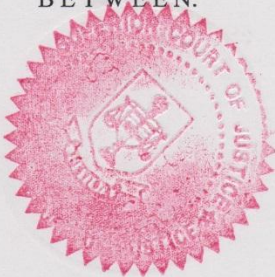


Court File No.

CU-11-5123

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:



Derek Dunlop

Plaintiff

-and-

The North Bay Police Service, Mike Hunter, Seth Dinsmore, Richard Hampel, Paul Cook

The Ministry of the Attorney General, The North Bay Crown Attorney's Office,

The Ontario Judicial Council and The Ontario Civilian Police Commission and

Justice Normand Glaude

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$2 000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

Date March 2, 2011 Issued by [Signature]
 Local Registrar
 Address of court office
 Civil and Family Division
 North Bay Courthouse
 360 Plouffe Street
 North Bay, Ontario
 P1B 9L5

TO The North Bay Police Service, 135 Princess Street West, North Bay, Ontario, P1B 8J8
 AND Mike Hunter, 135 Princess Street West, North Bay, Ontario, P1B 8J8
 AND Seth Dinsmore, 135 Princess Street West, North Bay, Ontario, P1B 8J8
 AND Richard Hampel, 135 Princess Street West, North Bay, Ontario, P1B 8J8
 AND Paul Cook, 135 Princess Street West, North Bay, Ontario, P1B 8J8
 AND The North Bay Crown Attorney's Office, 360 Plouffe Street, North Bay, Ontario, P1B 9L5
 AND Justice Normand Glaude, 135 Elm Street, Sudbury, Ontario, P3C 1T9
 AND Ministry of the Attorney General, 720 Bay Street, 11th Floor, Toronto, Ontario, M7A 2S9
 AND The Ontario Judicial Council, P. O. Box 914, 31 Adelaide Street E., Adelaide Street Postal Station, Toronto, Ontario M5C 2K3
 AND Ontario Civilian Police Commission, 250 Dundas Street West, Suite #605, Toronto, Ontario, M7A 2T3

CLAIM

1. The plaintiff claims against the Defendants, The North Bay Police Service, Mike Hunter, Richard Hampel, Seth Dinsmore, Paul Cook, The North Bay Crown Attorney's Office, Justice Normand Glaude, the Ministry of the Attorney General, The Ontario Judicial Council and the Ontario Civilian Police Commission or anyone else of any of their affiliates who become implicated by this process for:
 - (a) general and special damages in the amount of \$ 10 000, 000.00
 - (b) punitive, aggravated and exemplary damages in the amount of \$ 10 000, 000.00
 - (c) damages for false allegations, fabricated charges, false arrest and false imprisonment in the amount of \$5 000, 000.00
 - (d) prejudgment and postjudgment interest on the above pursuant to the Courts of Justice Act, R.S. O. 1990. Ch. C-43, ss. 127-130
 - (e) the Plaintiff's costs of this action on a substantial indemnity basis, or on such further and other basis as this Honourable Court allows.
 - (f) reimbursement of any previous legal fees that the Plaintiff has incurred in relation to this matter.

- (g) reimbursement of any travel expenses to and from court that the Plaintiff will incur.
- (h) reimbursement of any previous research fees and future research fees that the Plaintiff will incur.
- (i) an order for the appointment of an inspector and/or investigation order into the entire affairs and management of The North Bay Police Service.
- (j) a declaration that Plaintiff's rights under sections 7, 9, 10, 11(b), 11(d), 11(e), 12, 15(1) and 24(1) of the Canadian Charter of Rights and Freedoms have been infringed upon by some, all or some combination of all of the Defendants.
- (k) such further and other relief as this Honourable Court deems just.

The Parties

2. The Plaintiff, Derek Dunlop is an individual resident in the District of Nipissing in the City of North Bay, Ontario.
3. The Defendant, The North Bay Police Service is the municipal police service for the jurisdiction of the District of Nipissing and the City of North Bay, Ontario.
4. The Defendant, Mike Hunter is an individual resident in the District of Nipissing in the City of North Bay, Ontario and is also gainfully employed as a police officer with the North Bay Police Service. It must be noted that Mike Hunter was a civilian on the day of August 25th, 2009 and was not on-duty as a police officer with the North Bay Police Service on the aforementioned date. The Defendant, Mike Hunter abused his powers as a non uniformed police officer on August 25th, 2009 and Mike Hunter also committed numerous intentional, pre-calculated and purposeful crimes against the Plaintiff. The Defendant Mike Hunter:
 - a) brought charges to the attention of the North Bay Police Service that were eventually laid against Mr. Derek Dunlop on August 25th, 2009. The charges that Mr. Mike Hunter alleges against Mr. Derek Dunlop are of a "malicious falsehood". It must be noted that the complainant, Mr. Mike Hunter has fabricated events in order to falsify charges against Mr. Derek Dunlop. Furthermore, Mr. Mike Hunter has maintained his fabrications throughout his sworn testimony to the Ontario Court of Justice at trial on May 31st, 2010.
 - b) brought charges to the attention of the North Bay Police Service. The charges that were laid against Mr. Derek Dunlop on August 25th, 2009 in North Bay, Ontario were "frivolous and vexatious". Additionally, these above noted charges that were laid against Mr. Derek Dunlop were an abuse of the legal process and an abuse of the court process.
5. The Defendant, Richard Hampel is an individual resident in the District of Nipissing in the City of North Bay, Ontario and is also gainfully employed as a police officer with the North Bay Police Service. The Defendant, Richard Hampel was the lead investigator throughout the course of this entire matter and Richard Hampel would be well aware of the on-going collusion that has occurred and transpired against the plaintiff. The Defendant, Richard Hampel also committed perjury during his sworn testimony to the Honourable Court in this matter, however, Richard Hampel would also never admit to these facts and crimes.
6. The Defendant, Seth Dinsmore is an individual resident in the District of Nipissing in the City of North Bay, Ontario and is also gainfully employed as a police officer with the North Bay Police Service. The Defendant, Seth Dinsmore:
 - a) intentionally attempted to portray through his sworn testimony that the Plaintiff, Derek Dunlop assaulted Seth Dinsmore. It is highly evident that Seth Dinsmore's coy manipulation and circumvention was intentionally coached by more experienced and veteran North Bay Police Officers behind the scenes prior to Seth Dinsmore assuming the witness stand in this matter. Seth Dinsmore nor any of his fellow colleagues will ever admit to Seth Dinsmore's pathetic attempt to fool the court during his sworn testimony, however, it must be noted that this did transpire. During the cross-examination of Seth Dinsmore there was no validity, no credibility,

no integrity and no truth to the facts that Seth Dinsmore was trying to imply to the Honourable Court that the Plaintiff had apparently assaulted the Defendant, Seth Dinsmore. The Defendant, Seth Dinsmore knew full well that an assault on him never happened but Seth Dinsmore still proceeded to testify with this pre-meditated plan against the Plaintiff.

7. The Defendant, Paul Cook is an individual resident in the District of Nipissing in the City of North Bay, Ontario and is also gainfully employed as the Chief of Police with the North Bay Police Service. The Defendant Paul Cook was at all material times the Chief of the North Bay Police Service and was by statute, regulation and otherwise at law:
 - a) responsible for the effective, proper, professional, legal and humane day-to-day oversight and management of the North Bay Police Service and all of its sworn civilian members including the members of the North Bay Police Service that are named as defendants in this action and the other members of the North Bay Police Service that are referred to in this statement of claim;
 - b) responsible for the appropriate, effective, proper, legal, humane and professional supervision of all the sworn members of the police service including the members of the North Bay Police Service named as defendants in this civil action and the other members of the North Bay Police Service referred to in this statement of claim;
 - c) responsible for administering the North Bay Police Service and supervising the day-to-day operations in accordance with priorities, policies, laws, regulations, code of ethics, standards, procedures and protocols established by the police services board;
 - d) responsible for the implementing quality assurance processes and guidelines to ensure the delivery of effective, adequate, genuine and legitimate police services in compliance with the Police Services Act and its regulations; and
 - e) vicariously liable for the illegal actions, unlawful misconduct, crimes, omissions, misfeasance, nonfeasance and pre-meditated unlawful conduct of all sworn and civilian members of the North Bay Police Service, including without limitation, the police officers named as defendants in this civil action and the other members of the North Bay Police Service referred to in this statement of claim.
8. The Defendant, the North Bay Crown Attorney's Office is the Crown Attorney's Office in the District of Nipissing in the City of North Bay, Ontario. The Defendant, the North Bay Crown Attorney's Office has determined that it was fit to attempt to try to prosecute the Plaintiff knowing full well that Mike Hunter has a purposeful and intentional reason to want to injure, hurt and gain retribution against the Plaintiff. The North Bay Crown Attorney's office would also possess a vested interest in wanting to gain retribution against the Plaintiff. In acting in accordance to these pre-meditated and colluded plans the North Bay Crown Attorney's office is in full support of Mike Hunter's crimes, illegal actions, misconduct, improprieties, false allegations, false accusations, fabrications, false imprisonment and transgressions carried out against the Plaintiff. The North Bay Crown Attorney's office in a desperate measure and attempt to add to the growing cover-ups against the Plaintiff has brought into question the mental health of the Plaintiff. The Defendant, the North Bay Crown Attorney's Office has denied and deprived the Plaintiff of a fair and just judicial process and then they possessed the audacity to attempt to cover-up this improper treatment of the Plaintiff.
9. The Defendant, Justice Normand Glaude is a provincially appointed Judge in the Province of Ontario and is gainfully employed as a Judge in our court system in Sudbury, Ontario. Provincially Court-Appointed Judges are supposed to adhere to, uphold and maintain:
 - a) A strong and independent judiciary that is indispensable to the proper administration of justice in our society. Judges must be free to perform their judicial duties without fear of reprisal or influence from any person, group, institution, or level of government. In turn, society has a right to expect those appointed as judges to be honourable and worthy of its trust and confidence.
 - b) The judges of the Ontario Court of Justice recognize their duty to establish, maintain, encourage, and uphold high standards of personal conduct and professionalism so as to preserve the independence and integrity of their judicial office and to preserve the faith and trust that society places in the men and women who have agreed to accept the responsibilities of judicial office.

