

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEREK DUNLOP

BEFORE THE HONOURABLE JUSTICE J. J. DOUGLAS
on March 19, 2013 at BARRIE, Ontario

APPEARANCES:

F. Temple

V. Cojocar

Counsel for the Crown

Counsel for Mr. Dunlop

R. v. Derek Dunlop
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Transcript Ordered.....	March 21, 2013
Transcript Completed.....	April 9, 2013
Ordering Party Notified.....	April 9, 2013

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2 1/2 PAGES OF COURT TRANSCRIPT CONDUCTED IN MY ABSENCE AND I WOULD NOT HAVE THIS KNOWLEDGE IF THIS CERTIFIED COURT TRANSCRIPT HAD NOT BEEN CONDUCTED.

1.

R. v. Derek Dunlop

AND MR. TEMPLE SAYS NOTHING NEW ABOUT OTHER PROCEEDINGS DID THEY CONDUCT IN MY ABSENCE??

TUESDAY MARCH 19, 2013

MR. TEMPLE: Just returning to the Dunlop matter. I don't want to say too much without Mr. Dunlop here, only that I've heard a number of things, including that there is counsel for the entire trial but I have not seen....

THE COURT: Well, on the last appearance you weren't here.

MR. TEMPLE: Sorry.

THE COURT: Anyway, Mr. Cojocararu appeared...

MR. TEMPLE: Yes.

THE COURT: ...as counsel of record for the whole matter, if you recall. Did I not make an appointment?

MR. TEMPLE: You made an appointment pursuant to 486.

THE COURT: Right.

MR. TEMPLE: You did indicate to Mr. Dunlop that...

THE COURT: I would.

MR. TEMPLE: ...you would have appointed someone for the whole trial. I guess this was unearthed when we were attempting to line up a lawyer, Legal Aid said Mr. Cojocararu has a certificate and has acknowledged it. So, I haven't seen...*

THE COURT: And he appeared...

MR. TEMPLE: ...Mr. Cojocararu....

THE COURT: ...and acknowledged it, said I'm on the record. And now he's - have you seen the application?

MR. TEMPLE: I did see it, yes.

MR. TEMPLE PROVIDES NO EXPLANATION FOR HIS ABSENCE ON THE DAY

JUSTICE DOUGLAS DID NOT MAKE AN APPOINTMENT AS MR. TEMPLE STATES...

WHAT IS THIS TRAIL ABOUT DOUGLAS APPOINTING SOMEONE FOR THE ENTIRE TRIAL IF LEGAL AID WAS SUPPOSE TO BE APPOINTED?

TEMPLE ATTEMPTING TO CONVINCE RE: JUSTICE DOUGLAS

THE COURT: Okay, so that's all I know.

MR. TEMPLE: Yes, it's not clear to me and again, I don't want to get into it without Mr. Dunlop here, too much. It didn't appear to have been brought by counsel, rather by Mr. Dunlop himself.

THE COURT: Oh? I'm not sure I noticed that. I only had the photo - cover page.

MR. TEMPLE: Oh, maybe we're talking about different applications, Your Honour. Is yours a type-written one? Mine....

THE COURT: I've got a type-written one there...

MR. TEMPLE: I have that.

THE COURT: ...and then the court actually has a two-page one, which is signed Virgil Cojocararu.

MR. TEMPLE: I have not seen that one, actually. I saw a hand-written one filed by Mr. Dunlop himself.

THE COURT: Seeking what?

MR. TEMPLE: Seeking your recusal.

THE COURT: Sorry?

MR. TEMPLE: Seeking your recusal.

THE COURT: Oh, I haven't seen that one.

MR. TEMPLE: Yeah, I....

THE COURT: I don't know where that one is. Well, maybe we can look for that, Madam Clerk. You can show that part. All right. I'll stand down.

MR. TEMPLE: Is there any indication that Mr. Cojocararu will be here today? I just haven't

3.
R. v. Derek Dunlop

seen him.

THE COURT: I just assumed - he's filed an application. He's on the record.

