

HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

MICHAEL JACK

Applicant

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, AS REPRESENTED BY THE
MINISTER OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES AND
OPERATING AS THE ONTARIO PROVINCIAL POLICE**

Respondent

**RESPONDENT'S REQUEST FOR CASE MANAGEMENT
CONFERENCE SCHEDULES**

March 20, 2012

Ministry of Community Safety and
Correctional Services
Legal Services Branch
655 Bay Street
Suite 501
Toronto, Ontario M7A 0A8

Lynette D'Souza
Tel: (416) 326-1237
Fax: (416) 314-3518

Counsel for the Respondent

TO: Michael Jack
c/o Lloyd Tapp
252 Angeline Street North
Lindsay, Ontario K9V 4R1

Applicant

A



Feltmate Delibato Heagle LLP

L A W Y E R S

Miles G. Feltmate
Brian D. B. Heagle
Verena J. Fraser
Cameron D. Neil
Kimberley J. Wolfe

Fulvio J. Delibato
Lori K. Brown
Paul G. Lewis
David O. Rickards

Ronald J. Weston
Tibor Sarai
James D. Tuck
Paul Lawson

Suite 301, 2010 Winston Park Drive
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L6H 5R7

Telephone : (905) 829-3200
Facsimile : (905) 829-3277
Toll Free : 1-800-636-6927
www.fdhlawyers.com

December 13, 2010

VIA EMAIL: HRTO.Registrar@ontario.ca

Human Rights Tribunal of Ontario
655 Bay Street, 14th Floor
Toronto, Ontario
M7A 2A3

Attn: Richard Hennessy, Registrar

Dear Mr. Hennessy:

Re: Application to the Human Rights Tribunal of Ontario of Michael Jack

Please find attached the Application form, including the Statutory Declaration, of Michael Jack. If you require any further information, please do not hesitate to contact the writer.

Yours very truly,

Feltmate Delibato Heagle LLP
Per:

per: **Kimberley J. Wolfe**
Direct Line: 905-287-2207
KW:dc
Encl.

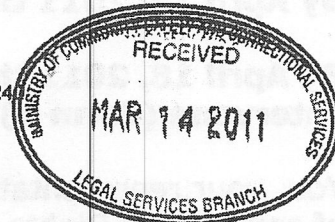
*Respond to Oakville
Our File 10B1369

**Human Rights Tribunal
of Ontario**

655 Bay Street, 14th Floor
Toronto ON M7A 2A3
Tel: (416) 326-1312
Toll-free: 1-866-598-0322
TTY: 416-326-2027
TTY Toll-Free: 1-866-607-1240
Fax: 416-326-2199
Fax Toll-Free: 1-866-355-6099
E-mail: hrt.registrar@ontario.ca
Website: www.hrto.ca

**Tribunal des droits de la personne
de l'Ontario**

655, rue Bay, 14e étage
Toronto ON M7A 2A3
Tél.: 416-326-1312
Sans frais: 1-866-598-0322
Téléscripteur: 416-326-2027
Téléscripteur sans frais: 1-866-607-1240
Télec.: 416-326-2199
Télec sans frais: 1-866-355-6099
Courriel: hrt.registrar@ontario.ca
Site Web: www.hrto.ca



Tribunal File No.: **2010-07633-I**

March 11, 2011

Michael Jack
c/o Lloyd Tapp
252 Angeline St North
Lindsay, Ontario K9V 4R1

MCSCS, Legal Services
c/o Chris Donszelmann
Legal Counsel
77 Grenville, Street, 8th Floor
Toronto, Ontario M5S 1B3

Ontario Provincial Police Association
c/o Marty MacMarow
119 Ferris Lane
Barrie, Ontario L4M 2Y1

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

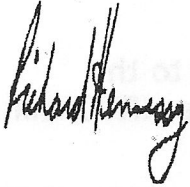
Subject: Notice of Application

A legal proceeding has been commenced at the Human Rights Tribunal of Ontario (HRTO). The Application, filed by Michael Jack on December 14, 2010, has been assigned HRTO File number **[2010-07633-I]**. The HRTO file number must be included on all your correspondence and any documents filed with the HRTO.

The applicant names Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety & Correctional Services and operating as the Ontario Provincial Police as respondent to the Application.

The HRTO will send information to the address you have provided to us. If your contact information changes, you must advise the HRTO immediately.

Yours truly,



Richard Hennessy
Registrar

IMPORTANT INFORMATION FOR THE RESPONDENT(S)

The HRTO has received an Application that names you as a respondent. A copy of the Application is attached.

To respond to the Application, you must file a completed Response (Form 2) with the HRTO **no later than April 18, 2011**. You must include the HRTO File number [2010-07633-I] on your Response and on all documents and materials filed with the HRTO. You may wish to review the HRTO's Rules of Procedure, Guides and Practice Directions, all available on the HRTO's website at www.hрто.ca, before completing your Response.

Your Response will be reviewed for completeness before being delivered to the applicant. A complete Response must provide the information requested in each section of the Form 2, respond to each allegation set out in the Application, and must also include any additional facts and allegations on which you rely. The HRTO may not permit you to present evidence or make submissions with respect to a fact or issue that was not raised in your the Response.

If you fail to respond to the Application, the HRTO may deem you to have accepted all of the allegations in the Application, deem you to have waived all rights with respect to further notice or participation in the proceeding, proceed to deal with the Application without further notice to you and decide the matter based only on the material before the HRTO.

Once your Response is accepted by the HRTO for processing, the HRTO will deliver it to the applicant, to any other respondent(s) and to any organization or person identified as an affected party.

HRTO forms are available on the HRTO's website, or by request by email, hрто.registrar@ontario.ca, phone (416-326-1312, toll-free 1-866-598-0322, TTY 416-326-2027 or TTY toll-free 1-866-607-1240), or in person from our office at 655 Bay St., 14th Floor, Toronto, ON, M7A 2A3. These forms are available in a variety of accessible formats.

