PC JACK was operating force cruiser #01-168, a fully marked Crown Victoria police cruiser bearing licence plate BBBS 393.

PC JACK was subsequently charged with S. 136(1)(b) HTA - Fail to yield to traffic on through highway.

SYNOPSIS - S. 136(1)(a) HTA - Fail to yield to traffic on through highway

On Saturday the 15th of August 2009, officers of the Peterborough County OPP Detachment attended a residence located on the 14th Line of Smith, Smith-Ennismore-Lakefield Twp in regards to a family dispute. After the call was cleared, Sgt. R. FLINDALL left the scene headed westbound on the 14th Line of Smith and was being followed by PC J. PAYNE and PC M. JACK in turn. The officers came to the intersection of Cty Rd 23 and the 14th Line of Smith and came to a stop. Both Sgt. R. FLINDALL and PC J. PAYNE turned southbound onto Cty Rd 23. Despite southbound traffic approaching the intersection, PC M. JACK also turned onto Cty Rd 23 with the intent to head southbound. As a result, southbound traffic had to brake hard to avoid colliding with PC M. JACK's cruiser and PC M. JACK had to take evasive maneuvers by turning hard into the north bound lane. PC M. JACK continued southbound in the northbound lane and had to accelerate in order to get ahead of the traffic and pull back into the southbound lane. PC M. JACK's driving was dangerous to not only himself but to the motoring public as well.

On the 14th of August, 2009, at 1255hrs, the day before, Sgt. R. FLINDALL had served PC M. JACK with the Commissioner's memo concerning cruiser collisions and officer driving safety. As a result he has been charged under S. 136(1)(A) HTA - Fail to yield to through traffic on highway.

Also on the 15th of August, 2009, Sgt. R. FLINDALL received an email from court officer John HOBBS dated the 12th of August, through Sgt. T. BANBURY. PC J. HOBBS outlines a conversation he had with an upset court clerk (unnamed at her request) who advised that PC JACK had attended her residence looking for a male party. The court clerk did not have issue with PC M. JACK attending the address, as he had the incorrect address, but had an issue with PC M. JACK using her front lawn to turn his cruiser around to leave the driveway. Although there was no permanent damage to her lawn, the cruiser left tire marks across her lawn.

PC M. JACK has been spoken to about his driving behaviour and it's potentially serious consequences should his driving behaviour continue. His file has been appropriately documented and his police cruiser operations has been deemed to not meet requirements.

PC JACK was operating force cruiser #01-168, a fully marked cruiser bearing licence plate BBBS 393.

Witness/Victim List

Ontario Provincial Police

Printed: 2009/10/15 12:11 by 9740

Case file: **C09044485: RM09096931; JACK, MICHAEL**

Witnesses

Name

FLINDALL, Robert

Contact Information

[Bus] (Voice) (705) 742-0401

[Bus] 453 LANSDOWNE ST E, PETERBOROUGH, ON
Canada (PETERBOROUGH O. P. P)

PAYNE, Jennifer

[Res] 453 LANSDOWNE ST E, PETERBOROUGH, ON
Canada (PETERBOROUGH O. P. P)

Property List

Ontario Provincial Police

Printed: 2009/10/15 12:11 by 9740

Case file: **C09044485: RM09096931; JACK, MICHAEL**

<u>Property Type</u>	<u>Property Item</u>	<u>Orig. Value</u>	<u>Cur. Value</u>	<u>Linked Persons</u>
Automobile: Police automobile	2008 FORD CROWN VICTORIA VIN:2FAHP71V38X104261 Black/White ON Lic #BBBS393			[Driver] JACK, MICHAEL

[REDACTED]

1054- 10-8, 10-19
1056- TRAFFIC ENFORCE-
MENT

- After leaving
200 14TH LINE
of Smith I
travelled W/S
headed towards
CITY RD 23
- was being
followed by
P.C. PAYNE

P.C. JACK each
in their own
cruisers.
came to the
intersection
of 14TH LINE & CITY
RD 23 where
there is a
stop sign
- CITY 230 is the
thru highway
- I pulled out
and proceeded
S/B on CITY RD
23
- P.C. PAYNE also
stopped @
stop sign



ROB FLINDALL
Sergeant
Peterborough County Detachment
ONTARIO PROVINCIAL POLICE

453 Lansdowne Street East
Peterborough, Ontario
K9J 6Z6

TEL: (705) 742-0401
FAX: (705) 742-9247

OPP 24 Hour Police Service, ComCentre 1-888-310-1122

and turned
S.B. behind
me
- I observed
S.B. traffic
on C.P.R.
23, approaching
the intersection
behind P.C.
PAYNE
- there was
insufficient
time for P.C.
JACK to pull
out safely
in front of
this traffic
- P.C. JACK