MR. TEMPLE: Thank you, Your Honour. I'll get a copy of that.

R E C E S S

UPON RESUMING....

MR. TEMPLE: Good morning, sir. Derek Dunlop's in the prisoner's dock.

THE COURT: Yes.

MR. TEMPLE: Your Honour, I did locate the hand-written application Mr. Dunlop faxed but it strikes me that what I have is only partial. I only have three pages and the cover page says it was ten. I'm prepared to hand up what I did receive.

THE COURT: What application is this? I have the application of counsel to get off record.

MR. TEMPLE: I believe this is an application brought by Mr. Dunlop himself for your recusal from hearing the trial.

THE COURT: All right.

MR. TEMPLE: Again, it's obviously incomplete. I don't know if Mr. Dunlop has a complete version.

THE COURT: Sorry, just as an aside, do we have witnesses present in the courtroom? They ought not to be.

MR. TEMPLE: We have police witnesses present.

The civilian witnesses are on the fifth - sorry, on the level above us.

THE COURT: I better make a general order of exclusion for the moment and we'll deal with any exceptions to that.

MR. TEMPLE: Yes, sir. I'll let them....

THE COURT: Needed or not at a later point in time. I've got 34 paragraph numbers here. Are there more?

DEREK DUNLOP: There's ten pages, Your - or, nine. There'll be nine pages, minus the cover....

THE COURT: I've got eight pages plus a fax sheet.

MR. TEMPLE: If Your Honour's copy is the same as mine, you have a page eight....

THE COURT: Oh, I see.

MR. TEMPLE: That's really the third page.

THE COURT: One, two - yeah, so I'm missing, on your numbering not the fax numbering, from page three - so three, four, five, six, seven and I have eight and I don't know if there's a nine.

DEREK DUNLOP: And I'll inform the court that this is a duplicate copy of that copy. I make two copies when I make the copies, so that's - this is not a clean copy of the original.

THE COURT: Mr. Temple didn't get a full copy and we've got none. I don't know where ours went but we have none.

DEREK DUNLOP: So there is nine pages and the grounds for the motion, there's 36 points

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*DUNLOP
IMPORTANT TO
NOTE THAT I
INFERRED COURT OF
DUPLICATE COPIES.*

relief being sought, there's three points. So I don't know whether you want to make copies of this or....

MR. TEMPLE: I'm happy to take it but I know Mr. Dunlop has, for the moment, counsel here if he wants to take that.

THE COURT: Yes.

DEREK DUNLOP: And I'd appreciate when the copies are made if I can get the originals back, please Your Honour?

THE COURT: We'll get copies made. Make four. All right, the other application is the application by you, counsel...

MR. COJOCARU: Yes.

THE COURT: ...to get off the record. Now, is that - I mean, it started off I made a 486 order. That's what you were - well, when you showed up you went on the record in total, as it were.

MR. COJOCARU: Yes.

THE COURT: So, you want off the record in total or off the record except with respect to the 486? "COLLUSION" AT ITS FINEST

MR. COJOCARU: No, off the record in total.

THE COURT: Well, I need some information respecting that.

MR. COJOCARU: Well, I don't - well there's been a breakdown in communications between me and Mr. Dunlop. I don't think I can represent any portion of his hearing. When I came on the record, it was for a full trial was my understanding, hence I accepted his Legal

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DOUGLAS
DOES NOT EVEN
ENTER HIS EVIDENCE IF
HE WOULD BE CALLED ON
TO ME

DOUGLAS
NOT WANTING
TO PRESENT OF
THE CELEBRATED PLAN
TO HAVE MR. COJOCARU
REPRESENT ME - BECAUSE

XXXX

DOUGLAS
ASKING COJOCARU
IF HE WANTED OFF
OF RECORD IN TOTAL
EXCEPT WITH RESPECT
TO 486

VXX

MR. COJOCARU
DOES NOT THINK HIS
CAN REPRESENT ANY
PORTION OF HIS HEARING

DOUGLAS
ENTERING
EVIDENCE NOT
TO SAY HE
APPEARED
AS 486
APPLICATION

Aid....