Ministry of the
Attorney General
Legal Services Branch
Ministry of Community Safety and
Correctional Services

8th Floor, 77 Grenville Street
Toronto ON M5S 1B3
Telephone: (416) 314-3509
Fax: (416) 314-3518

Ministère du
Procureur général
Direction des services juridiques
Ministère de la Sécurité communautaire et
des Services correctionnels

8^e étage, 77 rue Grenville
Toronto ON M5S 1B3
Téléphone: (416) 314-3509
Télécopieur: (416) 314-3518



Writer's Direct Line: (416) 314-3509

January 10, 2011

BY FAX

Richard Hennessy
Registrar
Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, Ontario

Dear Mr. Hennessy:

Re: **Michael Jack v. Ontario Provincial Police
Tribunal File No. - unknown**

Please be advised that my office represents the Respondent for the purpose of the above-noted Application. Chris Donszelmann of my office will have primary carriage of this file.

We are in receipt of an Application for the above-noted matter from counsel for the Applicant.

I confirm that we have not received a copy of the Application from the Tribunal. As such, we will assume that there is no deadline for the Respondent to file a Response unless we are advised otherwise by the Tribunal.

Yours truly,

Katie Clements
Counsel

cc. Kimberley Wolfe, Counsel for the Applicant

Encl.



Feltmate Delibato Heagle LLP

L A W Y E R S

Miles G. Feltmate
Brian D. B. Heagle
Verena J. Fraser
Cameron D. Neil
Kimberley J. Wolfe

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www.fdhlawyers.com

January 18, 2011

*Respond to Oakville
Our File 10B1369

VIA EMAIL: HRTO.Registrar@ontario.ca
& VIA FACSIMILE: 416-326-2199

Human Rights Tribunal of Ontario
655 Bay Street, 14th Floor
Toronto, Ontario
M7A 2A3

Attn: Richard Hennessy, Registrar

Dear Mr. Hennessy:

Re: Human Rights Tribunal of Ontario File No. 2010-07633-1 – Michael Jack

Further to our correspondence of yesterday removing our firm from the record in connection with the above mentioned matter, our former client has informed us that his current contact information is as follows:

Michael Jack
c/o Lloyd Tapp
252 Angeline Street North
Lindsay, ON K9V 4R1

Kindly direct all further communications with respect to this file to Mr. Jack at the above address.

Yours very truly,

Feltmate Delibato Heagle LLP

Per:

Kimberley J. Wolfe
Direct Line: 905-287-2207
KW:dc
cc: Michael Jack

B



Human Rights Tribunal of Ontario

Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

(Disponible en français)

www.hrto.ca

How to Respond to an Application Where You Are Named as a Respondent

Use this form if you have been named as a respondent in a human rights application under section 34 of the *Human Rights Code*.

If you fail to respond to the Application, you may be deemed to have accepted all of the allegations in the Application, and the Tribunal may proceed without further notice to you.

Before you start:

1. Read the questions and answers below.
2. Download and read the **Respondent's Guide** from the Tribunal's website www.hrto.ca. If you need a paper copy or accessible format contact us at:

Human Rights Tribunal of Ontario
 655 Bay Street, 14th floor
 Toronto, Ontario
 M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322
 Fax: 416-326-2199 Toll-free: 1-866-355-6099
 TTY: 416-326-2027 Toll-free: 1-866-607-1240
 Email: hrto.registrar@ontario.ca
 Website: www.hrto.ca

The Tribunal has other guides and practice directions to help all parties to an application understand the process. Download copies from the Tribunal's website or contact us.

3. Complete each section of the Response form that applies to you. As you fill out each section, refer to the instructions in the **Respondent's Guide**.

Questions about Responding to an Application

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application.

What happens if I fail to complete a Response form?

You may be deemed to have accepted all the allegations. The Tribunal may deal with the Application without any further notice to you.

What is the time limit for responding?

Respondents must file a completed Response form no later than **thirty-five (35) days** after the Tribunal sends them a copy of the Application. The cover letter from the Tribunal gives you the exact date.

Are there defences to discrimination under the *Human Rights Code*?

Yes, there are some defences and exemptions in the *Code*. Please see the **Respondent's Guide**. If you believe one of these applies, please explain how when you fill out the Response form.

C

Schedule "B"

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

Tribunal File Number: 2010-07633-I

List of Exhibits

Exhibit #	Date	Document
Schedule "A"	06-Jan-2012	Anticipated evidence of Mr. Michael Jack
Exhibit 02	20-Jun-1992	Marine technological high school certificate
Exhibit 03	14-Dec-1996	Marine college diploma
Exhibit 04	4-Apr-1996	Assessment certificate for soldier demobilized from regularly Israeli military service
Exhibit 05	21-May-1997	Electrical Officer Second Grade certificate
Exhibit 06	14-Sep-2000	Intel Electronics Ltd. Letter and a reference letter
Exhibit 07a	2001 – 2006	Trent University degrees
Exhibit 07b	2001 – 2006	Trent University transcripts
Exhibit 07c	2001 – 2006	Academic awards and scholarships
Exhibit 07d	2007	Trent University Computing & Information Systems' pamphlet
Exhibit 8	Jan-2012	Anticipated evidence of witnesses
Exhibit 09	31-Mar-2008	O.A.C.P. Certificate of Results
Exhibit 10a	May 2008	Recommendation/reference letters
Exhibit 10b	2011	Curriculum Vitae of witnesses and references
Exhibit 11a	April 2008	Application to York Regional Police
Exhibit 11b	July 2008	Correspondence with Chief of York Regional Police Armand La Barge
Exhibit 12	24-Jul-2008	OPP's offer of employment

D

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Tribunal File Number: 2010-07633-I