- c) The following principles of judicial office are established by the judges of the Ontario Court of Justice and set out standards of excellence and integrity to which all judges subscribe. These principles are not exhaustive. They are designed to be advisory in nature and are not directly related to any specific disciplinary process. Intended to assist judges in addressing ethical and professional dilemmas, they may also serve in assisting the public to understand the reasonable expectations that the public may have of judges in the performance of judicial duties and in the conduct of judges' personal lives.

The Judge in Court

- d) Judges must be impartial and objective in the discharge of their judicial duties.

Commentaries:

Judges should not be influenced by partisan interests, public pressure, or fear of criticism. Judges should maintain their objectivity and shall not, by words of conduct, manifest favour, bias, or prejudice toward any party of interest.

- e) Judges have a duty to follow the law.

Commentaries:

Judges have a duty to apply the relevant law to the facts and circumstances of the cases before the court and to render justice within the framework of the law.

- f) Judges will endeavour to maintain order and decorum in Court.

Commentaries:

Judges must strive to be patient, dignified, and courteous in performing the duties of judicial office and shall carry out their role with integrity, appropriate firmness, and honour.

The Judge and the Court

- g) Judges should approach their judicial duties in a spirit of collegiality, co-operation, and mutual assistance.

- h) Judges should conduct Court business with due diligence and dispose of all matters before them promptly and efficiently, having regard, at all times, for the interests of justice and the rights of the parties before the court.

- i) Reasons for judgment should be delivered in a timely manner.

- j) Judges have a duty to maintain their professional competence in the law. **Commentaries:** Judges should attend and participate in continuing legal and general education programs.

- k) The primary responsibility of judges is the discharge of their judicial duties.

Commentaries:

Subject to applicable legislation, judges may participate in law-related activities such as teaching, participating in educational conferences, and writing and working on committees for the advancement of judicial interests and concerns, provided such activities do not interfere with the judge's primary duty to the Court.

The Judge in the Community

- l) Judges should maintain their personal conduct at a level that will ensure the public's trust and confidence.
- m) Judges must avoid any conflict of interest, or the appearance of any conflict of interest, in the performance of their judicial duties.

Commentaries:

- n) Judges must not participate in any partisan political activity. Judges must not contribute financially to any political party.
- o) Judges must not abuse the power of their judicial office or use it inappropriately.
- p) Judges are encouraged to be involved in community activities, provided such involvement is not incompatible with their judicial office.

Commentaries:

- q) Judges should not lend the prestige of their office to fundraising activities.

Justice Normand Glaude

The Defendant, Justice Normand Glaude committed numerous intentional acts of misconduct against the Plaintiff. Justice Normand Glaude possesses an abundance of biases, prejudices and discriminations against the Plaintiff. Justice Normand Glaude is unwilling to admit to any of these biases, prejudices and discriminations that he possesses against the Plaintiff. Justice Normand Glaude was involved in collusion against the Plaintiff. If the collusion was conducted legally knowing full well that Mike Hunter has a legal loop-hole to permit him to perjure himself approximately 295 times while providing sworn testimony to the Honourable Court than Justice Normand Glaude's misconduct is wrong on every single level. If the collusion was to support Mike Hunter's plan to gain retribution against the Plaintiff than Justice Normand Glaude's misconduct is also wrong on every single level imaginable because Justice Normand Glaude is supporting all of the false allegations, the false arrest, the false imprisonment, the crimes, the illegal actions, the improprieties and the transgressions that were intentionally and purposely carried out against the Plaintiff by Mike Hunter, Seth Dinsmore, Richard Hampel, Paul Cook and the North Bay Police Service. If the collusion was to support some other plan than Justice Normand Glaude was also in the wrong on every single level imaginable. The Defendant, Justice Normand Glaude even possesses a high level of animosity toward the Plaintiff that he would also be unwilling to admit to. The extent of Justice Normand Glaude's misconduct, errors, omissions, prejudices, biases, discriminations, unfair and unjust treatment of the Plaintiff, administering unfair and unjust judicial processes towards the Plaintiff, violating numerous rights of the Plaintiff and administering improper judicial management of the matter is further outlined specifically in the body of this statement of claim. The Defendant, Justice Normand Glaude has failed miserably and neglected to adhere to his obligations and responsibilities while presiding as a Judge throughout the duration of this matter. The Defendant, Justice Normand Glaude has extensively abused his powers as it relates to the Plaintiff and to this matter.

- 10. The Defendant, the Ministry of the Attorney General is located in the City of Toronto, Ontario. The Defendant, the Ministry of the Attorney General is supposed to adhere to specific principles and certain responsibilities which include the following:
 - a) The Ministry of the Attorney General delivers justice services to Ontarians by: prosecuting crime and preserving public order and personal safety; supporting victims of crime throughout the criminal justice system; providing decision-making and justice support services to vulnerable people; providing criminal, civil and family courts and related justice services that are fair, timely and accessible; providing legal advice and services to government.

- b) The Ministry delivers and administers a wide range of justice services including: administering approximately 115 statutes; conducting criminal proceedings throughout Ontario; providing legal advice to, and conducting litigation on behalf of, all government ministries and many agencies, boards and tribunals; providing advice on, and drafting, all legislation and regulations; and coordinating and administering court services throughout Ontario.

The Defendant, the Ministry of the Attorney General and the Attorney General, Chris Bentley have failed, ignored and neglected to take the serious and significant concerns of the Plaintiff seriously. The Defendant, the Ministry of the Attorney General has neglected to respond adequately and sufficiently to the correspondences of the Plaintiff. The Defendant, the Ministry of the Attorney General has dealt with the Plaintiff's issues with a reckless abandoned and disgusting disregard. This on-going purposeful and intentional negligence of the Defendant, the Ministry of the Attorney General holds their organization as equally responsible and legally liable for the on-going collusion, cover-ups, crimes, illegal actions, transgressions and improprieties that continue to grow and expand against the Plaintiff.

11. The Defendant, the Ontario Judicial Council is located in the City of Toronto, Ontario. The Defendant, the Ontario Judicial Council investigates complaints made by the public against provincially-appointed Judges and Masters. In addition, it approves the education plan for provincial judges on an annual basis and has approved criteria for continuation in office and standards for conduct developed by the Chief Justice of the Ontario Court of Justice. The Defendant, the Ontario Judicial Council possesses a responsibility to extensively, thoroughly, adequately, genuinely, legitimately and sufficiently investigate complaints that are brought to their respective attention about Judges. The Defendant, the Ontario Judicial Council neglects, fails and ignores numerous pieces of evidence and information in relation to the complaints, concerns, issues and misconduct of Justice Normand Glaude in this matter. The review, investigation and assessment of the Ontario Judicial Council neglects to consider any evidence that the Plaintiff has in his possession. The Defendant, the Ontario Judicial Council only references the information that they wanted to assess and felt was paramount to covering-up for Justice Normand Glaude. The Defendant, the Ontario Judicial Council's analysis neglects to consider the evidence contained within the certified court transcripts that will reveal, unveil, uncover and exploit the intentional and purposeful misconduct exhibited by Justice Normand Glaude. It also must be noted that the Ontario Judicial Council has ensured to cover all their basis in providing a response to the complaints submitted by the Plaintiff about the misconduct of Justice Normand Glaude. The Defendant, the Ontario Judicial Council report has only been conducted in order to appease the process of the Plaintiff's complaint but, their review has been worded in a context in order to protect, support and cover-up the misconduct of Justice Normand Glaude. The Plaintiff also asserts that the connotations of the Ontario Judicial Council's report have been manifested in a particular manner in order to fool, sway and deceive the public interest in this matter. As a result, of this substantial negligence by the Defendant, the Ontario Judicial Council, members of the subcommittee in this matter and members of the review panel in this matter are legally liable and responsible for the on-going pre-calculated cover-ups against the Plaintiff. The Defendant, the Ontario Judicial Council has determined that it was not in their best interest to treat this complaint properly, professionally, justly, fairly, without prejudice, without bias and without discrimination toward the Plaintiff. The Defendant, the Ontario Judicial Council decided that it was extremely important to protect, support and cover-up for Justice Normand Glaude's misconduct. The investigation conducted by the Defendant, the Ontario Judicial Council in this matter is very, very weak and feeble. Their respective investigation fails to obtain a vast majority of the evidence that would be available to the Ontario Judicial Council in order to determine the entire truth.
12. The Defendant, the Ontario Civilian Police Commission is located in the City of Toronto, Ontario. The Defendant, the Ontario Civilian Police Commission is an independent oversight agency committed to serving the public by ensuring that adequate and effective policing services are provided to the community in a fair and accountable manner. The Defendant, the Ontario Civilian Police Commission is negligent toward the Plaintiff's concerns. The Defendant, the Ontario Civilian Police Commission has failed to adequately respond to the concerns that the Plaintiff has forwarded to their agency. The Ontario Civilian Police Commission is ignorant to the Plaintiff's correspondence and is unwilling to provide the Plaintiff with information about decisions that have or have not been made by the Ontario Civilian Police Commission. The Ontario Civilian Police Commission is also legally liable for their contributions in the on-going

cover-ups against the Plaintiff. The Ontario Civilian Police Commission has also exhibited numerous prejudices, biases and discriminations that unwarranted and undesired by the Plaintiff.