THE COURT: I'm sorry?

MR. COJOCARU: Hence I accepted - that's why I accepted his Legal Aid certificate, was the full trial. I did not come on the record just for the cross-examination - for cross-examination purposes. Further, I think I'm in a position of a conflict of interest, following my conversation with Mr. Dunlop over the weekend. He informed me on Saturday - I'm - I'm not in a position where I can represent him in any portion of this hearing, Your Honour.

COJOCARU STATES HE DID NOT COME ON RECORD JUST FOR THE CROSS.

COJOCARU DOES NOT EXPLAIN HIS CONFLICT OF INTEREST

THE COURT: Mr. Dunlop, would you like to add anything to that?

DEREK DUNLOP: It's just - I mean - in somewhat fairness to Mr. Cojocaru, I mean, it's been such a short period of time that he's been on this matter. I mean, to get him up to speed, there's all kinds of like - Mr. Cojocaru's - there's all kinds of communication breakdowns. There's all kinds of issues in relation to the cross-examination of potential witnesses and so on and so forth and I've instructed him to remove himself from the honourable record and that's basically it. If Your Honour has any other questions for me, I'd be willing to answer.

THE COURT: How many counsel have you had to date, sir?

DEREK DUNLOP: On this matter?

THE COURT: Yes.

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DEREK DUNLOP: This would be the second. Oh, there was a brief - Mr. Eadie was briefly on the - the record initially but he wasn't willing to take this matter to trial, so then Mr. Ehlers became involved. That was the first Legal Aid certificate was issued to Mr. Ehlers. Mr. Eadie never was issued a Legal Aid certificate and now Mr. Cojocararu has been the second lawyer been issued the legal - a subsequent Legal Aid certificate.

* THE COURT: Well, putting aside your recusal request, sir, for the moment should I let Mr. Cojocararu off the record, it would only be in part or it would only - if it was in total, it would only be pending another 486 appointment. I've addressed the issue of 486 and my determination is you're not going to be cross-examining the complainant. So there's going to be a lawyer appointed with respect to that matter.

DEREK DUNLOP: Yes, and I'm not sure exactly how Mr. Cojocararu become appointed by the court or what in relation to the 486? I'm not sure whether that has transpired or whether that did transpire? I mean, I had hired - and I was trying to clarify that on the record on the last court date, which would have been the 8th of March, 2013....

* THE COURT: Well, as I understand, and I'm just going by recall, he showed up, I was under the impression it was in respect of my 486 order and was simply told that he picked

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DEREK'S
THERE WAS
NOT A 486
APPOINTMENT IN
THE FIRST PLACE
DEREK'S
~~DEREK'S~~
AGREES THAT I AM
NOT GOING TO BE
CROSS-EXAMINING
THE COMPLAINANT

DEREK'S
IF YOU
ORDER AS IN DRAFT
486

DEREK'S
WANTED TO ASK
HOW TO DO 486
RECORDLESS

up the whole certificate, that there was an extant certificate and he picked it up and you consented to it. Is that...

DEREK DUNLOP: No, I had made contact with him prior to - like, after the motions were heard on the 19th of February, I made contact with him in between the 19th and the 8th of March, I'm not exactly sure. I would have notations of it that are not before the court right now. I'm not exactly sure what dates I would have contacted Mr. Cojocararu to retain him through the Legal Aid certificate. I contacted Legal Aid and had them email him. For the best of my knowledge, they emailed him the Legal Aid certificate number....

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*DOUGLAS
Down playing
MURKINIZING HIS
JUDICIAL APPOINTMENT
OF TESTIMONY TO
ADVANTAGE MR. COJOCARU
AND ACCORDANCE TO 486.*

THE COURT: I'm not sure it's - it matters. All I'm saying is I expected whoever was showing up was here pursuant to the 486 and he showed up saying he was full counsel. Is that - Mr. Temple, you rose, sorry? *

MR. TEMPLE: I may be able to assist, Your Honour. My understanding what happened was, once your order was made, we contacted the people that are supposed to set up and find counsel that will act under a 486 appointment.