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Exhibit 26a	Aug-2009 – Feb-2010	Correspondence with the President of the 8 th Branch of the OPPA D/Cst. Karen German
Exhibit 26b	Oct-2009	Correspondence to the Ontario Provincial Police Association
Exhibit 26c	14-Aug-2009 – 20-Aug-2009	Officer notes of PC Michael Jack (Badge #12690)
Exhibit 27	11-Sep-2009	PCS-066P (Month 8)
Exhibit 28	09-Sep-2009	General Occurrence Report re: threats call
Exhibit 29	18-Sep-2009	Driver competency assessment
Exhibit 30	2009	Analysis of Probationary Performance Evaluation reports
Exhibit 31	30-Sep-2009	Peterborough clinic medial letter
Exhibit 32	13-Oct-2009	PCS-066P (Month 9)
Exhibit 33	13-Oct-2009	Probationary Constable work improvement plan (Month 9)
Exhibit 34a	6-Aug-2009	Re: Break and Enter investigation at Young's Point Public School (Crown Brief Synopsis)
Exhibit 34b	6/8-Oct-2009	Re: Break and Enter investigation at Young's Point Public School (correspondence with Crown Attorney Kelly Eberhard)
Exhibit 35	16-Oct-2009	Re: Large illegal drug grow op (letter of commendation from Cst. Ernie Garbutt)
Exhibit 36	19-Oct-2009	Memorandum to Michael Jack by Michael Jack
Exhibit 37	18-Nov-2009	PCS-066P (Month 10)
Exhibit 38	18-Nov-2009	Probationary Constable work improvement plan (Month 10)
Exhibit 39	Sep-2009 – Dec-2009	Internal complaint to Professional Standards Bureau (2545009 – 0173)
Exhibit 40	2009	Investigation re: Credit card fraud
Exhibit 41	13-Dec-2009	Notice of Proposed Release from Employment

		Commission
Exhibit 63	30-Jul-2006	General Occurrence Report written by Cst. Lloyd Tapp for Cst. Harry Allen Chase re Domestic occurrence
Exhibit 64	12-Jun-2010	R. vs. Stillman Crown Brief Synopsis and Cst. Lloyd Tapp's examination of the R. vs. Stillman's case
Exhibit 65	24-Nov-2009	Peterborough County OPP Detachment telephone directory
Exhibit 66	2009	Peterborough County OPP Detachment duty schedule 2009
Exhibit 67	1990	Police Services Act R.S.O. 1990, c. P.15 Ontario Regulation 123/98
Exhibit 68	2006 – 2010	Peterborough Fish and Game Association membership
Exhibit 69	19-Oct-2010	Cst. Kevin Duignan's contact information handwritten by Cst. Kevin Duignan and Tim Hortons napkin with nickname CRAZY IVAN handwritten by Cst. Kevin Duignan
Exhibit 70	04-Jan-2012	Anticipated evidence of Sgt. Jason Postma
Exhibit 71a	13-Jan-2012	Anticipated evidence of Mark Greco
Exhibit 71b	13-Jan-2012	Anticipated evidence of Sgt. Rui Pacheco
Exhibit 72	1991 – 1992	Photographs of being in charge of cadets in the Nautical School in Israel
Exhibit 73	1992 – 1997	Photographs during the years of regular military service in Israel
Exhibit 74	Aug-2003	Photograph with the "Undesirables" (the top one) taken in the GoodLife fitness club in August of 2003
Exhibit 75	26-Nov-2008	Photographs at the Ontario Police College (graduation)
Exhibit 76	16-Dec-2008	Photograph at the Provincial Police Academy's shooting range
Exhibit 77	09-Jan-2009	Photographs at the Provincial Police Academy (graduation)
Exhibit 78a	Jan/Jul-2010	Certificate of Results issued by Applicant Testing Services
Exhibit 78b	09-May-2010	Standard First Aid issued by St. John Ambulance
Exhibit 79	Jan-2010	Re: Application for position of Constable with York Regional

Exhibit 93	Sep-2007	Maclean's magazine article about intimidation of employees
Exhibit 94	2004	Ontario Use of Force Model
Exhibit 95	10-May-2010	HRTO Cst. Tapp vs. OPP - Terms of Settlement
Exhibit 96a	May-2008	The Peterborough Examiner re: Officer charged with racing
Exhibit 96b	Nov-2008	The Peterborough Examiner re: OOP officer cleared of stunt-driving charge
Exhibit 98	08-Apr-2011	OPP Association Comments re Ombudsman's Investigation
Exhibit 99a	2011	Probationary Performance Evaluation Guidelines
Exhibit 99b	2011	Ontario Provincial Police Orders
Exhibit 100	2011	Boiling Frog Syndrome

Crown Brief Synopsis

R vs. Ian ETHERINGTON

- Accused:** Ian ETHERINGTON (DOB: 13-Aug-1955)
3305 Berrie Rd, Lakefield R1 ON K0L 2H0
- OIC:** P/C Michael Jack, Badge # 12690
- Charge # 1:** Impaired Operation of motor vehicle. Sec. 253(1)(a) CC
- Charge # 2:** Exceed 80 Milligrams Blood Alcohol Content. Sec. 253(1)(b) CC
- Charge # 3:** Driving motor vehicle with open container of liquor. Sec. 32(1) LLA
- Charge # 4:** Drive motor vehicle – no currently validated permit. Sec. 7(1)(a) HTA
- Charge # 5:** Operate motor vehicle without insurance Sec. 2(1)(a) CAIA
- Date / Time:** Thursday, August 20, 2009, 11:25 am
- Location:** Selwyn Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

On the 20th of August 2009 at 10:51 am complainant George HUTCHISON contacted the OPP to report a possibly impaired driver. The complainant observed the suspect vehicle being driven all over the road while following it from Selwyn road to the village of Bridgenorth where the suspect pulled into the Bridgenorth liquor store parking lot. The complainant advised that the suspect was driving a Red Toyota pickup truck with DTW being the last 3 digits of the licence plate.

