

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEREK J. DUNLOP

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S E T D A T E

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BEFORE THE HONOURABLE JUSTICE P.J. WRIGHT

on April 10, 2008

at NEWMARKET, Ontario.

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CHARGES: Sec 253(b) C.C. - Over 80 mg Alcohol  
s. 255(2) C.C. - Impaired, causing bodily harm X2

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APPEARANCES:

K. Hutchinson,

Counsel for the Crown

30 S. Sager,

Counsel for Mr. Dunlop

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THURSDAY, APRIL 10, 2008

MS. HUTCHINSON: Your Honour we have counsel here on the matter you are seized with, that's the Dunlop matter.

...DEREK DUNLOP PAGED...

MS. HUTCHINSON: I'm just going to request - I don't personally need a break, but I know we really haven't had one.

THE COURT: Sure.

MS. HUTCHINSON: This matter won't be overly lengthy, but I just....

THE COURT: Okay, we'll take a break for a few minutes. That's fine.

MS. HUTCHINSON: Oh, sorry, I didn't mean to interrupt the flow of this one. I personally don't need one, but I just was raising the issue. I don't know if after this matter, if there's a wish to have a break or anything like that.

THE COURT: We'll take it right now. I have no problem with that.

R E C E S S

U P O N R E S U M I N G :

MS. HUTCHINSON: Your Honour if we could deal with Mr. Sager's matter. That's the Dunlop matter.

THE COURT: Yes.

MR. SAGER: Good morning again, Your Honour. Mr. Sager for Mr. Dunlop. Mr. Ghosh is the assigned Crown on this from our last meeting in court.

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We've had some lengthy discussions on this, and there are some resounding circumstances that definitely have an effect, I feel, on sentencing, as does Mr. Ghosh. He was supposed to be here today, but unfortunately he's got a call out to Whitby on a - I guess an emergency motion of some sort.

MS. HUTCHINSON: Involving a jury trial that's starting shortly.

MR. SAGER: So my friend and I have agreed, with the consent of the court, to adjourn this to June the 10<sup>th</sup>, to bring it back before Your Honour in 303 court at 9:30.

MS. HUTCHINSON: I also spoke to the person in charge of scheduling Your Honour, on this because I can't get a hold - obviously - of Mr. Ghosh right now, and that I'm advised that's a date that she can commit him to.

THE COURT: That's for sentence?

MR. SAGER: Yes.

MS. HUTCHINSON: Plea and sentence, I don't believe there's a plea yet.

MR. SAGER: A plea has been entered.

THE COURT: There has been a plea entered on count two.

MS. HUTCHINSON: I'm sorry.

THE COURT: I don't know whether the other counts....

MS. HUTCHINSON: Or, the facts might have been the issue.

MR. SAGER: The other counts, from my understanding from Mr. Ghosh is that they're

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going to be withdrawn.

THE COURT: Well I think that at this stage what we have is a plea on count two. We will address counts one and three...

MR. SAGER: Yes.

THE COURT: ...in terms of whether they're to proceed or not, and we will hear the facts, and I'll make my finding, and if possible, my sentence on the 10<sup>th</sup> of June. If what you're telling me is accurate, I would ask please that any information that you intend to present to the court in relation to these proceedings, be presented in advance of that date for sentence. There is ample time to do so.

MR. SAGER: Yes, that's no problem. I can do that Your Honour. In fact, I have supplied the Crown's office with the same information.

THE COURT: Thank you. It would be of great benefit, and we then can be assured that the matter can be resolved that day. And I'm sure, Ms. Hutchinson, that you'll bring the same point to Mr. Ghosh's attention as well.

MS. HUTCHINSON: Yes, thank you.

THE COURT: All right, these matters then, for the reasons indicated will be adjourned to the 10<sup>th</sup> of June, 2008 9:30 a.m. in court room 303 for facts, finding and sentence.

MS. HUTCHINSON: Thank you.

MR. SAGER: Thank you Your Honour.

M A T T E R   A D J O U R N E D

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))

Evidence Act

I, **Tricia Rudy**, certify that this document is a true and accurate transcript of the recording of **R. v. Derek J. Dunlop** in the Ontario Court of Justice, held at Newmarket, Ontario, on April 10, 2008, taken from Recording 4911-2002-0022/08, which has been certified in Form 1.

aug 22/08

(Date)

*Tricia Rudy*

(Signature of authorized person)

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