ROB FLINDALL

Sergeant

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however,
pulled out
in front of
the traffic.
- as he did
so, the S.B.
vehicles had
to break
hard but
remained in
their lane
- P.C. JACK had
to turn hard
into the S.B.
lane to avoid
a collision
- P.C. JACK then
accelerated

S.B. in the a.s.
 lane in order
 to get in
 front of this
 S.B. traffic.
 I was immedi-
 ately called
 on my cell
 phone by
 P.C. PAYNE who
 asked if I
 had just seen
 what P.C. JACK
 had done
 - w: sunny,
 warm
 R: clear, dry
 V: BBB5 393



ROB FLINDALL
 Sergeant

Peterborough County Detachment
 ONTARIO PROVINCIAL POLICE

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OPP: 01-168
 - 3 ehrs south-
 bound
 - observed what
 had transpired
 in my rear-
 view mirror
 as did PAYNE
 just yesterday
 P.C. JACK had
 been served
 the com's memo
 re: officer
 driving habits
 and collisions

[REDACTED]

[REDACTED]

[REDACTED]



ROB FLINDALL
Sergeant

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1755 - call to P.C.
neg P.C. JACK'S
70
- adv he's
ENR to a
mischief call
he received
earlier in
the day
- did not
approve O.T.
for this order
then back

to DET in
order to serve
him w P.O.N
and neg
233-10
1838 served P.C.
JACK w P.O.N
2476854A
S. 136(1)(B) HTA
fail to yield
tho through
traffic at
light
- 233-10 served
as well
- copy provided
1853 of CC Voluntary

NOTES

[Lined area for notes, currently blank]



JENNIFER PAYNE
Provincial Constable
Peterborough County Detachment
Central Region
ONTARIO PROVINCIAL POLICE

453 Lansdowne Street East
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Fax: (705) 742-9247
jennifer.payne@ontario.ca

OPP 24 Hour Police Service, ComCentre 1-888-310-1122

15 Aug 2009 (SAT)

06:40 ON DUTY

SHIFT: 0640-1840

- ASSIGN - 1I305

- VEH - 1-235

+ shift med



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departure

10:54 | 108

- Drove City 14 WB to City 23
- Flindall, myself then Jack followup
- Stop e sign
- Flindall turn left 1 stop + then turn left
- SIB traffic appeared
- 10:58 - PC Jack pull up at sign + stop
- looked in rearview mirror + saw Jack in NIB lane follow SIB + was beside SIB traffic
- traffic had to brake + slow + then he pulled in front + failed to yield to traffic on through highway
- approx 3 vehicles were SIB
- no traffic NIB
- rds dry, sunny, visibility good
- PC Jack made left hand turn onto City Rd 23 (SIB) from City Rd 14.
- had to drive short distance in NIB lane + wait for SIB traffic to

10

slow so he could merge in.

1057

1021 Sgt Fundaell
asked him if he just saw what JACK did.

he definitely was
intimidated + was
dangerous + unsafe.

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JENNIFER PAYNE
Provincial Constable
Peterborough County Detachment
Central Region
ONTARIO PROVINCIAL POLICE

453 Lansdowne Street East Tel: (705) 742-0401
Peterborough, Ontario Fax: (705) 742-9247
K9J 6Z6 jennifer.payne@ontario.ca

OPP 24 Hour Police Service, ComCentre 1-888-310-1122

12:

132

EXHIBIT 20A

Driver Record: Profile

Licence Information		Driver Information	
Driver's Licence #/ Jurisdiction:	J0052-54407-21216 CA-ON	Driver Name:	JACK, MICHAEL
Licence Status:	LICENSED	Sex:	Male
Class:	G***	Date of Birth:	1972-12-16 (36 years)
First Licenced:	1998-01-27	Height:	168 cm (5' 6")
Expiry Date:	2012-12-16	Registered Address:	1049 PRIMROSE LANE RR4, PETERBOROUGH ON K9J 6X5
RIN:	136-725-558		

Driver Convictions: 1 record
From 1972-12-16 to 2009-10-15

Conviction Date	Description	Status	Offence Date	Points
2005-01-11	UNSAFE MOVE	-	2005-01-07	02

EXHIBIT 20A

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RIN:	136-725-558		

Driver Collisions: 2 records
From 1972-12-16 to 2009-10-15

Collision Date	Apparent Driver Action	Driver Condition	Collision Type	Record Date
2009-01-30	OTHER	NORMAL	Property damage only	2009-07-22
2005-01-07	IMPROPER TURN	NORMAL	Property damage only	2005-06-01