At 11:22 am, PC JACK observed the suspect pickup truck travelling northbound on Selwyn Road at a high rate of speed. PC JACK noted the last 3 digits of the suspect vehicle licence plate being 0TW, however, no radar reading was obtained. After the suspect vehicle crossed paths with the police cruiser PC JACK performed a U-turn and proceeded after the suspect vehicle. As PC JACK followed the vehicle in attempts to catch up with it he observed the vehicle to slow down just before the 12 line of Smith. At that time PC JACK activated police cruiser emergency lights, however, the suspect vehicle failed to stop right away and PC JACK had to use police cruiser siren intermittently 3-4 times to attract the driver's attention. The vehicle turned left at the intersection onto the County Road 23 and was subsequently pulled over on the northbound gravel portion of County Road 23 (Buckhorn Road) approximately 70m north of Selwyn Road. The driver stepped out of the vehicle, then got back in, and started to drive forward into the parking lot of the Selwyn Esso gas station. PC JACK observed the driver to be very slow in his movements and confused.

At this point, an Anishinabek Police Service marked cruiser was pulling out onto the County Road 23, from the Esso gas station parking lot. PC JACK recognized the Anishinabek Police Service officer as Sgt. KIM COPPAWAY. Sgt. COPPAWAY reversed his cruiser and blocked the suspect driver from moving any further.

At 11:25 am, Sgt. COPPAWAY and PC JACK approached the driver's side of the pickup truck and PC JACK asked the driver to shut the engine off and remove the keys from the ignition. The driver fumbled with the keys in the ignition and failed to shut the engine off and remove the keys. Sgt. COPPAWAY reached into the truck window and shut the engine off. At this point PC JACK detected strong odour of alcohol emanating from the driver's facial area. PC JACK asked the

12:41 pm PC JACK asked ETHERINGTON if he was satisfied with a call, to which ETHERINGTON replied, "Yes, I was told not to say anything."

At 12:42 pm PC JACK turned over custody to a qualified Breath Technician PC BRISCOE after giving his grounds for the arrest of ETHERINGTON to him.

At 01:10 pm PC BRISCOE turned over custody to PC JACK and advised him of the results which were as follows:

Test #1 272mgs of alcohol in 100ml of blood which was recorded at 12:46 pm (according to the intoxilyzer internal clock)

Test #2 256mgs of alcohol in 100ml of blood which was recorded at 13:07 pm (according to the intoxilyzer internal clock)

At 01:15 pm ETHERINGTON was lodged into a holding cell # 2 to be released when sober.

A CPIC check of Ian ETHERINGTON revealed that he did not have a criminal record.

At 08:08 pm PC JACK released ETHERINGTON on a Promise To Appear for the charges of Impaired Operation of Motor Vehicle 253(1)(a) CC and Exceed 80 Milligrams Blood Alcohol Content 253(1)(b) CC, with a first appearance date of September 24 2009. Upon the release, ETHERINGTON was served with copies of the Promise to Appear, 3 Part III summons for 3 provincial statutes offences, Certificate of a Qualified Technician, ADLS Notice, and his driver's license was seized and returned to MTO. The accused left the detachment with his two sons, Brad and West ETHERINGTON. Intoxilyzer's calibration and diagnostic tests and copies of the Breath results were not disclosed to ETHERINGTON at the time of the release as they accidentally fell off from the paper folder and were found by PC JACK in the printer room area at 10:20 pm.

Relevant Times

11:22 am Time of Incident
11:25 am Vehicle Stop
11:29 am Grounds for Impaired and Arrest
11:30 am Rights to Counsel
11:32 am Charter Caution
11:33 am Breath Sample Demand - Breathalyzer/Intoxilyzer Test
11:40 am Depart from Scene
12:00 pm Arrival at Detachment
12:08 pm Called Duty Counsel
12:12 pm Grounds provided to Breath Tech
12:37 pm Duty Counsel called back
12:41 pm Call to Duty Counsel concluded
12:42 pm Turned custody over to Breath Tech
12:46 pm 1st Breath Sample: 0.272 % BAC
01:07 pm 2nd Breath Sample: 0.256 % BAC
01:10 pm Returned Custody
01:15 pm Lodged in Cells
08:08 pm Released on PTA

FRI 14 JUL 09

RAN RYLE

MOTHER OF DEBRA

12:40 10-1A

WORKED ON

PUTTING TOGETHER

BAG OF PACKAGES

TOGETHER FROM

BAG CASE

SP09178964

1:30 COPYING DVDS

ACCUSED STATEMENTS +

SCENE IMAGES

15:35 LODGED WITNESS

STATEMENT OF JAMES

MIXER + COPIES

OF DVDS.

16:20 ADDED CHARGES

FOR ALL 4 ACCUSED

17:00 FOLLOW UP ON

N. VS. ANDERSON CASE,

PAPER WORK

17:15 SPOKE WITH PC

FALMAN RE:

BAG CASE AND

ANDERSON CASE

17:45 MILITARY REPORTS

18:10 OFF DUTY

PC 12690 2300

SAT 15 - JUL - 09

0550 ON DUTY

01C SGT FLINDALL

10-13 +25°C, SUNNY

SOFT 1 I - 301

HARD 1 - 168

MIL 101130/101343

EQUIP ASD, PANAMA

0600 FINALIZED ANDERSON 36

Crown Brief Synopsis

Accused persons: Colin HENDERSON (young person)
Adam VOLLICK (young person)
Daniel CARRANZA (young person)
Brendon GERELUS (adult)

OIC: P/C Michael JACK, Badge # 12690

Date / Time: August 19, 2009 between 22:00 hrs and 22:40 hrs

Location: Young's Point Junior Public School located at 2725 Chalmers Ave in Young's Point, Smith-Ennismore-Lakefield Twp, Peterborough County.

On August 6, 2009 at approximately 22:14 hrs Peterborough County OPP received a report of a break and enter in progress at the Young's Point Junior Public School located at 2725 Chalmers Ave in Young's Point, Smith-Ennismore-Lakefield Twp, Peterborough County. At approximately 22:30 hrs police arrived and at approximately 22:40 hrs police approached the school building on foot and observed 4 male youths on the roof of the school building. Police kept an observation on the males for approximately 5 minutes during which time loud voices along with a banging sound and at one point a sound of breaking glass were clearly heard. Upon spotting the police and despite clear and loud orders to stop, the 4 suspects took off and fled on foot in all directions. After a short pursue, all 4 accused were apprehended by the police short distance away from the school site.

