

Michael Jack v. Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services and operating as the Ontario Provincial Police.

ANTICIPATED EVIDENCE OF: Steve Ryan

April 10, 2010

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My name is Steve Ryan. On the evening of September 23, 2009 I called Peterborough County OPP to assist me with calming down my brother, Gary Ryan, who was renting a room in my house in Bridgenorth at the time. Gary had a few drinks and had been disturbing the peace and all my attempts to reason with him -- calm him down -- failed. Upon the arrival of two officers I greeted them outside of my house. I immediately recognized one officer, Cst. Michael Jack, from the Nu Bodies fitness facility in Peterborough where I met him in the summer of 2004, and expressed meeting him there. His colleague, after mentioning this recollection, became very melodramatic; he clutched his hands to his head, looked up into the dark night sky, and uttered "You know this guy?" His face became disdainful, wincing, and grimacing, as I tried to interpret his nonverbal and verbal remark. Though puzzled, I continued explaining the situation and the reason I called the police.

During our conversation outside of my house, I noticed that Cst. Jack had an ear piece plugged in his ear, something one would frequently see secret service personnel wear in Hollywood movies. I made an assumption that it was a recording device and at one point said, "I know Mike you are recording everything, right?" He did not reply to my tag question. I thought nothing of his reticence. However, as I later reflected on this harmless utterance, I know that I was not addressing Mike, personally. Instead, I was addressing a uniformed police officer that I happened to know by first name only.

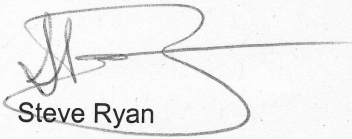
The matter involving my brother was eventually resolved in a professional manner and I was grateful to the OPP for coming to my assistance in the time of need.

I am writing this letter because on March 23, 2010, I was approached by Mr. Michael Jack at the Nu Bodies fitness facility in Peterborough. Mr. Jack greeted me by my first name and asked how my brother was doing. We spoke briefly at which time Mr. Jack inquired why on September 23, 2009 I said, "I know Mike you are recording everything, right?" which I explained to him, as mentioned above. Surprisingly, Mr. Jack went on to further tell me that he had resigned from the OPP and asked me if I could furnish him with my witness statement as to why I assumed he was recording our conversation, to which I agreed and therefore am providing it to Mr. Michael Jack on his request. If you have any further questions, please contact me.

Between September the 23rd, 2009 and March the 23rd, 2010 no one questioned me as to why I asked two uniformed OPP officers (during the course of a conversation on September the 23rd, 2009), "I know Mike you are recording everything, right?"

If you have any further questions, please contact me.

Yours truly,

  
Steve Ryan

920 Kelly Blvd.

Bridgenorth, Ontario K0L 1H0

Ph: 705-292-0647

**BENCHMARK:** No.

**COMPLAINT:** On Thursday, September 24, 2009, the complainant, Steve RYAN, contacted Peterborough County O.P.P. via Smith Falls PCC to report that he was having problems with his brother, Gary RYAN, at his residence and that his brother was intoxicated and would not leave.

**INCIDENT LOCATION:** 920 Kelly Blvd. Smith-Ennismore-Lakefield Twp, Peterborough County.

**HISTORY:** Gary has been staying at Steve's house at the incident location for the past 8 weeks, for which he has been paying rent in the amount of \$100 a week.

**INVESTIGATION:** On Thursday, September 24, 2009 at approximately 00:40 hrs PC JACK and PC NIE attended the incident location and spoke with Steve, who met them outside the residence. Steve advised officers that his brother Gary had been causing disturbance at the residence and that there had been a physical altercation of a sort earlier in the night. Steve was very vague in his explanations of what happened and could not make up his mind as to what he wanted the police to do. Initially he advised officers that he wanted Gary out of his residence, but then changed his mind and advised officers that he was going to talk to Gary and see if he agrees to behave himself for the rest of the night. Subsequently, Steve went inside and spoke with Gary, while officers waited outside. Through the partly opened door, officers overheard the brothers arguing, with Gary being very agitated and non-cooperative and making derogatory comments to Steve. Then both Steve and Gary came to the front door and Gary immediately started swearing at officers and at his brother. Gary was agitated and appeared to be intoxicated. Gary used strong language and all attempts to reason with him and calm him down failed. When Gary turned around and went inside, officers formed the grounds for the arrest of Gary for prevent breach of peace, as leaving him in the house in his state of mind was not safe. At 01:03 Gary was placed under arrest and handcuffed to the rear. Gary was subsequently escorted outside of the residence, frisked searched and lodged in the rear of the police cruiser. Throughout the entire process, Gary continued to be agitated and kept swearing at the officers while also uttering threats to kick the officers in the head with his legs numerous times

At approximately 01:13 hrs, Matthew WRIGHT, came out and advised that he too was staying at the house at the incident location. Matthew advised officers that Gary was a good guy and that Gary had a few beers earlier in the night. Further, Matthew asked if he could be of any assistance and was advised that he could attend the detachment at around 06:30 hrs to pick Gary up, to which he advised he would.

Gary was transported to the Peterborough County O.P.P. Detachment where he was lodged in cells until sober. Gary was noted to have a small cut with dried blood above his right eye, along with a small bump (goose egg) to the same area. He declined any medical attention for this.

**WITNESS STATEMENTS:** Notebook entries only.

**ARRESTED:** Gary RYAN (DOB: 28-Jul-1956)

**VEHICLES:** N/A

**PROPERTY:** N/A

**SUPPORT UNITS:** N/A

**CPIC:** N/A

**NOTIFICATION:** Sgt. Butorac.

**FOLLOW UP:** N/A