THE COURT: Right.

MR. TEMPLE: Legal Aid contacted the Crown's office back and said well, he already has counsel...

THE COURT: Okay.

MR. TEMPLE: ...who has a certificate. So Mr. Cojocararu was not - he was already on scene,

according to Legal Aid. So it wasn't pursuant to the order. They said we're not finding someone because we have someone on for the whole trial.

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DOUGLAS
MINIMIZING
AND DISMANTLING
SIGNIFICANCE.

THE COURT: Again, I'm not sure it matters. The point is, should he be relieved from the record, I will be looking for the counsel I've ordered appointed under 486. Whether that's him, I don't know but - I don't even know if he does 486 appointments but the point is, there's still going to be a lawyer for the purposes of cross-examination. So does that alter your position at all with respect to wishing or not wishing for Mr. Cojocararu to go ahead?

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DOUGLAS
HE IS PROMISE TO
LET MR. COJOCARU
SIT AS COUNSEL
BE BEST ASSURED THAT
DOUGLAS WOULD HAVE
ASSIGNED HIM TO

DEREK DUNLOP: No, that doesn't alter my position, Your Honour. Does not alter my position.

THE COURT: So you and Mr. Cojocararu are at loggerheads, as it were?

DEREK DUNLOP: Due to a number of - numerous reasons and you know, some....

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DOUGLAS
MAKING DOUGLAS
DUBS NOT WANT TO
GET INTO SUBTLETIES *

THE COURT: I don't need to get into the subtleties of it. *

DEREK DUNLOP: No, no.

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DOUGLAS
MAKING NOT WANTING
TO GO FOR P.P.R.

THE COURT: It's indeed improper to go too far. I just have to explore sufficiently to understand, broadly speaking, that the relationship has collapsed. Okay? So any comments, Mr. Temple?

* MR. TEMPLE: Just a few, with the court's permission. It strikes me that if counsel's

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TEMPLE
DUNLOP IS GOING TO HAVE TO LIVE WITH THE LAWYER THAT GETS APPOINTED.
- BIAS
- DISQUALIFICATION
- SUSPECT
- UNFITNESS
- INEQUITY

removed from the record, given your order and the comments, we would have to necessarily adjourn the trial to a new trial date. At some point, and perhaps we're not at it yet, Mr. Dunlop's just going to have to live with the lawyer that gets appointed. I note, on his behalf, that this is the first trial date.

TEMPLE
THINK TO ESTABLISH THAT THERE IS RESISTANCE ON MY PART TO EVEN SETTING TRIAL DATES.

On the other hand, it took some effort on the part of the Crown to get it set in the first place and I hope I'm not being unfair to Mr. Dunlop when I say there seemed to be resistance on his part to even setting the trial date but I don't want to get into an argument about that. I would certainly be asking the court, if it does get adjourned, to mark it peremptory to proceed on the next occasion and...

THE COURT: Well, the next set-date. I mean, the next date will be for counsel to attend on the 486.

MR. TEMPLE: Yes, I...

THE COURT: Whatever....

MR. TEMPLE: ...was thinking further down the road, when it actually gets set for trial, that at least on the part of the defence, it be marked peremptory to proceed, notwithstanding - you know, not being satisfied with counsel, as the court noted on the last occasion or the second last occasion. A 486 is not there primarily as an assistance to the accused but to the witness. So in that

TEMPLE
IF COUNSEL IS TO ASSIST THE WITNESS

case, even if Mr. Dunlop were to be dissatisfied. I don't dispute he should be given a reasonable amount of time to find a lawyer that - that is to his satisfaction but at this stage in the game, it simply becomes concerning whether that's possible.

THE COURT: Mr. Cojocaru, I know you're almost off the record but do you do 486 matters? Are you - I don't know whether they have a list or how that works but I know they know of people who are prepared to....