13. Any other employees of the Defendant, the North Bay Police Service, and any of their affiliates, relatives or friends who become implicated by this process.

Background of Dispute in August of 2009

14. Mr. Derek Dunlop is a resident of North Bay, Ontario. On August 25th, 2009 Mr. Derek Dunlop went to purchase some groceries for dinner at the Metro Grocery Store located at 390 Lakeshore Drive in North Bay, Ontario. Mr. Derek Dunlop met the alleged victim, Mr. Mike Hunter while at the Metro Grocery Store. As a result of the meeting that occurred between Mr. Mike Hunter and Mr. Derek Dunlop, Mr. Mike Hunter made numerous false allegations against Mr. Derek Dunlop.
15. It must be noted that at the time of the alleged incident that Mr. Mike Hunter was a private citizen. Moreover, it must be noted that Mr. Mike Hunter is gainfully employed as a police officer with the North Bay Police Service in North Bay, Ontario.
16. As a result of the meeting that occurred between Mr. Mike Hunter and Mr. Derek Dunlop, Mr. Mike Hunter had Mr. Derek Dunlop charged with numerous crimes. Mr. Derek Dunlop will always maintain and contend that Mr. Mike Hunter's allegations are of a "malicious falsehood." Mr. Derek Dunlop will always maintain and contend that Mr. Mike Hunter fabricated events, fabricated evidence and falsified charges against Mr. Derek Dunlop on August 25th, 2009 while they were both at the Metro Grocery Store.
17. Mr. Derek Dunlop vehemently denies and vigorously disputes the allegations made by Mr. Mike Hunter and Mr. Derek Dunlop will always maintain that Mr. Derek Dunlop never committed the crimes that Mr. Mike Hunter alleged against Mr. Derek Dunlop.
18. Mr. Derek Dunlop filed a private complaint against Mr. Mike Hunter which was initially investigated by the North Bay Police Service. It must be noted that this investigation was conducted by the same police service that employs Mr. Mike Hunter. The North Bay Police Service did not find that there was any misconduct on the part of Mr. Mike Hunter. Subsequently, Mr. Derek Dunlop filed a complaint with the Ontario Civilian Commission on Police Services located at 250 Dundas Street West, Suite #605, Toronto, Ontario, M7A 2T3. To this day, Mr. Derek Dunlop still believes that there is an on-going file and investigation with their organization. It must be noted that Mr. Sheldon Prior, Case Manager employed by their agency was assigned to the carriage of this complaint.
19. The Plaintiff has also laid a private information against Mr. Mike Hunter. The Plaintiff contends that Mr. Mike Hunter has committed numerous crimes against the Plaintiff.
20. On August 25th, 2009, Mr. Mike Hunter had Mr. Derek Dunlop charged with two counts of Assault, one count of Mischief Under \$5 000, one count of Uttering a Threat, one count of Criminal Harassment and one count of Assault Resist Arrest.

21. On August 27th, 2010, after 4 days of trial in this matter, a sentence and conviction was rendered by Justice Normand Glaude. Justice Normand Glaude sentenced Mr. Derek Dunlop to time served which was apparently calculated by the North Bay Crown Attorney's Office to be in the vicinity of about 8 months of time spent in custody. Justice Normand Glaude convicted Mr. Derek Dunlop of both counts of assault, the one count of Mischief Under \$5 000, the one count of Uttering a Threat and the one count of Assault Resist Arrest. Justice Normand Glaude did not convict Mr. Derek Dunlop of the offence of Criminal Harassment.
22. Mr. Derek Dunlop is currently appealing the sentence, conviction and all orders issued by Justice Normand Glaude on August 27th, 2010.
23. Mr. Derek Dunlop has recently assessed the certified court transcripts in this matter and asserts that Mr. Mike Hunter has lied under oath about 295 times throughout Mr. Mike Hunter's sworn testimony to the Ontario Court of Justice in North Bay, Ontario, at trial on May 31st, 2010.
24. Mr. Derek Dunlop asserts that the complainant, Mr. Mike Hunter has intentionally and purposely lied under oath in order to convict Mr. Derek Dunlop of crimes that he never committed.

Background of Dispute in February 2005

25. On February 20th, 2005, Mr. Mike Hunter and Mr. Derek Dunlop had their first meeting. Mr. Derek Dunlop will always maintain that Mr. Mike Hunter and Cst. Jeff Warner both employed with the North Bay Police Service committed an aggravated assault against Mr. Derek Dunlop in the downtown core of North Bay, Ontario, on this above noted date. This incident occurred on Main Street in North Bay, Ontario, across from the 241 Pizza establishment which is located on the east side of Main Street and outside of Gino's Pizza which was located on the west side of Main Street at that time. On that date, Mr. Mike Hunter, Cst. Jeff Warner and the North Bay Police Service intentionally framed Mr. Derek Dunlop with charges that Mr. Derek Dunlop did not commit. At that time, Mr. Derek Dunlop was employed as a Child Protection Worker with the Children's Aid Society of the County of Simcoe.
26. On February 20th, 2005, the Plaintiff was intentionally assaulted by Cst. Mike Hunter and Cst. Jeff Warner of the North Bay Police Service. Cst. Mike Hunter and Cst. Jeff Warner repeatedly kicked the Plaintiff over and over again, punched the Plaintiff over and over again and used excessive amounts of force on February 20, 2005. Cst. Mike Hunter and Cst. Jeff Warner also used excessive amounts of pepper spray as well. As a result, of the pre-meditated and vicious attack and aggravated assault, the Plaintiff incurred many external and internal injuries. Cst. Mike Hunter, Cst. Jeff Warner, Cst. Scott McFarlane, Cst. Wilson, Cst. Gerry Martin, Sgt. Kirk Kelusky, Cst. Steve Trahan and many others of the North Bay Police Service would have first hand knowledge of the corrupt cover-ups of the aggravated assault by Cst. Mike Hunter and Cst. Jeff Warner. Cst. Mike Hunter and Cst. Jeff Warner and members of the North Bay Police Service framed the Plaintiff. They fabricated a story and falsified charges to attempt to imply that the Plaintiff caused a disturbance and escaped lawful custody on February 20, 2005. Cst. Mike Hunter, Cst. Jeff Warner and the North Bay Police Service knew that they NEVER had any intentions of proceeding to trial as they would have all had to

PERJURE themselves if they would have allowed the matter to proceed to trial.

Cst. Mike Hunter, Cst. Jeff Warner and the North Bay Police Service intentionally destroyed the video-taping of the Plaintiff's booking at the police station on February 20, 2005. In addition, the North Bay Police Service also purposely would not release their Use of Excessive Force Reports.

27. On February 20th, 2005, initially Cst. Jeff Warner informed Mr. Derek Dunlop that he was going to be arrested for being intoxicated in a public place. Upon being released from the North Bay Police Station on February 20th, 2005, the releasing police officers informed Mr. Derek Dunlop that he was being charged with Cause a Disturbance and Escape Lawful Custody. Both Mr. Mike Hunter and Cst. Jeff Warner fabricated events and falsified charges against Mr. Derek Dunlop on February 20th, 2005. These two aforementioned charges were withdrawn against Mr. Derek Dunlop. Mr. Derek Dunlop will always contend that both Mr. Mike Hunter and Cst. Jeff Warner would have had to perjure themselves should this matter have proceeded to trial.
28. The Plaintiff's own defence attorney, Mr. Dennis Fenton (of North Bay) was in collusion with Crown Attorney, Mr. Paul Larsh and they jointly tried to entrap, pressure, entice, induce and force me to succumb to a guilty plea in relation to the fabricated charges of Cst. Mike Hunter, Cst. Jeff Warner and the North Bay Police Service. It must be noted that Mr. Dennis Fenton was a former Crown Attorney in North Bay. The Plaintiff surmises that there were two main reasons that Mr. Dennis Fenton and Mr. Paul Larsh were in collusion with each other. First, they wanted the worst for the Plaintiff and if the Plaintiff pled guilty than the Plaintiff would obviously lose my position of employment with the Children's Aid Society of the Simcoe County. Second, they jointly had an agenda to protect the North Bay Police Service, Cst. Mike Hunter and Cst. Jeff Warner for the criminal actions they committed against the Plaintiff. As a result, Mr. Dennis Fenton and Mr. Paul Larsh have a large role in the cover-ups of the North Bay Police Service, not to mention they have played a significant role in the collusion and conspiracy against the Plaintiff. After every attempt to pressure, force, entice, induce and entrap the Plaintiff into a guilty plea failed, Mr. Dennis Fenton and Mr. Paul Larsh were in collusion with each other again and developed a plan that would entice the Plaintiff into agreeing and accepting a diversion. The diversion that basically came at the eleventh hour, consisted of the Plaintiff agreeing to make a \$300 donation to the North Bay Hospital and in return both of the fabricated charges would be withdrawn.
29. There is no coincidence that these charges against the Plaintiff from February 20, 2005 were withdrawn and did not proceed to a trial as Cst. Mike Hunter, Cst. Jeff Warner and the North Bay Police Service had no case against the Plaintiff. In addition, it is highly important to note that at the time the Plaintiff was unaware that by accepting the diversion that this apparently was suggestive of the Plaintiff admitting guilt. The Plaintiff would have never agreed to the diversion and the Plaintiff would have proceeded to trial. This was part of Mr. Dennis Fenton's and Mr. Paul Larsh's collaborative efforts to ensure that they made it appear that the Plaintiff was guilty in some way, shape or form. These actions of Mr. Dennis Fenton, Mr. Paul Larsh, the North Bay Police Service, Cst. Jeff Warner and Cst. Mike Hunter are wrong on every single level imaginable.