At approximately 22:41 hrs, PC D'AMICO, PC MORAN, and PC MACARTHUR apprehended and arrested the first accused person, Colin HENDERSON. HENDERSON attempted to flee from police through a school parking lot and was apprehended and arrested in a nearby wooded area. During the arrest HENDERSON actively resisted by not showing his hands despite being repeatedly told by the officers to show his hands. Subsequent to the arrest, HENDERSON was searched and was found to be in possession of a marijuana cigarette. HENDERSON was advised of the reason for his arrest, was read his Rights to Counsel and a Young person caution and was provided with the 1-800 legal aid number. HENDERSON stated he understood and did not wish to speak with lawyer. HENDERSON was transported to the Peterborough County OPP detachment, where he declined to speak with a lawyer, but wished to speak with his mother, Fiona HENDERSON. On August 7, 2009, at approximately 00:50 am HENDERSON was afforded privacy to speak with his mother on the phone and was then lodged in the cells until paper work was completed. At approximately 03:30 hrs a cautioned video/audio recorded statement was taken from HENDERSON by PC JACK and at 04:15 hrs HENDERSON was released into the custody of his mother on a Promise to Appear with an OIC Undertaking and with the first court date of September 21, 2009. A notice to parent was served to his mother.

At approximately 23:00 hrs, PC FILMAN apprehended and arrested the second accused person, Adam VOLLICK. VOLLICK attempted to evade police by hiding in the waters of Katchewanooka Lake. VOLLICK was located fully submerged with the exception of his head beside a dock in the backyard of a residence on Wilson Rd. Subsequent to the arrest, VOLLICK was advised of the reason for his arrest, was read his Rights to Counsel and a Young person caution and was provided with the 1-800 legal aid number. VOLLICK stated he understood and at that time he was unsure of talking to a lawyer. VOLLICK was transported to the Peterborough County OPP detachment, where he declined to speak with a lawyer, but wished to speak with his mother. On August 7, 2009, at approximately 01:00 am VOLLICK was afforded privacy to speak with his mother on the phone and was then lodged in the cells until paper work was completed. At approximately 03:00 hrs a cautioned video/audio recorded statement was taken from VOLLICK by PC JACK. At 03:40 hrs VOLLICK was released into the custody of his mother on a Promise to

EXHIBIT 346

Jack, Michael (JUS)

From: Eberhard, Kelly (JUS)
Sent: October 8, 2009 2:01 PM
To: Jack, Michael (JUS)
Subject: RE: r v. Vollick sp09178964

Hi Michael, thank you very much for your information. It is very helpful. I found the restitution documents, thanks. It becomes more confusing when we have an adult in the picture...I wonder if I might have the school board rep's name and number and if I could contact them and see exactly what they have in mind, then we can have a pow wow about it.
thanks,
Kelly

-----Original Message-----

From: Jack, Michael (JUS)
Sent: Wednesday, October 07, 2009 4:52 PM
To: Eberhard, Kelly (JUS)
Cc: Nie, Richard (JUS)
Subject: RE: r v. Vollick sp09178964

Hi Kelly,

Here my insights into the matter:

We do have the monetary figure for the total value of the damage to the school property. I disclosed the repair bills provided to me by the Kawartha District Pine Ridge School Board to the court some 4 weeks ago. You should have them on file. If they grew legs, I saved a copy.

The Kawartha District Pine Ridge School Board is seeking monetary restitution for the damages caused. The total worth of the damage done is \$3,688.00 and that is all the school board wants back.

I spoke with the School Board representative and was advised that they wish to handle the case delicately and would prefer to resort to restorative justice if it is ok with the police.

As an investigating officer, I believe that since the offence is a first-time, non-violent offence (property damage only) the extrajudicial measures would be adequate to hold them accountable.

Three accused were 17 years old and one turned 18 just 4 months prior to the event. Not sure how you will prefer to hold the adult accountable.

Please let me know what else you would like to know.

Glad to be of assistance.

Michael

From: Eberhard, Kelly (JUS)
Sent: October 6, 2009 8:11 AM
To: Jack, Michael (JUS)
Cc: Hobbins, John (JUS); Lafreniere, Bob (JUS); Schroter, Sarah (JUS)
Subject: r v. Vollick sp09178964

hi, this accused's mum has called a couple of times wanting to know if her son is eligible for the EJS program. My gut reaction is no as it is a serious offence there were three co-accused and all ran from police plus we don't know amount of damages. I understand that all youth have no records...
Can you give me some insight into this? What do you think? Do you now have the exact damages? What is the school board's feeling...
(don't say we are going to agree to ejs becauz I am far from that but you might canvas their ideas for dealing with...
thanks,
kelly

BENCHMARK: No

COMPLAINT: On Wednesday, April 29th 2009, the complainant, Bill GILLAM, contacted Peterborough County O.P.P. via the Smith Falls PCC to report an incident associated to the fraudulent use of a credit card after the fact. The complainant wished to meet with an officer.

INCIDENT LOCATION: Chemong Home Hardware Building Centre, 1699 Chemong Road, Smith-Ennismore-Lakefield Twp., Peterborough County.

HISTORY: On January 15, 2009 at 11:36 am Tyendinaga Police arrested Conrad SCHLECHTER for a credit card fraud at the McMurter's Home Centre on Highway 49 on the Tyendinaga Mohawk Territory. SCHLECHTER was attempting to purchase a generator with an unauthorized MasterCard credit card (# 5446 1228 8684 9622) from the McMurter's Home Centre. SCHLECHTER was later released on a PTA with an OIC Undertaking with a court date of February 19 2009 in Belleville. SCHLECHTER'S motor vehicle, a 2000 Ford Windstar was towed from the scene for "use plates not authorized" and the Ontario license plates (BDKT557) were seized. In his motor vehicle police found an Ottawa phone book, a Newmarket phone book and a Travelodge Hotel book with more credit card numbers written on pieces of paper as well as multiple hotel receipts. From the dates and locations of the transactions the police believed that the incident was only a part of a bigger credit card scamming operation.

