

Case 9 Apr 9/13

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Ontario Court Justices' Chambers

Information No. 12-0529

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEREK DUNLOP

TRIAL AND COUNSEL
CONFIRMATION

BEFORE THE HONOURABLE JUSTICE J.J. DOUGLAS
on March 8, 2013, at BARRIE, Ontario

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*KNOW THIS WAS THE DAY AFTER I WAS ADVISED THAT MY MOTHER
PASSED AWAY AND MEMBERS OF THE JUSTICE SYSTEM ON THE COURT
ENSURED THAT THIS WOULD NOT BE INFORMED ON THE RECORD (IN ANY
COURT RECORD).*

APPEARANCES:

J. Evans

Counsel for the Crown

V. Cojocararu

Counsel for Derek Dunlop

MR. TEMPLE DOES NOT SPEAK UP!

2.

R. v. Derek Dunlop

DOUGLAS
STATEMENTS
HAS NOT ALONE
AND WILL BE
ALTERED AND/OR
TRIMMED

* MR. COJOCARU: No, I - I received a legal aid certificate. *Mr. Cojocaru is crowing here!*

THE COURT: I made an order of - in order for me to appoint counsel, as I did for the purposes of cross-examination, I started the trial a month ago.

MR. COJOCARU: Oh, okay.

* THE COURT: Or whenever it was. And if I vacate those trial dates he's going to sit in custody for six months... *

MR. COJOCARU: All right.

* THE COURT: ...while you find another date for me to hear this matter because we of course are booked around figures of... *

MR. COJOCARU: I understand.

* THE COURT: ...nine months to twelve months out, so that doesn't seem a very realistic option. *

MR. COJOCARU: Yes, that sounds reasonable.

* MS. EVANS: The other point Your Honour, I believe Mr. Dunlop's been in custody since January of 2012. If I understand this case correctly, and I don't pretend that I know

everything, he had maintained all along that he didn't want counsel and that the order was made simply for the purpose of cross-examination.

Now, I understand my friend has a - has a legal aid certificate to cover the entire trial now,

but I think that it's difficult for Mr. Dunlop to now come along and say well, I didn't want counsel all along but now that I have it I want to vacate my trial dates. *

PERMITS CHAIR
MS. EVANS - DOES NOT KNOW THE CASE BUT SHE IS MAKING A STATEMENT SHE ASKS - IF IS PRESUMPTIVE

PERMITS CHAIR
IT IS DIFFICULT FOR MR. DUNLOP TO NOW COME ALONG

PERMITS CHAIR
SHE SAID THAT I MAINTAINED ALL ALONG THAT I DID NOT WANT COUNSEL - THIS IS TOTALLY UNTRUE

WHAT IS THIS?

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R. v. Derek Dunlop

THE COURT: Has there been any movement with respect to bail? I mean it's always been a prospect. I know that your client declined to follow-up on that suggestion the last time.

MR. COJOCARU: Well, no it hasn't, but what I do - what I can endeavour Your Honour...

THE COURT: I must say I don't know anything about the details of the case other than by reference to something in your client's application, so to speak, but it does strike me broadly speaking he's served a good hunk of whatever sentence might possibly occur.

MR. COJOCARU: That's correct. And what I can endeavour to do is discuss - discuss with my friend the possibilities of release, if there are any, and go from there as well. That's something that was planned to pursue.

MS. EVANS: The Crown's position was always that he could be released to a surety who would be in a position to provide the proper monitoring. I don't think that that has changed.

MR. COJOCARU: All right.

DEREK DUNLOP: If I may Your Honour, and no disrespect to Mr. Cojocar, I mean he's not fully versed, this has been a long process, so if I may just clear up a couple things.

THE COURT: It's probably - you have a lawyer, you should talk to him and let him decide what's tactically appropriate to bring forward or not.

DEREK DUNLOP: Sure.

THE COURT: I mean where it stands right now it's certainly - it's always been on the table

VERY IMPROVING
DOUGLAS
ATTEMPTING TO
DON'T THAT HE
DOESN'T KNOW
ANSWERING ABOUT ME
CASE

MS. EVANS
AGAIN, THIS IS
AN OUTRIGHT LIE
THE CROWN HAS
ADMITTED TO KEEP
HIM IN CUSTODY
PRIOR TO THE
19-08-1973

DOUGLAS
WAS NOT WANT
TO HEAR FROM
ME WHEN I
WAS ATTEMPTING
TO ASK HIM AND
CARRYING THINGS
FOR THE COURT

DOUGLAS
DOES NOT
IDENTIFY UNIT
HE IS REFUSING
AND IS PERHAPS
THAT IT IS
MINUSCULE.