30. Mr. Victor Matanovic Sr., who is a retired Homicide Detective with the Toronto Police Service assisted Mr. Derek Dunlop with the matter of February 20th, 2005. Mr. Victor Matanovic Sr. conducted a 20-page assessment of Mr. Mike Hunter's notes and Cst. Jeff Warner's notes. Mr. Victor Matanovic's expert analysis reveals that there were many discrepancies, lies, inadequacies, contradictions and questions about the notations of both Mr. Mike Hunter and Cst. Jeff Warner. It must be noted that this evidence was not permitted to be entered into evidence in the matter of August 25th, 2009.
31. It also must be noted that Todd Hunter who has been a friend of the Plaintiff's since high school and a former football teammate of the Plaintiff is Cst. Mike Hunter's younger brother. Todd Hunter had a keen interest in the occurrence of February 20, 2005. Furthermore, Todd Hunter also appears to have additional knowledge of a police investigation into the Plaintiff's affairs and has other vested interests in the Plaintiff's life. Investigating Todd Hunter's interests about the Plaintiff should also uncover the MOTIVE directly related to the aggravated assault committed against the Plaintiff by Cst. Mike Hunter and Cst. Jeff Warner on February 20, 2005.
32. In August of 2008, there were letters disseminated in the North Bay community about the incident of February 20th, 2005. Mr. Mike Hunter, Cst. Jeff Warner, the North Bay Police Service and others mentioned in the letters wanted to attempt to sue Mr. Derek Dunlop for possible libel, slander and defamation. At that time, Mr. Mike Hunter, Cst. Jeff Warner, the North Bay Police Service and others had no recourse against Mr. Derek Dunlop. There were no civil law suits launched against Mr. Derek Dunlop in relation to the letters that were distributed in August of 2008.
33. In August of 2009, there were copies of a 23-page letter that were disseminated in the North Bay community. This aforementioned letter was dated August 18th, 2009. Additionally, it must also be noted that this 23-page letter has not been entered into evidence in the matter of August 25th, 2009. It must be noted that Mr. Derek Dunlop was charged only 7 days after the distribution of these 23-page letters dated August 18th, 2009. Moreover, specific members of the North Bay Police Service who provided sworn testimony in relation to the charges of August 25th, 2009 apparently possess no knowledge of said 23-page letter dated August 18th, 2009.
34. The Honourable Court must be informed that a lot of this significant history was not presented to the Ontario Court of Justice in North Bay, Ontario during the trial of this matter. This evidence was necessary for Mr. Derek Dunlop's defence and would have provided the trial Judge and the Ontario Court of Justice with additional evidence to render a more thorough and informed decision.

The Intentional and Purposeful Misconduct, Biases, Discriminations, Prejudices and Errors exhibited by Justice Normand Glaude towards Mr. Derek Dunlop

35. Justice Normand Glaude erred as Mr. Derek Dunlop was not afforded the opportunity of a pre-trial in this matter.

36. Justice Normand Glaude erred as Mr. Derek Dunlop was not provided a possible Crown resolution meeting until moments before the trial in this matter was about to commence on May 31st, 2010 (Approximately 9 months after this matter had already been before the Ontario Court of Justice in North Bay, Ontario).
37. Justice Normand Glaude erred as Mr. Derek Dunlop did not have an apparent bail hearing throughout the course of this entire matter.
38. Justice Normand Glaude erred as he has ignored and neglected to recognize the fact that Mr. Mike Hunter (the alleged victim) has committed a serious set of crimes against Mr. Derek Dunlop. Mr. Mike Hunter has assaulted Mr. Derek Dunlop on August 25th, 2009. Mr. Mike Hunter has fabricated evidence, notations, statements and pictures about the alleged events of August 25th, 2009. On May 31st, 2010, Mr. Mike Hunter maintained and upheld his lies at trial during his testimony under oath at the Ontario Court of Justice in North Bay, Ontario.
39. Justice Normand Glaude erred as on May 31st, 2010, Mr. Mike Hunter committed perjury on numerous occasions throughout Mr. Mike Hunter's testimony under oath at trial at the Ontario Court of Justice in North Bay, Ontario.
40. Justice Normand Glaude erred as the he failed to recognize and consider the fact that there was no valid evidence and no valid testimony to corroborate the allegations that were brought before the Ontario Court of Justice by Mr. Mike Hunter.
41. Justice Normand Glaude erred as the verdict that he rendered failed to consider all of the reasonable doubt that was raised by Mr. Derek Dunlop in this case. Justice Normand Glaude erred as this matter was not proven beyond a reasonable doubt.

The burden of proof was set out in *R. v. Lifchus* a decision of Justice Cory as follows:

"The standard of proof beyond a reasonable doubt is inextricably intertwined with that principle fundamental to all criminal trials, the presumption of innocence. The burden of proof rests upon the prosecution throughout the trial, never shifts to the accused. A reasonable doubt is not a doubt based upon sympathy or prejudice. It is based upon reason and common sense. It is logically connected to the evidence or absence of evidence. It does not involve proof to an absolute certainty. It is not proof beyond and doubt, nor is it an imaginary or frivolous doubt. And more is required than proof that the accused is probably guilty. A trier of fact which concludes only that an accused is probably guilty must acquit."

***R. v. Maodus*, [2008] ONCJ 109 (CanLII) at page #3, paragraph #3. [TAB #7]**

42. Justice Normand Glaude erred as he failed to consider and reference important pieces of evidence that are extremely important to the history of this matter.
43. Justice Normand Glaude erred in this matter as he prevented Mr. Derek Dunlop from entering relevant evidence that existed prior to August 25th, 2009. On the other hand, the Judge permitted Ms. Bridget Laplante, North Bay Crown Attorney to enter relevant evidence into the Honourable Court record that existed prior August 25th, 2009.

44. Justice Normand Glaude erred in this matter as he prevented Mr. Derek Dunlop from entering evidence, documentation and information from February 20th, 2005 that is directly and indirectly related to the allegations stemming from August 25th, 2009.
45. Justice Normand Glaude erred as he dismissed crucial witnesses that Mr. Derek Dunlop proposed to be highly important in uncovering the entire truth in this matter.
46. Justice Normand Glaude erred as he ensured that Mr. Derek Dunlop was not permitted to complete his entire lines of questioning upon his cross-examination of the North Bay Crown Attorney's witnesses.
47. Justice Normand Glaude erred as he intervened significantly throughout the trial and assisted the North Bay Crown Attorney in their specific lines of questioning.

In Valley at pages 231-232, Martin J. A. listed types of interventions by trial judges which have resulted in the quashing of criminal convictions:

1. Questioning an accused or a defence witness to such an extent or in a manner which conveys the impression that the trial judge has placed the authority of his or her office on the side of the prosecution and conveys the impression that the trial judge disbelieves the accused or the witness.
2. Interventions which have effectively made it impossible for defence counsel to perform his or her duty in advancing the defence; and
3. Interventions which effectively preclude the accused from telling his or her story in his or her own way.

***R. v. Stucky*, [2009] O. J. No. 600 at page #16, paragraph #71. [TAB #10]**

48. Justice Normand Glaude erred as he attempted to rapidly conclude the trial in this matter on June 1st, 2010, knowing full well that the Ms. Bridget Laplante, North Bay Crown Attorney was not intending to call Detective Richard Hampel to testify in this matter. It must be noted that Det. Richard Hampel was the lead investigator in this matter.
49. Justice Normand Glaude erred as he permitted Det. Richard Hampel to be present in the courtroom during the entire testimony that Mr. Mike Hunter provided to the Ontario Court of Justice in North Bay, Ontario on May 31st, 2010.
50. Justice Normand Glaude erred as he expeditiously prevented Mr. Derek Dunlop from asking questions to witnesses about the reasons why Mr. Mike Hunter had misspelled Mr. Derek Dunlop's last name (Dunlope), throughout all of Mr. Mike Hunter's notations, case notes and statements in relation to this matter.
51. Justice Normand Glaude erred as Mr. Derek Dunlop was self-represented in this matter and that Mr. Derek Dunlop was not provided a regular and consistent access to legal resources, a computer or Canadian Criminal Cases.

52. Justice Normand Glaude erred as he disallowed Mr. Derek Dunlop from entering similar fact evidence that existed prior to August 25th, 2009. This aforementioned evidence would have been extremely significant to any judgment rendered by Justice Normand Glaude in this matter.
53. Justice Normand Glaude has erred in his judgment by virtually neglecting and ignoring the magnitude and seriousness of a recusal motion that was before him on Friday, August 27th, 2010. Justice Normand Glaude erred by refusing to recuse himself from presiding over the Honourable Court proceedings in this matter.
54. Justice Normand Glaude has erred as he has personally become involved in this matter.
55. Justice Normand Glaude erred by misapprehending the evidence that was before him during the motion for the Judge's recusal on Friday August 27th, 2010.
56. Justice Normand Glaude erred by excluding significant material evidence that was presented to the Ontario Court of Justice during the trial on May 31st, 2010, June 1st, 2010, June 30th, 2010 and August 27th, 2010.
57. Justice Normand Glaude erred as specific sections of the Charter of Rights and Freedoms as applied to Mr. Derek Dunlop in this matter have been abandoned, violated, deprived and denied.