INVESTIGATION: On Wednesday, April 29 2009 at 12:12 hrs P/C Jack attended the incident location and spoke with the complainant, who is the owner/accountant of the Chemong Home Hardware Building Centre.

The complainant advised P/C Jack that on December 17, 2008 an unknown male person attended his business, the Chemong Home Hardware Building Centre, and purchased \$1,229.97 (before taxes) worth of goods in two separate transactions. The transactions turned out to be fraudulent and the charges were subsequently reversed. The complainant provided P/C Jack with a copy of the MasterCard credit card (# 5191-2300-3778-7026) transaction report that he had obtained from the MasterCard security department. The report outlined the transactions on the card starting on December 16, 2008 and culminating on December 31, 2008. The MasterCard card number came back registered to Raoul MOHAMMED of Kingston.

From reviewing the report there were two transactions from the Chemong Home Hardware Building Centre in the Smith-Ennismore-Lakefield Twp. Both transactions were paid in the store by manually keying the MasterCard credit card number in. The times of the transactions were 12:05 pm and 02:27 pm, respectively. The store's Customer Service Representative, Jack STAMPLECOSKI, serviced the male person and the cashiers, Shannon FAIRBARN and Deborah CHAMBERLAIN, rang the transactions through.

In the first transaction at 12:05 pm the male purchased a 32" French door worth \$129.99 and an All Power America 3500W 6.5HP generator worth \$499.99. In the second transaction at 02:27 pm the accused purchased a Black & Decker Tool Kit worth \$549.99.

In April/May 2009 D/Cst. Dawson of Peterborough County O.P.P. received information from a confidential informant that the person responsible for a series of credit card frauds (the perpetrator) is Conrad SCHLECHTER (1965-01-23). SCHLECHTER goes around using credit card numbers to fraudulently purchase goods from businesses. The transactions are generally manually keyed. SCHLECHTER seems to target predominantly hardware stores and make purchases of goods under \$5,000 per transaction.

In April/May 2009, due to SCHLECHTER having criminal records of fraudulent activity, a photo line-up was assembled by the O.P.P. forensic Identification Section in Orillia for suspect identification purposes.

EXHIBIT 47

Results -- Detailed find: Occurrence

Occ #	Dom	Type	Time	Score	Notes
1)	RM09011417	OPP Police assistance	2009/01/30 18:50		Complete - solved (non-criminal) - 453 LANSDOWNE ST E, PETERBOROUGH, ON Canada (PETERBOROUGH O. P. P) (Area: 1053, Duty locn: 1100) Leon CAMPBELL attended Peterborough Detachment to report that he had attempted to pick up his children at McDonald's from Kim GLOVER. Requested occurrence number for evidence of his attempts//DAVIDSON 12640
2)	RM09025006	OPP Property related	2009/03/04 17:38		Complete - solved (non-criminal) - 1632 CROWLEY LINE, OTONABEE-SOUTH MONAGILAN TWP, ON Canada (Area: 1055, Duty locn: 1111) Randy Rutherford found bicycle on his lawn at 1632 Crowley Line//Dropped it off at the Peterborough County Detachment//PC Jack 12690
3)	RM09059412	OPP Theft	2009/05/22 10:39		Complete - unsolved - 475 FRANKLIN DR, SMITH-ENNISMORE-LAKEFIELD, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30, ESZ: 80968) Theft from unlocked motor vehicle at complainant's address//Vehicle rifled through and some money stolen. See report//PC Jack 12690
4)	RM09059467	OPP Theft	2009/05/22 11:13		Complete - unsolved - 625 LILY LAKE RD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30, ESZ: 80988) Theft from unlocked motor vehicle at complainant's address//Vehicle rifled through and some money stolen. See report//PC Jack 12690
5)	RM09059472	OPP Theft	2009/05/22 11:24		Complete - unsolved - 551 12 CTY RD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (NOBES RES) (Area: 1054, Duty locn: 1105) Theft from unlocked motor vehicle at complainant's address//Vehicle rifled

EXHIBIT 47a

Results -- Detailed find: Occurrence

Occ #	Dom	Type	Time	Score	Notes
1) RM09025006	OPP	Property related	2009/03/04 17:38		Complete - solved (non-criminal) - 1632 CROWLEY LINE, OTONABEE-SOUTH MONAGHAN TWP, ON Canada (Area: 1055, Duty locn: 1111) Randy Rutherford found bicycle on his lawn at 1632 Crowley Line///Dropped it off at the Peterborough County Detachment///PC Jack 12690
2) SP09014315	OPP	R.I.D.E. [8870]	2009/01/22 01:27		Complete - solved (non-criminal) - 115 HWY and BENSFORT RD, PETERBOROUGH ON (Area: 1804, Duty locn: 1100, Beat: 00, ESZ: 16810) Non-reportable / 8171 - 1 HR RIDE 45 VEHICLES CHECKED NO TEST. / (NO_REPRT)
3) SP09014823	OPP	Motor vehicle collision	2009/01/22 21:02		Complete - solved (non-criminal) - 0 WOODLAND DR, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (DO NOT ALTER) (Area: 1044, Duty locn: 1105) Non-reportable TR09-00096 / 12690 JACK - 2 VEH MINOR PI. TOWED BY BELLS GARAGE / AND CAA D1 CHARGED 136 HTA / (2 VEH MVC) / (PD ONLY) / (INFO 10-5 FROM AB) / (ADVISING THEY DO NOT NEED AMBULANCE JUST POLICE) / (NFI) / (**)/ (CAA MEMBERSHIP # 6202826008209000) / (DODDS,GILLIAN) / (ETA 30 MINS) / (BELLS GARAGE DISPATCHED 22:16) / (NO_REPRT)
4) SP09023248	OPP	Traffic complaint	2009/02/04 08:54		Complete - unsolved - 0 CHEMONG RD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (DO NOT ALTER) (Area: 1044, Duty locn: 1105) Non-reportable / UNITS OUT OF POSITION - VEH HEADING TOWARDS / PETERBOROUGH - PETERBOROUGH LAKEFIELD PS ADVISED / (HEADING OUT OF BRIDGENORTH 5 MINS ON CHEMONG RD) / (WHITE