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R. v. Derek Dunlop

DOUGLAS
SAYING THAT
WAS ALWAYS
ON THE TABLE
SINCE HE HAS
BEEN INVOLVED

WHEN WAS I
AMONG THE
19-PAGES OF
08-MAR-13

DOUGLAS
DOUGLAS AND
OTHERS ARE
NEED ANSWER
THAT I DO
NOT HAVE A
SURETY, HOWEVER
THEY HAVE TO
ADMIT TO IT
OR NOT

of possible bail, well always since I've been involved as it were, of possible bail at this stage of the proceeding. So, if a surety can be arranged it sounds like it's on consent. As I said before, I would have conducted a bail hearing before we got as far as we have now but it's a little difficult now for me to conduct a bail hearing; but as it stands right now I'm just going to adjourn the matter to the trial date - remand the matter to the trial dates. Is there anything you want to say to your counsel before I do that?

MR. COJOCARU: Yeah.

DEREK DUNLOP: Sure, I'd like to clarify those two things.

THE COURT: Madam Crown, are you trial counsel on this?

MS. EVANS: No, Mr. Temple is.

THE COURT: Mr. Temple still is, okay.

MS. EVANS: Yes.

MR. COJOCARU: Well, Mr. Dunlop wishes me to clarify a few things on the record. As I've already mentioned to this court I am retained on a legal aid certificate. Second of all, and I don't know how accurate this is, Mr. Dunlop states that the Crown was opposed to his release prior and that this position in terms of release with a surety is a new position. I'm not sure if my friend could help me with that.

MS. EVANS: He would probably know better than I do, I'm just looking in the usual place.

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DOUGLAS
AS IF HE
WOULD NOT KNOW
THAT MR. TEMPLE
IS STILL COUNSEL

MR. COJOCARU
EVER SEEING
MR. COJ - NOT
DECIDING THAT
THE CROWN'S POSITION
ON THIS IS NEW
SINCE THE 19-PAGES

MS. EVANS
WHAT DOES THIS
MEAN?

R. v. Derek Dunlop

DOUGLAS
STARTING ABOUT
WITNESSING NEW
BAIL DOES NOT
DOES NOT MATTER
AND MATTER
THE COURT ENJOYED
THEIR STAY OUT
BAIL.

THE COURT: Well, I don't think it matters at this point in time.

MR. COJOCARU: Yes. - MR. COJOCARU ARRANGING THAT IT DOES NOT MATTER

THE COURT: From when I was on the matter a few months ago the Crown was content with a release, that's why we got into the bail question then.

DOUGLAS
STARTING
HE WAS
ON THE
MATTER A
FEW MONTHS
AGO IS A LIE

MS. EVANS: Yeah, Mister...

THE COURT: Whether they were or they weren't the...

TRYING TO
MAKE IT
APPEAR THAT
THE CROWN WAS
NOT IN OPPOSITION
TO BAIL, AND
NOW TRYING TO
MAKE IT
APPEAR

MS. EVANS: Mr. Temple has a note here from February 19th that that's his position.

THE COURT: Whether they were or they weren't...

MR. COJOCARU: All right.

HE HAD
BEEN ON
CASE FOR
2-3
MONTHS

THE COURT: ...from the date of the arrest on as. It may have relevance to ultimate disposition, should we ever get that far, but not much now.

DOUGLAS
AGAIN, CLIPPING UP
FOR CROWN, HAS
NO RELEVANCE NOW
UNLESS SIMILAR

MR. COJOCARU: All right, Your Honour. I'll consent to the adjournment to March 19th and I'll prepare for trial in the interim.

MR. COJOCARU
NOT FIGHTING
FOR HIS NOT
FIGHTING FOR
MORE TIME TO
PREPARE - JUST
GOING WITH THE
FLOW.

THE COURT: Okay.

MS. EVANS: And just advising that Mr. Temple is the trial Crown if he can contact him with any questions.

THE COURT: Yes. And there were some agreements made the last time in terms of the extent to which or to not that Mr. Temple would cooperate in arranging for witnesses.

DOUGLAS
NOT SEEING
FOR AN
UPDATE
FROM THE
CROWN -
TODAY NOT
DOUGLAS NOT
FENCING ISSUES.

MR. COJOCARU: Okay. I will speak to Mr. Temple in the meantime.

COJOCARU
NOT QUESTIONS
ABOUT BAIL
IN PREVIOUS, AS
QUESTIONS ABOUT
WHICH

MS. EVANS: Thank you.

THE COURT: Okay. Thank you.

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DEREK DUNLOP: Yes, thank you, Your Honour.

MATTER ADJOURNED

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Date Transcript Ordered: March 21, 2013

Date Transcript Completed: April 3, 2013

30 Ordering Party Notified: April 4, 2013

No SIGNATURE - AND NOT CERTIFIED.

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

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I, Adrienne Readman, A.C.R., certify that this document is a true and accurate transcript of the recording of R. v. Derek Dunlop in the Ontario Court of Justice, held at Barrie, Ontario, on March 8, 2013, taken from Recording No. 3811-009-20130308 which has been certified in Form 1.

April 3, 2013

Date

Adrienne Readman,
A.C.R.

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