Violations of the Charter of Rights and Freedoms

Mr. Derek Dunlop asserts that his rights and freedoms as guaranteed by the Canadian Charter of Rights and Freedoms have been infringed and denied. Mr. Derek Dunlop maintains this to be true in accordance to Section 24(1) of the Canadian Charter of Rights and Freedoms. It must be noted that Section 24(1) states:

"Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain and remedy as the court considers appropriate or just in the circumstances."

Martin's Annual Criminal Code of Canada, Canadian Charter of Rights and Freedoms, Section 24(1) at page #2. [TAB #6]

58. Justice Normand Glaude erred as he failed to recognize the significance of the landscape that initially shaped the unfair and unjust foundations toward Mr. Derek Dunlop in this matter. These unfair and unjust foundations were initiated by Mr. Mike Hunter as he fabricated notations, statements and pictures to attempt to convict Mr. Derek Dunlop of crimes that Mr. Derek Dunlop did not commit.
59. Justice Normand Glaude erred as he failed to recognize the significance of the landscape that additionally shaped the unjust and unfair foundations toward Mr. Derek Dunlop in this matter. These unfair and unjust foundations were initiated by Mr. Mike Hunter, Mr. Jeff Warner and the North Bay Police Service as a result of their fabrications and the crimes that they committed against Mr. Derek Dunlop on February 20th, 2005 in North Bay, Ontario.

60. Justice Normand Glaude erred as Mr. Derek Dunlop has not been afforded the basic principles of procedural fairness at specific junctures of this matter.

The appearance of fairness and the trial judge's corresponding duty to exercise restraint and remain neutral is especially critical in the criminal context where the accused takes the stand: Brouillard at page #48. Since a criminal trial is an adversarial process between the prosecution and defence, and not an investigation by the trial judge, the examination and cross-examination of witnesses is, for the most part, the responsibility of counsel: Valley at page #231. Although the trial judge is justified in occasionally intervening for one of the legitimate purposes indicated above, the trial judge must be careful not to usurp the role of counsel because otherwise the overall impression created may be fatal to the appearance of trial fairness.

***R. v. Stucky*, [2009] O. J. No. 600 at page #16, paragraph #69. [TAB #10]**

Mr. Derek Dunlop maintains that the trial Judge made a number of serious errors that denied and deprived the appellant of jurisdiction to proceed and undermined Mr. Derek Dunlop's right to a fair and just trial. Fundamental to the position of Mr. Derek Dunlop he is stating that the trial Judge purposely dismissed evidentiary rulings as it related to Mr. Derek Dunlop's defence in this matter. This evidence was necessary to the presentation of Mr. Derek Dunlop's case at trial. As a result, this omission by the trial Judge has improperly interfered in the conduct of Mr. Derek Dunlop's case.

***R. v. Felderhof*, [2003] O. J. No. 4819 at page #2, paragraph #1. [TAB #4]**

61. Justice Normand Glaude erred as at trial on June 30th, 2010 he was reluctant to take the time to hear further evidence in the possession of Mr. Derek Dunlop. Mr. Derek Dunlop maintains that this evidence was highly relevant and pertinent to his defence in this matter.
62. Justice Normand Glaude erred as he became impatient with the proceedings in this matter.
63. Justice Normand Glaude erred as he has failed to recognize and acknowledge that he possesses an unfavourable inclination toward Mr. Derek Dunlop and the Judge possesses a favourable inclination toward the respondent, North Bay Crown Attorney, Ms. Bridget Laplante, the North Bay Crown Attorney's Office, Mr. Mike Hunter and the North Bay Police Service.

It has been noted that bias denotes a state of mind that is in some way predisposed to a particular result, or that is closed with regard to particular issues. An explanation of this concept was provided by Scalia J. in *Liteky v. U. S.* [1994] 114 S. Ct. 1147 at page 1155:

"The words [bias or prejudice] connote a favourable or unfavourable disposition or opinion that is somehow wrongful or inappropriate, either because of it is undeserved, or because it rests upon knowledge that the subject ought not to possess (for example, a criminal juror who has been biased or prejudiced by receipt of inadmissible evidence concerning the defendant's prior criminal activities), or because it is excessive in degree (for example, a criminal juror who is so

inflamed by properly admitted evidence for a defendant's prior criminal activities that he will vote guilty regardless of the facts).”

***R. v. R. D. S.*, [1997] 3 S. C. R. 484 at page #24, paragraph #105. [TAB #8]**

64. Justice Normand Glaude erred as he **not** only possesses a reasonable apprehension of bias towards Mr. Derek Dunlop, but Justice Normand Glaude possesses biases against Mr. Derek Dunlop that far exceed the threshold of a reasonable apprehension of bias.

Real and Perceived Apprehension of Bias

Mr. Derek Dunlop submits that the trial Judge lost jurisdiction because he failed in his obligation to restrain the uncivil attacks by the North Bay Crown Attorney and this conduct interfered with Mr. Derek Dunlop's presentation of his case. Mr. Derek Dunlop submits that the combined effect of these various errors produced an unfair trial and also created a reasonable apprehension of bias in the trial Judge.

***R. v. Felderhof*, [2003] O. J. No. 4819 at page #4, paragraph #12. [TAB #4]**

Regardless of the precise words used to describe the test, the object of the different formulations is to emphasize that the threshold for a finding of real or perceived bias is high. It is a finding that must be carefully considered since it calls into question an element of judicial integrity. Indeed an allegation of reasonable apprehension of bias calls into question not simply the personal integrity of the judge but the entire administration of justice. See Stark, *supra*, at paragraphs. 19-20. Where reasonable grounds to make such an allegation arise, counsel must be free to fearlessly raise such allegations. Yet, this is a serious step that should not be undertaken lightly.

***R. v. R. D. S.*, [1997] 3 S. C. R. 484 at page #26, paragraph #113 [TAB # 8]**

65. Justice Normand Glaude erred as he had a purposeful intent to try to embarrass Mr. Derek Dunlop during the Ontario Court of Justice proceedings in this matter. This was highly evident during the Judge's address to the Ontario Court of Justice in North Bay, Ontario on June 30th, 2010.
66. Justice Normand Glaude erred as he possesses a personal dislike for Mr. Derek Dunlop. That the Judge erred as he now has developed a personal vendetta against Mr. Derek Dunlop.
67. Justice Normand Glaude erred as he did not uphold adjudicative neutrality as it relates to this matter and to Mr. Derek Dunlop.
68. Justice Normand Glaude erred as Mr. Derek Dunlop has not been afforded the opportunity to make a full answer and a full defence in this matter.

The Right to Make Full Answer and Full Defence

Mr. Derek Dunlop contends that he was not afforded the appropriate opportunity to make full answer and defence in this matter. Please keep in mind the numerous other disadvantages that Mr. Derek Dunlop would have had to further experience as a result in being in custody during the entire course of this matter. It must be noted that Section 650(3) of the Criminal Code of Canada states:

"An accused is entitled, after the close of the case for the prosecution, to make full answer and defence personally or by counsel."

Martin's Annual Criminal Code of Canada, Section 650(3) at page #1. [TAB #5]

Mr. Derek Dunlop's right to make full answer and defence are guaranteed by the Canadian Charter of Rights and Freedoms. Mr. Derek Dunlop maintains that his right to make full answer and defence in accordance to Section 11(d) of the Canadian Charter of Rights and Freedoms were violated, denied and deprived. It must be noted that Section 11(d) of the Canadian Charter of Rights and Freedoms states:

"Any person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing and by an independent and impartial tribunal."

Martin's Annual Criminal Code of Canada, Canadian Charter of Rights and Freedoms, Section 11(d) at page #1. [TAB #6]

Mr. Derek Dunlop asserts that the right to make full answer and full defence as guaranteed by this section have been denied. Mr. Derek Dunlop contends that the trial Judge failed to permit necessary evidence to be entered into the Honourable Court record that would be highly important to Mr. Derek Dunlop's defence in this matter.

Mr. Derek Dunlop was not presented with certain items of disclosure in the possession of the North Bay Crown Attorney's disclosure prior to the commencement of trial in this matter. Mr. Derek Dunlop was only given a copy of the following evidence during the course of the trial and not prior to the beginning of the trial on May 31st, 2010.

1. The invoice of the complainant's bill issued by Mr. Anthony Cirullo of Modern Auto Body.
2. Mr. Mike Hunter's confidential report dated August 11th, 2008 to Insp. Kelusky.
3. The pictures taken by J. Goulet on the date of August 25th, 2009

This above noted evidence was produced at trial and Mr. Derek Dunlop was only provided a copy of the aforementioned evidence during the course of the trial in this matter.

Since the legal precedence established by the decision of the Supreme Court of Canada in *R. v. Stinchcombe*, it has been firmly recognized that an accused's right to disclosure of all relevant documents (both inculpatory and exculpatory) is integral to the right to raise full answer and defence enshrined in s. 7 of the Charter. *Stinchcombe* recognized that a failure to disclose relevant documents impedes the accused's ability to raise full answer and defence, which in turn creates the risk of an innocent person being convicted and imprisoned:

Apart from the practical advantages to which I have referred, there is the overriding concern that failure to disclose impedes the ability of the accused to make full answer and defence. This common law right has acquired new vigour by virtue of its inclusion in s. 7 of the *Canadian Charter of Rights and Freedoms* as one of the principles of fundamental justice. (See *Dersch v. Canada (Attorney General)*, [1990] 2 S.C.R. 1505, at p. 1514.) The right to make full answer and defence is one of the pillars of criminal justice on which we heavily depend to ensure that the innocent are not convicted. Recent events have demonstrated that the erosion of this right due to non-disclosure was an important factor in the conviction and incarceration of an innocent person. In the Royal Commission on the Donald Marshall, Jr., Prosecution, Vol. 1: Findings and Recommendations (1989) (the "Marshall Commission Report"), the Commissioners found that prior inconsistent statements were not disclosed to the defence. This was an important contributing factor in the miscarriage of justice which occurred and led the Commission to state that "anything less than complete disclosure by the Crown falls short of decency and fair play" (Vol. 1 at p. 238).