MR. COJOCARU: No, I don't, Your Honour.*

THE COURT: You don't. Can anyone give me a sense on how long?*

MR. TEMPLE: I could make some - some inquiries, Your Honour. I'll - on the last occasion it was Ms. Alexander who actually helped me get all the right people lined up for this. So I'm not sure what - what kind of timeframe they need. It would obviously depend, at least in part, on the lawyer schedules.

THE COURT: Because what I'm - well, I'm thinking of putting it over, and I'm just saying this, something like two weeks to get counsel back for the 486 purposes and then perhaps, at that time, consider this new application, which I've only had a chance to see three of ten pages. Or, I could stand down and read this and deal with this today, but....

MR. TEMPLE: Your Honour, I would ask that we

TEMPLE
WAS REPLIED TO
IT AS A GAME
TEMPLE - SAYS AT
THIS STAGE OF
THE GAME !!!

INTERESTING
IF ANYONE
THAT MR. COJOCARU
MAY DO 486 AND
BE LYING HERE

DOUGLAS
IS GOING TO DEAL
WITH THE RECORD
AT THIS TIME
MISCELLANEOUS
SCATTER
- INFORMATION -

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TEMPLE
DOWNSPLAYING HIS
RECUSSION MOTION
AS IF IT WERE
MORE SERIOUS I WOULD
LIKE TO HAVE 2 OR 3
CASES FOR THAT MOTION

do the former, only because even if you were to not grant the recusal motion, now we're left without counsel, an order couldn't be complied with and if possible, I would like to send some of the witnesses back if it's looking like we're not going to start today and we can deal with the recusal motion.

Frankly, I would like to have at least one or two cases with me for that motion. I don't have those. I've looked at this yesterday.

THE COURT: All right. Comments, Mr. Dunlop, on what I'm proposing for - again, it's just a proposal. So that is, we go over for the 486 and at the same time, I'll consider the - this most recent notice.

DEREK DUNLOP: I guess - and I'm just - if I could back up. I don't want to banter this point or belabour this point in relation to - Mr. Temple's statement about me being reluctant to set trial. That's, you know, I don't want to get into a whole bunch of issues or anything but I've brought to Your Honour's attention about the fact that there was no pre-trial in this matter, so on and so forth. And there was other issues that were - preceded the trial.

Anyway, I'm not reluctant to set trial dates; I'm just wanting to - this matter to be dealt with fairly and justly and the administration of justice to carry out appropriately. So in response to your question, at this point I'm

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kind of, you know, in- in Your Honour's hands
to your decision in relation to whether the
recusal motion will be heard, when it will be
heard and as far as the 486, if you put that
over for a couple weeks. I'm not sure. I
mean, there's the other issue of me still
being in custody and I don't have any -
there's no sureties, no nothing in relation to
that. As I proposed to this court before
about possible ankle bracelets and so on and
so forth, I'd like to let this court know that
- and I don't want to get up to in depth about
this but my mother has just passed on March
the se - or si - I was informed on March the
7th she passed on March the 6th, which was....

THE COURT: My sympathies, sir. I wasn't
aware of that.

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DEREK DUNLOP: Thank you. That was one day
before the last court proceeding, which was
just difficult for me being in court and it's
still kind of difficult because there's a
disconnect from being in custody, in relation
to the whole matter with my mom being
terminally ill and so on and so forth. So,
I'm the executor of the will in relation to
that and there's some things that I'd like - I
need to kind of take care of that are really
difficult from the inside but, I mean, whether
I stay in custody or not, I'll have to deal
with those but I'm asking...

THE COURT: Well....

DEREK DUNLOP: ...this court's consideration

in relation to that.

5 THE COURT: As I said to you before, sir, I mean with respect to bail, I'm prepared to send you to a bail court and have that, you know, we can - I can stay on this as far as I - you know, unless or until I deal with the recusal thing but I can send you to bail court in between so you can deal with that issue. Unless the Crown's changed, I understand they wanted a surety. Whether the justice of the peace will accept that or not I don't know but - or I could conduct the bail hearing but only on the basis that you're content that if I hear a bail hearing I can continue the trial and that's kind of moot now because you've challenged my capacity to conduct the trial in any event. So you're kind of stuck in custody, unless you want to go to bail court, which is fine by me.