EXHIBIT 47b

Results -- Detailed find: Occurrence

Occ #	Dom	Type	Time	Score	Notes
1)	RM09011417	OPP Police assistance	2009/01/30 18:50		Complete - solved (non-criminal) - 453 LANSDOWNE ST E, PETERBOROUGH, ON Canada (PETERBOROUGH O. P. P) (Area: 1053, Duty locn: 1100) Leon CAMPBELL attended Peterborough Detachment to report that he had attempted to pick up his children at McDonald's from Kim GLOVER. Requested occurrence number for evidence of his attempts//DAVIDSON 12640
2)	RM09015918	OPP Prevent breach of peace	2009/02/10 23:48		Complete - solved (non-criminal) - 1955 FIFTH LINE ROAD NORTH DUMMER DUMMER TWP, ON Canada Whetung, Christopher called Peterborough County OPP//His common law ex Milne, Laurie would not let him pick his stuff up from her place//PC Jack took the call-12690//See report
3)	RM09059442	OPP Theft	2009/05/22 10:39		Complete - unsolved - 475 FRANKLIN DR, SMITH-ENNISMORE-LAKEFIELD, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30, ESZ: 80968) Theft from unlocked motor vehicle at complainant's address//Vehicle rifled through and some money stolen. See report//PC Jack 12690
4)	RM09059467	OPP Theft	2009/05/22 11:13		Complete - unsolved - 625 LILY LAKE RD, SMITH-ENNISMORE-LAKEFIELD TWP, ON Canada (Area: 1044, Duty locn: 1105, Beat: 30, ESZ: 80988) Theft from unlocked motor vehicle at complainant's address//Vehicle rifled through and some money stolen. See report//PC Jack 12690
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BENCHMARK: No

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The complainant advised P/C Jack that on December 17, 2008 an unknown male person attended his business, the Chemong Home Hardware Building Centre, and purchased \$1,229.97 (before taxes) worth of goods in two separate transactions. The transactions turned out to be fraudulent and the charges were subsequently reversed. The complainant provided P/C Jack with a copy of the MasterCard credit card (# 5191-2300-3778-7026) transaction report that he had obtained from the MasterCard security department. The report outlined the transactions on the card starting on December 16, 2008 and culminating on December 31, 2008. The MasterCard card number came back registered to Raoul MOHAMMED of Kingston.

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In April/May 2009, due to SCHLECHTER having criminal records of fraudulent activity, a photo line-up was assembled by the O.P.P. forensic Identification Section in Orillia for suspect identification purposes.

On May 8, 2009 at 04:40 pm the eye-witness, Jack STAMPLECOSKI attended Peterborough County O.P.P. for the eye-witness identification photo line-up procedure. The procedure was administered by D/Cst. Dawson and witnessed by P/C Jack. The procedure was video and audio recorded. Upon viewing the said photo line-ups STAMPLECOSKI positively identified Conrad SCHLECHTER (1965-01-23) as the male person whom he serviced on December 17 2008 at the Chemong Home Hardware Building Centre.



Motor Vehicle Accident Report

EXHIBIT 47a
Ver 1
SP09051166

101

Report Type: Original Amended To Remain

Accident Number: 15-09-00296
Page: 1 of 1
Accident Date: 09/03/15
Time of Day: SUN 04:21
Service Performed: TRAFFIC CONTROL
Dangerous Goods: No
Plate No.: 12690
District: PTBO COUNTY

Time Officer Arrived or Police Force Reported to: 04:54
Emergency Equipment in Attendance: SMITH PD
Name of Investigating Officer: JACK MICHAEL
Name of Submitting Police Force: O.P.P.

102

Location: R1 Trafficway: CTY RD 23 2000
Reference Point: CTY RD 12
Municipality: SMITH
County: Peterborough

107

Driver (Last Name First): ABBOTT, CAROLYN
Address: 890 WEBBER AVE
City: PETERBOROUGH, ON
Postal Code: K9T 5Y1
Driver's License No.: A1013-11347-55312
Class: ON 92/1

210

Vehicle: Make: DODG Year: 04 Model: DUR Colour: BLK Body Style: SUV
Air: V Plate No.: BEXH225
Brake: W
Owner (Last Name First): MCLEOD ROBERT
Address: 381 ASSINIBOINE TRAIL
City: MISSISSAUGA, ON
Postal Code: L5R 2E6
Insurance Company and Policy No.: RBC INSURANCE #21288150

012

Vehicle: Make: DODG Year: 04 Model: DUR Colour: BLK Body Style: SUV
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10

Describe Damage to: Class of Damage: Person and/or Agency Adjuster: No. Involved Persons - Injured Taken To: 1 PTBO HOSPITAL / AMBULANCE

01

Describe Damage to: Class of Damage: Person and/or Agency Adjuster: No. Involved Persons - Injured Taken To: 2 PTBO HOSPITAL / AMBULANCE

01

Describe Damage to: Class of Damage: Person and/or Agency Adjuster: No. Involved Persons - Injured Taken To: 3 PTBO HOSPITAL / AMBULANCE

01

Vehicle Taken To: BELL'S GARAGE / BELUS TOW
Persons Charged - Section and Act & P.O.I. No.