***R. v. Stinchcombe*, [1991] 3 S.C.R. 326 at page #6, paragraph #2. [TAB #9]**

69. Justice Normand Glaude erred as numerous prejudices and biases toward the Mr. Derek Dunlop have been developed and are still being created.

There is a general principle that was stated by the Supreme Court of Canada in *Wewaykum Indian Band v. Canada* [2003] 2 S. C. R. 259, as follows:

"Simply put, public confidence in our legal system is rooted in the fundamental belief that those who adjudicate in law must always do so without bias or prejudice and must be perceived to do so."

***R. v. Di Giuseppe*, [2005] O. J. No. 4064 at page #3, paragraph #14. [TAB #3]**

70. Justice Normand Glaude erred as he has failed to lend any credence to the fact that there has been prosecutorial misconduct in this matter. The Judge erred as he is unwilling to acknowledge the improprieties that the North Bay Crown Attorney has directed towards Mr. Derek Dunlop.
71. Justice Normand Glaude erred as he has failed to acknowledge the significance of the numerous miscarriages of justices that Mr. Derek Dunlop has experienced throughout the duration of this entire matter.
72. Justice Normand Glaude erred as he neglected to recognize how these miscarriages of justices have drastically affected the entire administration of justice in this matter.

73. Justice Normand Glaude erred as he has not adhered to upholding specific fundamental principles of justice as they relate to this matter and to Mr. Derek Dunlop.
74. Justice Normand Glaude erred in some of his comments and as a result he has deprived Mr. Derek Dunlop of a fair, unbiased, impartial and just judicial process in this matter.
75. Justice Normand Glaude erred as he has minimized the importance of any prospective defence witnesses' testimony for Mr. Derek Dunlop's defence in this matter.
76. Justice Normand Glaude erred as his perceptions and views of this matter are definitely skewed by other additional motives to try and protect his own credibility, integrity and reputation.
77. Justice Normand Glaude erred as his perceptions and views of this matter are definitely skewed by other additional motives to attempt to protect the credibility, integrity and reputations of Mr. Mike Hunter, the North Bay Police Service, other North Bay Police Officers, the North Bay Crown Attorney's Office and other members of the legal community.
78. Justice Normand Glaude erred as his perceptions and views of this matter are definitely skewed by additional motives to uphold the entire administration of justice and the entire judicial process in this matter. The entire judicial process and entire administration of justice have already been compromised and jeopardized as a result of the unethical conduct exhibited by the Judge, Mr. Mike Hunter, North Bay Crown Attorney, Ms. Bridget Laplante and by numerous other legal professionals who have had involvement in this matter.
79. Justice Normand Glaude erred as he has not recognized that Mr. Mike Hunter has intentionally placed numerous legal professionals, police professionals and many others in extremely compromising positions by maintaining and upholding Mr. Mike Hunter's lies and fabrications while testifying under oath in this matter.
80. Justice Normand Glaude erred as his perceptions and views of this matter are skewed by external pressures from questions and concerns raised by other legal professionals, other individuals associated with this matter and anyone else in the public who has a vested interest in the proceedings.
81. Justice Normand Glaude erred and is trying to intentionally manipulate and shift all the blame towards Mr. Derek Dunlop for all the wrongdoings, transgressions, improprieties, misconduct and acts committed by Justice Normand Glaude throughout the judicial proceedings and trial in this matter.
82. Justice Normand Glaude erred as he is extremely and thoroughly displeased with the fact that in the process of Mr. Derek Dunlop defending himself in this matter that Mr. Derek Dunlop has uncovered, unveiled and exploited some of the collusion that has occurred in this matter. That the Judge has erred by doing everything imaginable to try to conceal this evidence and ignore that the evidence ever existed.
83. Justice Normand Glaude erred as he and the North Bay Crown Attorney, Ms. Bridget Laplante and other legal professionals are obviously trying to suggest and portray that there is positively **no** way that all of these highly reputable legal professionals would involve themselves in a case of collusion, conspiracy, cover-ups and corruption against Mr. Derek Dunlop.

84. Justice Normand Glaude as he and all of these legal professionals will stop at nothing to convince the Ontario Court of Justice, the public and others that there is **no** possible way that a case of collusion, conspiracy, cover-ups and corruption would ever occur against Mr. Derek Dunlop.
85. Justice Normand Glaude erred as he and North Bay Crown Attorney, Ms. Bridget Laplante, Mr. Mike Hunter, the North Bay Police Service and others do **not** have the courage to admit to any and/or all of their transgressions against Mr. Derek Dunlop. In turn, they are individually and/or collectively using all of their legal knowledge, expertise and training to attempt to shift all the blame for everything that is happening towards Mr. Derek Dunlop. These legal professionals are proceeding to great lengths in order to do so. Ms. Bridget Laplante has now even attempted to question Mr. Derek Dunlop's mental state.

OTHER INFLUENCES OF BIASES TOWARDS THE APPELLANT.

86. Justice Normand Glaude did possess knowledge that Mr. Derek Dunlop had contacted the Ontario Judicial Council about Mr. Derek Dunlop's concerns in relation to the misconduct exhibited by Justice Normand Glaude. In court, on Friday, August 27th, 2010, Justice Normand Glaude read a 10-page letter dated July 08th, 2010 sent by Mr. Derek Dunlop to the Ontario Judicial Council outlining the concerns and issues about the misconduct exhibited by Justice Normand Glaude during the trial of this matter. Justice Normand Glaude erred by rendering his judgment on Friday, August 27th, 2010 only hours after Justice Normand Glaude had initially read the 10-page aforementioned letter.

The Crimes that Mr. Mike Hunter has committed against Mr. Derek Dunlop and must be criminally charged with the following crimes by the appropriate police authorities.

Mike Hunter of the City of North Bay

87. on or about the / le ou vers ie 25th day of/jour de August _____, yr./ an 2009 at the City _____ of North Bay _____ in the said region of Northeast
- did commit an assault on Derek James Dunlop, contrary to Section 265 (1) (a) of the Criminal Code of Canada.
88. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.

89. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.

90. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.

91. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.

92. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.

93. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.

94. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.

95. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.
96. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.
97. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.
98. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did wilfully fabricate evidence with the intent that it shall be used as evidence in a judicial proceeding contrary to Section 137 of the Criminal Code of Canada.
99. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit forgery by making a false document, knowing it to be false, with Intent that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not contrary to Section 366 (1) (a) of the Criminal Code of Canada.
100. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast
- did commit forgery by making a false document, knowing it to be false, with intent that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not contrary to Section 366 (1) (b) of the Criminal Code of Canada.

101. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did verbally knowingly utter a threat to Derek James Dunlop to cause harm to Derek Dunlop, contrary to Section 264.1 (1) (a) of the Criminal Code of Canada.

102. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did commit misconduct of officers executing process by being entrusted with the execution of a process wilfully misconduct himself in the execution of process contrary to Section 128 (a) of the Criminal Code of Canada.

103. further that Mike Hunter of the City of North Bay, on or about the 25th day of August, 2009 at the City of North Bay in the said region of Northeast

did wilfully conspire with any one to prosecute a person for an alleged offence, knowing that he did not commit that offence contrary to Section 465 (1) (b) of the Criminal Code of Canada.

Mike Hunter of the City of North Bay

104. on or about the / le ou vers ie **31st** day of/jour de **May** _____, yr./ an 2010
at the **City** _____ of **North Bay** _____ in the said region **of Northeast**

did wilfully commit perjury while testifying under oath contrary to Section 131 (1) of the Criminal Code of Canada.

105. further that Mike Hunter of the City of North Bay, on or about the 31st day of May, 2010 at the City of North Bay in the said region of Northeast

did wilfully commit perjury while testifying under oath contrary to Section 131 (1.1) of the Criminal Code of Canada.

106. further that Mike Hunter of the City of North Bay, on or about the 31st day of May, 2010 at the City of North Bay in the said region of Northeast

did wilfully commit perjury while testifying under oath contrary to Section 131 (2) of the Criminal Code of Canada.

Perjury

Mr. Derek Dunlop has assessed the certified court transcript of May 31st, 2010. Mr. Mike Hunter provided sworn testimony under oath to the Ontario Court of Justice at trial on May 31st, 2010. The analysis of Mr. Mike Hunter's sworn testimony by Mr. Derek Dunlop reveals that Mr. Mike Hunter has lied approximately on 295 occasions during the course of Mr. Mike Hunter's testimony on May 31st, 2010.

The seriousness of the crime of perjury and the severity of the punishment associated with perjury are outlined below.

“By providing a maximum penalty of 14 years’ imprisonment for the offence of perjury, Parliament has unequivocally expressed its view of the gravity of the offence. The courts, too have always viewed perjury as a serious matter. The reason is apparent. The offence strikes at the very soul of the judicial system and at the root of the intricate scheme that our civilized society has designed to protect itself. It is an offence that is easy to commit yet difficult to prove. When it is proved, the offender must expect severe punishment.”