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20 DEREK DUNLOP: Well, at this point I'd be - I guess, you know, I'll put it off then because if the Crown's seeking a surety then at this point I don't have that to offer the Crown.

25 * THE COURT: No, but you might make bail and then find a surety after the fact because they might end up with an order on consent for your release once you find a suitable surety. So that takes you - I don't think the jail would like the analogy but you'd have a foot half outside the - out the door. *

30 DEREK DUNLOP: Well, I do appreciate Your Honour's consideration but I'll pass on that

*DUNLOP'S
WHAT IS THIS?*

at this point.

THE COURT: Okay. In terms of scheduling, I could deal with the recusal submission and the particulars of the 486 on either the 2nd or the 9th of April. I could also deal with it on the 25th of this month but I'm not sure if four days is going to - and what I'm thinking is, I stand down now, you inquire about whether dates like that kind of work or not work.

*MR. TEMPLE
NEVER ABLE TO
IN PERM COURT IN
COURT WHETHER HE
IS AVAILABLE OR NOT.
IT IS HE HAS TO
CONSULT WITH
SOMEONE IN THE
BACKGRAND
WHETHER THEY ARE
AVAILABLE OR NOT*

MR. TEMPLE: Yes, and Your Honour, I'll get my own dates. At this stage of the game I wouldn't want to be turning this over to...

THE COURT: Yes.

MR. TEMPLE: ...to someone on....

THE COURT: So I'll give you, just perchance, the 25th of this month, the 2nd, the 9th or the 22nd of April.

MR. TEMPLE: I know the 25th, unless something changes, won't work for me. I'm to commence I think a week and a half long Superior Court trial but the other dates may well. I'll just go and check. I'm sorry, Your Honour, those April dates were April....

THE COURT: Second, nine, 22nd.

MR. TEMPLE: Yes, I'll - as soon as the court breaks I will go and check and I'll try and find out what kind of - I don't know what kind of timeframe.

THE COURT: Did we hear any more on the surety applications or what's - estreatment applications?

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MS. HALL
WOULD HAVE
BUSINESS AND A
CONFIDENTIAL
INTEREST AND
MAY - DENIES
WOULD BE ASKING
FOR THIS BUT
UNWILLING TO
ACKNOWLEDGE

KATE
MULL

MR. TEMPLE: I have not. No, I haven't had a chance. It usually would be Ms. Hall who deals with those matters and I'll try and find her.

THE COURT: All right. I'll stand down while we see. I guess we'll call this the morning recess.

R E C E S S

UPON RESUMING....

THE COURT: Yes.

MR. TEMPLE: Your Honour, I checked those April dates and the only one that works for me is April 9.

THE COURT: Okay. So we'll remand you directly to April the 9th, sir.

COURTROOM CLERK: Nine-thirty, Your Honour?

THE COURT: Nine-thirty, well, let me just check. Let's make it 2:00 p.m. because I'm doing youth - youth first appearance that day, so. You sure you don't want to go down to bail court, sir?

DEREK DUNLOP: If I may - I guess all those matters, the 486 application, the possible removal of Mr. Cojocar and the recusal motion will be heard on that date? Is that....

THE COURT: No, he's removed as of now.

DEREK DUNLOP: Oh, okay.

THE COURT: Sorry. I wasn't clear on that.

DEREK DUNLOP: And....

DOUGLAS
TRYING TO
PERSUADE ME TO
BAIL COURT
FOR THE 9TH

DOUGLAS
DID NOT EVEN
MENTION THE
COURT

DOUGLAS
THINKS MORTON IS
LAWYER WHO WILL BE
HERE WITH
WHO, KNOW, WHOSE
HEAR ME ANY BONES
TO ME TO ME

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THE COURT: The 486 we're hoping there'll be a lawyer here then.

DEREK DUNLOP: So there's a possibility of testimony will be on that day as well, I guess? There's possible testimony on that day as well?