01

Signature of Investigating Officer: [Signature] Report completed at: 09/03/15
Signature of Supervisor: [Signature] Badge No.:

01

Personnel Involved: DAISLE, DOWNA 810 WEBBER AVE. PTBO 33F 01 2 3 1 1

01

Personnel Involved: KITCHEN, MOKAMAN, DELBERTA 287 PARKHILL RD, PTBO 31M 05 2 3 1 1

01

Personnel Involved: [Blank]

01

Personnel Involved: [Blank]

VI WAS N/B ON R1
VI SWERVED TO THE LEFT, THEN TO THE RIGHT, RAN OFF THE ROADWAY, ENTERED THE DITCH, ROLLED OVER, CAME TO REST ON ITS TOP.

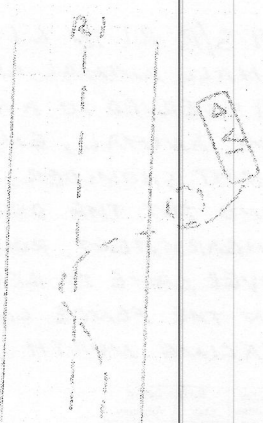


EXHIBIT 63

General Occurrence Report

Ontario Provincial Police

Printed: 2010/03/15 02:13 by 10905

Occurrence: SP06146942 Domestic dispute [8506] @2006/07/30 04:50

Author: #11774 CHASE, H.

Report time: 2006/07/30 04:50

Entered by: #11774 CHASE, H.

Entered time: 2006/07/30 20:15

Remarks:

Benchmark:

Yes

Complaint:

Female resident of Curve Lake Karen ANDERSON called police on Sunday the 30th of July, 2006 by dialling 911 to report a dispute with her ex-common-law Craig BROCHMANN.

Location:

11 Benojee St, Curve Lake, Smith/Ennismore/Lakefield Township.

History:

The complainant, Karen ANDERSON and the suspect Craig BROCHMANN have been in a common law relationship for the past 5 years. They are currently separated. She resides at the above mentioned location and he resides at 11 Benojee St in Curve Lake.

They have one daughter in common and she resides with the mother. Police have been to the residence of the complainant in the past the most recent being a month and a half ago when he called and requested police presence under concern that an argument might escalate between him and the complainant, to which he wanted the police to remove him from the residence. Police attended and he ended up being placed in custody to prevent breach of the peace.

On Sunday the 30th of July, 2006, at approximately 0450 hrs police were called to the residence of the complainant when she dialled 911 seeking assistance after becoming involved in a verbal argument with her intoxicated ex-boyfriend. The argument was over the vehicle keys, in which he was sleeping in after returning from the party that the couple attended earlier.

Investigation:

On route to the call police received another 911 call from the complainant stating that he had left the vehicle and was walking down the street.

Crown Brief Synopsis
R. vs. STILLMAN
Sec 264.1(1)(b) C.C. - Utter Threats to Damage Property

HISTORY: The accused Robert STILLMAN has been renting two bays in a complex on 2504 Base Line in Otonabee-South-Monaghan Twp. from Joseph BARBER and Randy BARBER since June 1st, 2008. At the end of January 2009 STILLMAN informed BARBER brothers that he was moving out at the end of February thus giving them a month notice for the termination of the rent. Randy BARBER spoke with STILLMAN a week later and advised him that since STILLMAN owed them money for hydro he should vacate the premises a week before the end of February to compensate for the debt and that he should also clean the place from the chemical spills and 45 gallon drums he stored in as the place he had been renting was very contaminated and BARBER brothers were not willing to incur the cost for cleaning his mess and disposing off of his chemicals. According to BARBER brothers STILLMAN was supposed to get everything done and move out by February 19. On Thursday, 19 February, 2009 sometime in the afternoon Randy BARBER called STILLMAN and left a message for him regarding the move out. Since STILLMAN did not follow up with their agreement BARBERs blocked the access to the STILLMAN's bays by positioning motor vehicles in front of the entrance doors.

INVESTIGATION: On Thursday 19 February, 2009 sometime afternoon Brenda STILLMAN, who is a wife of Robert STILLMAN, was spotted by Randy BARBER on their property at the above incident location. Randy BARBER asked Brenda STILLMAN to get off the property. Brenda STILLMAN complied and left. At approximately 17:44 hrs Robert STILLMAN drove to the Pine Crest Golf Course, which is located right across the road from the incident location, where he approached the BARBER brothers in an aggressive manner and demanded the following: "I want you two guys go back to the place, open it up, move the vehicles, so I can take my property. If you do not do that, I will smash the doors open, take my property, and burn the place down." According to the BARBER brothers STILLMAN was very direct and threatening. BARBERs called OPP and stayed on the line with the dispatcher while STILLMAN was still there. STILLMAN then left towards Keene. At approximately 18:00 hrs BARBERs drove to the incident location and blocked the entrance to the property gates with their motor vehicle.

At approximately 18:00 hrs STILLMAN called OPP and advised that he had been locked out of his own business and wanted to see the police ASAP. At 18:15 hrs PC JACK and PC FILMAN attended the incident location. Both BARBERs and both STILLMANs were present and were in separate vehicles parked on the opposite sides of the road. PC FILMAN spoke with BARBER brothers and PC JACK spoke with Robert STILLMAN. At 18:25 hrs PC FILMAN formed grounds that STILLMAN had committed an offence of Uttering Threats to Damage Property and advised PC JACK to place him under arrest. At 18:28 hrs PC JACK placed STILLMAN under arrest for Uttering Threats to Damage Property.

At 18:30 hrs STILLMAN was read his rights to counsel. He understood.
At 18:33 hrs STILLMAN was read adult caution. He understood.
Then STILLMAN was transported to Peterborough County detachment.
At 18:45 hrs STILLMAN was lodged in cell 2 in Peterborough County detachment.
At 19:03 hrs STILLMAN spoke with a duty counsel.
At 19:05 hrs STILLMAN finished speaking with a duty counsel and he was satisfied.
At 19:15 hrs STILLMAN spoke with lawyer David Ross.
At 19:30 hrs BARBER brothers attended Peterborough County detachment where KGB video statements were taken from them by PC JACK.
At 20:21 hrs STILLMAN was released on PTA with an Undertaking.