R. v. Colborne, [2002] ABPC 141 (CanLII) at page #2, paragraph #6. [TAB #2]

Furthermore, it is noted in *Brown (supra)* Stevenson, J. A. at page #16 stated:

“I agree with Mr. Justice McClung that the primary consideration in cases of perjury is one of deterrence. I also agree that the most effective deterrent is imprisonment.

The public ought to be aware that anyone who attempts to pervert the course of justice by perjury will be punished. Incarceration is the rule.”

R. v. Colborne, [2002] ABPC 141 (CanLII) at page #2, paragraph #7. [TAB #2]

Analysis of Certified Court Transcript dated May 31st, 2010 in relation to Mr. Mike Hunter committing perjury while under oath providing sworn testimony.

107. The Plaintiff has assessed and analyzed the sworn testimony that Mr. Mike Hunter provided to the Ontario Court of Justice in North Bay, Ontario at trial on May 31st, 2010. **Mr. Mike Hunter has lied under oath on approximately 295 occasions throughout Mr. Mike Hunter's sworn testimony to the Honourable Court on the above noted date.**
108. The Plaintiff must qualify his assessment of Mr. Mike Hunter's sworn testimony by stating that while the analysis was extensive, it is definitely possible that it may not be exhaustive. There could very well be some oversights by the Plaintiff. This may include inadvertently omitting additional lies of Mr. Mike Hunter's sworn testimony. Furthermore, the Plaintiff's assessment may possibly include misinterpreting or misconstruing some of the information that was provided by Mr. Mike Hunter. The Plaintiff must also disclaim that there are other statements provided by Mr. Mike Hunter during his sworn testimony that lack credibility and are questionable in their

merit that the Plaintiff did not identify. Please note that the Plaintiff's dissection of the certified court transcript dated May 31st, 2010 was in order to prove the dishonesty of Mr. Mike Hunter and was conducted for no improper purpose.

109. Additionally, it must be noted that Mr. Mike Hunter has lied in various degrees, as a result there will be different levels of difficulty in attempting to prove, unveil and uncover the varying extents in which Mr. Mike Hunter has not told the truth. The bottom line is the fact that Mr. Mike Hunter has intentionally and purposely lied to the Ontario Court of Justice over and over and over again during Mr. Mike Hunter's sworn testimony at trial on May 31st, 2010.
110. It must be noted that there are numerous hypotheses that are still outstanding as to the reasons why Mr. Mike Hunter would perjure himself this frequently during his sworn testimony.
111. The first hypothesis that is distinctly possible is the fact that Mr. Mike Hunter simply just wanted to gain retribution against the Plaintiff. As a result, it is highly evident that Mr. Mike Hunter was willing to resort to additional illegal and criminal behavior in order to do so. It honestly and truly amazing that if this is actually the case that Mr. Mike Hunter was willing to lie about 295 times while on the witness stand.
112. Please note that Mr. Mike Hunter misspelled the Plaintiff's last name Dunlop (Dunlope) throughout all of his entire statements in this matter. This devised plan by Mr. Mike Hunter may be another hypothesis to explain the reasons for him committing perjury. There is more to this scheme than meets the eye and it is somewhat evident that Mr. Mike Hunter may have done this as a set-up attempting to entrap the Plaintiff or to get the Plaintiff to admit to committing crimes that the Plaintiff never committed. Once the Plaintiff filed legitimate, genuine and serious complaints about Mr. Mike Hunter's inexplicable, inexcusable and reprehensible actions of fabricating events and falsifying charges against the Plaintiff on August 25th, 2009 and the fact that the Plaintiff had this aforementioned matter proceed to a trial, then Mr. Mike Hunter had to totally abandoned this attempted contingency plan. If this is the case, then Mr. Mike Hunter was trying to purposely and intentionally solicit information from the Plaintiff in a mischievous, deceitful and coy manner and Mr. Mike Hunter's plan was foiled. Mr. Mike Hunter had no choice but to proceed to trial and cover-up all of his previous lies and crimes against the Plaintiff by lying under oath and committing another series of serious crimes against the Plaintiff
113. There is also the hypothesis that Mr. Mike Hunter knowingly lied on the witness stand because Mr. Mike Hunter already knew that he could get away with this disgusting, despicable, malicious, cowardly and callous misconduct as members of the justice system would protect and support Mr. Mike Hunter.
114. Another possible hypothesis may be the fact that there are loop-holes in Mr. Mike Hunter's sworn testimony that would provide him an escape and an out (because there appears to be some pretty crafty testimony provided by Mr. Mike Hunter) and this may explain the reasons for all of Mr. Mike Hunter's lies, crimes and illegal behaviors. If Mr. Mike Hunter and members of the judicial system are in collusion with each other in order to reverse the convictions against the Plaintiff as a result of August 27th, 2010 than there are many legal officials who would be in some serious, serious trouble.

115. An additional hypothesis is the fact that Mr. Mike Hunter and members of the judicial system did not believe that the Plaintiff on his own accord would be able to pursue and launch a criminal appeal in relation to this matter. They all figured that they would be able to individually and collectively get away with all of their illegal concerted efforts against the Plaintiff.
116. The Plaintiff will also unveil 1 extremely important point of many in relation to a prompted question by Justice Normand Glaude during Mr. Mike Hunter's sworn testimony. This glaring example occurred when Justice Normand Glaude appear to purposely prompt Mr. Mike Hunter to respond that he was allegedly punched in the left shoulder. On the other hand, all of Mr. Mike Hunter's statements make reference to the fact that Mr. Mike Hunter was allegedly punched in the right shoulder. **In accordance, to the prompt by Justice Normand Glaude it appears that Justice Glaude would have read Mr. Mike Hunter's statements prior to the commencement of the trial in this matter.**
117. Regardless of the type of collusion that has occurred in this matter it is wrong on every level imaginable. These pre-calculated and pre-meditated actions are all extremely dangerous behaviors for any member of our legal system to engage themselves in, in a collective manner.
118. If Mr. Mike Hunter and members of our legal system have purposely and intentionally attempted to set up the Plaintiff by trying to entrap the Plaintiff into admitting to crimes he did not commit, then there are many people that are going to have a lot of explaining to do.
119. If Mr. Mike Hunter has simply conducted himself in this disgraceful manner as a result of wanting to gain revenge against the Plaintiff for a personal vendetta that he personally possesses, than Mr. Mike Hunter's has purposely ruined his own credibility and reputation in order to do so. Moreover, Mr. Mike Hunter has now purposely destroyed the reputation and credibility of the North Bay Police Service, Justice Normand Glaude, the North Bay Crown Attorney's Office, North Bay Crown Attorney, Ms. Bridgette Laplante, other Honourable Justices, members of the legal community, employees of the North Bay Courthouse, defence attorneys and many, many others.
120. To continue to permit Mr. Mike Hunter to get away with these on-going intentional crimes, behaviors and actions is incredulous. It is apparent that Mr. Mike Hunter is not willing to admit to anything that Mr. Mike Hunter has done. Mr. Mike Hunter has covered-up one lie with another lie with another lie and so on. It is also highly evident that Mr. Mike Hunter will stop at nothing to continue this charade and Mr. Mike Hunter will **never** possess the courage to come forward and admit to any and/or all of the indiscretions, improprieties and transgressions that Mr. Mike Hunter has committed against me.
121. The Plaintiff hopes somebody realizes that if nothing is done to rectify this situation that this tautological game will just continue on and on and on. Mr. Mike Hunter needs to be held accountable for the crimes that Mr. Mike Hunter has committed. As Mr. Mike Hunter continues on with his lies and cover-ups Mr. Mike Hunter is holding each and every person who comes in contact with the Plaintiff's matters as a hostage. You are a hostage of Mr. Mike Hunter's actions if you do absolutely nothing about the information that the Plaintiff is relaying to you. Not to mention the fact that Mr. Mike Hunter's abuse of his powers and abuse of process are also compromising and jeopardizing the reputation of anyone who is willing to support Mr. Mike Hunter's illegal actions.

The Crimes that Mr. Mike Hunter and Mr. Jeff Warner both have committed against Mr. Derek Dunlop and must be criminally charged with the following crimes by the appropriate police authorities.

Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay

122. on or about the / le ou vers ie 20th day of/jour de February _____, yr./ an 2005 at the City _____ of North Bay _____ in the said region of Northeast
- did both commit an aggravated assault on Derek James Dunlop, contrary to Section 268 (1) of the Criminal Code of Canada.
123. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast
- did both commit an assault causing bodily harm on Derek James Dunlop, contrary to Section 267 (b) of the Criminal Code of Canada.
124. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast
- did both commit an assault on Derek James Dunlop, contrary to Section 265 (1) (a) of the Criminal Code of Canada.
125. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast
- did both commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by making a false statement that accuses some other person of having committed an offence contrary to Section 140 (1) (a) of the Criminal Code of Canada.
126. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast
- did both commit public mischief with the intent to mislead, causing a peace officer to enter on or continue and investigation by reporting that an offence has been committed when it has not been committed contrary to Section 140 (1) (c) of the Criminal Code of Canada.
127. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast
- did both wilfully fabricate evidence with the intent that it shall be used as evidence in a judicial proceeding contrary to Section 137 of the Criminal Code of Canada.

128. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast

did both commit forgery by making a false document, knowing it to be false, with Intent that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not contrary to Section 366 (1) (a) of the Criminal Code of Canada.

129. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast

did both commit forgery by making a false document, knowing it to be false, with intent that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not contrary to Section 366 (1) (b) of the Criminal Code of Canada.

130. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast

did both commit misconduct of officers executing process by being entrusted with the execution of a process wilfully misconduct himself in the execution of process contrary to Section 128 (a) of the Criminal Code of Canada.