THE COURT: No.

DEREK DUNLOP: Oh, okay.

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THE COURT: No, no. It's A, for him to - for him or her to introduce themselves, as it were and perhaps set a date based on the schedules and/or for me to make a decision on the recusal.

DEREK DUNLOP: And as far as bail, I don't know whether Mr. Temple can respond to this or whether he's opposed to a possible ankle bracelet or something of that nature or other conditions or whether he's adamant on that - on a surety at this point?

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TEMPLE
KNOWS I CAN'T
GET SURETY.

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MR. TEMPLE: Your Honour, I am of the view that a surety is necessary and also of the view that we should not deal with bail in this court, given the application that's before the court.

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THE COURT: No, no. I said no but I'm just wondering if I could traverse him down there now and you could try and work it out or not.

MR. TEMPLE: I have no objection to that but I would have to A, be excused from your court and B, I would be looking for a surety.

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Ultimately, of course, it's up to the justice of the peace but....

THE COURT: So....

DEREK DUNLOP: At this point, Your Honour, I'll have to pass on that. I'll have to see if I can - if there's any possibility but at this point there doesn't seem to be a real possibility in relation to a surety.

MR. TEMPLE: Your Honour, Mr. Dunlop could return by video earlier than the 9th if he thinks there's some chance of lining up a surety or that he otherwise might try for bail. He can return just by way of video. Either come back on the 9th or come back some time earlier.

THE COURT: Do you want me to set a video bail date?

DEREK DUNLOP: Yeah, if you could set a video bail date, maybe for - what's the date today? I guess not this Monday but the following Monday, what's that?

THE COURT: That's the 25th.

DEREK DUNLOP: The 25th, sure.

MR. TEMPLE: That's fine with me.

THE COURT: So we'll set video bail, 25th day. And sir, I mean, I'm not making any judgments no it but just because he wants a surety doesn't mean a justice of the peace will require a surety. So...

DEREK DUNLOP: Sure.

THE COURT: ...if he wants a surety and nothing else, it's in all probability the case the judge would at the very least grant you a surety bail. Then you have the job to find a

surety but at least you've got bail, sort of.
COURTROOM CLERK: My understanding is they just do bail in person, not by video. That's only to set dates.

*DOUGLAS
DOES NOT WANT
BAIL AND NOT
DONE BY VIDEO!*

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THE COURT: Oh, is that right? I'm hearing that bails don't do video bails?

MR. TEMPLE: They wouldn't do a bail hearing on video. No, but Mr. Dunlop at that point would be able to say I want to come in person on this particular date.

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THE COURT: Because I may have a surety or....

MR. TEMPLE: Correct.

THE COURT: Okay.

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MR. TEMPLE: And Your Honour, if I could ask the court for a copy of the order removing counsel, your endorsement? Only because I believe I may need that to deal with Legal Aid.

THE COURT: I probably actually haven't endorsed anything yet, have I?

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MR. TEMPLE: And sorry, Your Honour, I'm just wondering if the endorsement makes clear that your 486 order is still in effect?

*DOUGLAS
NEVER MENTIONED
ENDORSEMENT BEFORE
AND ONLY MENTIONED
TO ANSWER TO ATTORNEY*

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THE COURT: Oh, all right, right.

MR. TEMPLE: And you're still expecting the appointment of somebody.

THE COURT: It should because it never - so I've added the 486 order of prior date continues.

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MR. TEMPLE: Thank you, sir.

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Certification

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FORM 2
CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))
Evidence Act

I, **Carolyn Hill**, certify that
(Please print name of authorized person(s))

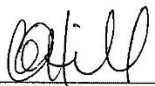
this document is a true and accurate transcript of the recording of _____

Regina v. Derek Dunlop in the **Ontario Court of Justice**
(Case name) (Name of Court)

held at **75 Mulcaster Street Barrie, ON** taken from Recording No.
(Court address)

3811 08 20130319 090015, which has been certified in Form 1.

April 9, 2013
(Date)


(Signature of authorized person(s))

Carolyn Hill