131. further that Mike Hunter of the City of North Bay and Jeff Warner of the City of North Bay, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast

did both use excessive force on Derek James Dunlop, contrary to Section 26 of the Criminal Code of Canada.

Liability of the Chief of Police, Paul Cook, Mike Hunter, Seth Dinsmore, Richard Hampel and the North Bay Police Service

Vicarious Liability

132. The Plaintiff asserts that the Chief of Police, the North Bay Police Service and the other aforementioned police officers are responsible and obligated for the torts and Charter violations of the Defendant police officers, as plead aforesaid, by virtue of Section 50 (1) of the Police Services Act, R. S. O. 1990, c. P. 15 as amended.

133. The Defendants, Mike Hunter, Richard Hampel, Seth Dinsmore and all sworn North Bay Police Officers are under the command of the Defendant, the Chief of Police, Paul Cook and are subject to the supervision of others in the chain of command for whose misconduct, crimes, illegal actions, omissions, fabrications and errors of the North Bay Police Service, the Chief of Police, the aforementioned police officers and the police services board against the Plaintiff are all vicariously liable.

134. The Defendant, the Chief of Police, Paul Cook, the North Bay Police Service, Mike Hunter, Seth Dinsmore, Richard Hampel and the police services board are obliged by regulation, statute and otherwise by law to administer, provide and oversee, as the case may be, police services in the Nipissing jurisdiction and for the City of North Bay that:
- a) safeguard the fundamental rights and freedoms as guaranteed by the Canadian Charter of Rights and Freedoms; and
 - b) are competent and meet the standards, protocols of reasonable competence, diligence and prudence.

No reasonable grounds to arrest, detain and imprison the Plaintiff.

135. The Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel, Paul Cook and the North Bay Police Service possessed no reasonable grounds for arresting, searching and detaining the Plaintiff in the first place. The Defendant, Mike Hunter has a personal vendetta against the Plaintiff and Mike Hunter and others are willing to resort to the most desperate measures in order that Mike Hunter and others intentionally gain retribution against the Plaintiff. The Defendant, Mike Hunter will never possess the courage to admit to these facts, however, this unequivocally the truth.
136. There were no reasonable grounds for so charging the Plaintiff, rather the Plaintiff was charged for the improper purpose of further punishment and for the improper purpose of shielding the Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel, Paul Cook and the North Bay Police Service from liability, scrutiny, responsibility, prosecution and discipline for their respective and collective pre-meditated crimes, illegal actions, misconduct, omissions and errors. The prosecution of the Plaintiff was thus unlawful, malicious and vindictive.

The Wrongful Arrest, Falsified Charges, Wrongful Prosecution and False Detention of the Plaintiff.

137. The wrongful arrest, the false allegations, falsified and fabricated charges, the fabricated evidence, the false detention and the wrongful imprisonment were intentionally designed to humiliate, embarrass and intentionally reduce and minimize the Plaintiff's credibility and reputation. More specifically, these ill-advised actions of the Defendants were also carried out as part of plan to restore and redeem the credibility, reputation and integrity of Mike Hunter, the North Bay Police Service, Jeff Warner and others gainfully employed within the structure of our judicial and legal system.
138. As a result of the unlawful charges, the wrongful imprisonment and the negligence of the Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel, Paul Cook and the North Bay Police Service, the Plaintiff was purposely and intentionally made the subject of public disgrace, humiliation and odium. As the Plaintiff was awaiting trial he was detained wrongfully in custody and his liberty to freedom was violated in a pre-meditated, pre-calculated manner by all of the aforementioned Defendants.

139. The Defendants, Mike Hunter, Seth Dinsmore and Richard Hampel testified under oath at the trial of the Plaintiff's alleged charges. The above noted Defendants embellished and falsified their evidence and perjured themselves in order to intentionally and purposely incriminate the Plaintiff while shielding themselves from liability.
140. The conduct of the Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel and the North Bay Police Service was deliberately oppressive, vindictive, malicious and demonstrated a high-handed and wanton disregard for the Plaintiff's legal rights, including his fundamental and constitutional protected human rights. Furthermore, the Defendant officers engaged in criminal misconduct and illegal behaviors, to wit assault, fabricated evidence, false statements, false arrest, perjury, wrongful imprisonment, collusion and cover-ups against the Plaintiff, which has gone undetected and unpunished. All of these reprehensible, inexcusable and inexplicable actions have been condoned, supported and promoted by the Defendant, the Chief of Police, Paul Cook and others in the chain of command.
141. By virtue of the foregoing, awards of exemplary, aggravated and punitive damages are warranted to the Plaintiff, for the purposes of deterrence, punishment and condemnation of the all of the Defendant officers' disgraceful crimes, illegal actions, misconduct and the wanton failure of the Defendant, the Chief of Police, Paul Cook and others in the chain of command to properly supervise, monitor and train the other Defendant officers.

Abuse of Public Office/Misfeasance of Public Office

142. The Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel and Paul Cook are all holders of public office. The Plaintiff relies upon the facts set out in this statement of claim and contained within additional evidence that the aforementioned Defendants deliberately violated the laws and regulations that the Defendants are supposed to uphold, maintain and govern and as a result the Defendants have committed numerous serious pre-meditated crimes against the Plaintiff.
143. The Plaintiff further states that the Defendants, Mike Hunter, Seth Dinsmore, Richard Hampel and Paul Cook have intentionally caused injuries and losses to the Plaintiff and these Defendants are individually and collectively liable to the Plaintiff for abuse of public office and misfeasance in public office.
144. The misconduct of these above noted Defendants was unlawful and deliberate conduct administered in bad faith in the exercise of public functions. The Plaintiff states that these Defendants were well aware and were reckless as to the fact that this misconduct was unlawful and would intentionally injure and harm the Plaintiff. As such, the Plaintiff states that the Defendant, police officers are liable for misfeasance in public office.

Specific Complaints of the Plaintiff Regarding the on-going injustices against the Plaintiff

145. The Plaintiff states that it is highly evident that each Defendant who is extremely consumed and dedicated to protecting the reputation and credibility of the previous Defendant who committed crimes, illegal actions and misconduct against the Plaintiff that they in turn are committing additional crimes, illegal actions and misconduct against the Plaintiff. As each Defendant decides to engage in these type of reprehensible, inexplicable and inexcusable actions against the Plaintiff, they are all legally liable for their pre-calculated and pre-meditated misconduct.

Canadian Charter of Rights and Freedoms Violations and Deprivations.

146. The Plaintiff states that on or about August 25th, 2009 that the Defendant, Mike Hunter and the North Bay Police Service breached numerous Charter of Rights and Freedoms that are guaranteed to the Plaintiff in accordance to the Charter of Rights and Freedoms of the Criminal Code of Canada.

As a result of the breach of the Plaintiff's rights and freedoms under sections 7, 9, 10, 11(b), 11(d), 11(e), 12, 15(1) and 24(1) of the Charter of Rights and Freedoms, constitutional damages are an appropriate and just remedy in these circumstances of this particular matter having regard for the fulfilment of financial compensation, vindication of the right and deterrence of any future breaches as established and provided by the remedies available under sections 24(1) of the Charter.

The Plaintiff states that the Defendants are additionally liable for violations of the Plaintiff's rights pursuant to Sections 7 and 12 of the Canadian Charter of Rights and Freedoms, by virtue of the facts pleaded aforesaid.

In particular, the Plaintiff states that contrary to Section 7 of the Charter, the Plaintiff was deprived and denied of his rights to security of the person in a manner that contravened the principles of fundamental justice. Furthermore, the Plaintiff states that he was intentionally subjected, contrary to Section 12 of the Charter, to cruel and unusual treatment by virtue of the misconduct of the Defendants.

Other Intentional Injustices committed against the Plaintiff by the Defendants.

147. The Plaintiff states that the Defendants purposely attempted to entice, induce and entrap the Plaintiff to Obstruct Justice in relation to his charges in North Bay, ON.
148. The Plaintiff states that the Defendants purposely attempted to influence the Plaintiff to admit guilt to charges that the Plaintiff did not commit.
149. The Plaintiff states that the Defendants have fabricated information in order that they protect themselves and to reduce the Plaintiff's credibility.
150. The Plaintiff states the in order to further prosecute the Plaintiff, the Defendant police officers colluded with each other to alter and falsify their notes, to contrive false evidence against the Plaintiff, and to give false statements, notations and notes to their supervisors and to the Crown.
151. On the basis of all of the above, the Plaintiff states that the defendants breached their duty to be fundamentally fair and act in a Bona Fide and honest fashion toward the Plaintiff.

Summation

152. The Plaintiff states that he has suffered damages as a result of the actions of the Defendants. The Plaintiff states that he is entitled to the interlocutory and permanent relief as requested in paragraph 1 hereof.
153. The Plaintiff states that there are sufficient circumstances set out in this claim to justify an thorough, comprehensive and extensive investigation into acts carried out by all the Defendants.
154. The Plaintiff states that the actions of the Defendants, as set out in this claim, amount to conduct which is reprehensible, oppressive and unfairly prejudicial to the Plaintiff and is conduct which unfairly disregards the plaintiff's interests.
155. The Plaintiff asks that the trial of this action take place in a neutral jurisdiction outside of the Province of Ontario.

March 2nd, 2011

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(705) 495-6377**

CU-11-5123

FORM 4C
BACKSHEET

D. Dunlop v. The North Bay Police Service, Mike Hunter et al.

ONTARIO SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
NORTH BAY, ONTARIO

STATEMENT OF CLAIM

Derek Dunlop

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