

INTAKE INFORMATION

Date Screened: Mar. 25 / 05

A summary of the position of the Crown Attorney with respect to this case after an initial review of the case has been noted below. This position is subject to review or to facts that may come to light later.

ACCUSED: DUNKOP, Derek J.

OFFENCE DATE: Feb. 20 / 05

CHARGE(S): Cause Disturbance
Escape Lawful Custody

The Crown:

- will proceed on the charges in the Information
- will proceed on _____
- will proceed by summary conviction
- will proceed by indictment and will will not undecided request Prelim
- may will not agree to diversion/
Alternative Measures
- may will not agree to a peace bond
- will will not ask for custody/jail on a
plea of guilty before a
trial date is set
- will will not ask for custody after trial
- will will not seek an Order for a DNA sample
- will apply for a SEX OFFENDER REGISTRY Order

IMPORTANT INFORMATION ON REVERSE SIDE. PLEASE READ CAREFULLY
IF A SECOND COPY IS REQUIRED, A REPLACEMENT FEE WILL BE
CHARGED

29MAR05

Crown Brief - Confidential

Crown Brief Cover

DISCLOSURE
COPY

Police service: NORTH BAY Police Service
Police case ID: C05000194 Occurrence # NB05002642 (s):
Regina vs. DUNLOP, D.
OIC: #5921 WARNER, J.
Case class.: Regular

Accused name: DUNLOP, DEREK JAMES

Birth date: 1971/02/18 Criminal record: No

Charge	Offence date	YO status	Occurrence
CC 175(1)(a) Cause Disturbance	2005/02/20 - 2005/02/20	Adult	NB05002642
CC 145(1)(a) Escape Lawful Custody	2005/02/20 - 2005/02/20	Adult	NB05002642

ENTERED ON RMS DATE 22 FEB 05 INITIAL [Signature]

RECORD YES NO

DNA BANK INITIAL

PRIMARY OFFENCE _____

SECONDARY OFFENCE _____

OFFENCE NOT APPLICABLE _____

DNA ON FILE _____

I.D. FOR NATIONAL HIGH RISK FLAG PROGRAM

YES NO INITIALS _____

APPROVAL - SUPERVISOR'S INITIALS

DATE 21 FEB 05 INIT [Signature]

Crown Brief Synopsis

NORTH BAY Police Service

Printed: 2005/02/20 23:38 by 2793

Court **C05000194: NB05002642; DUNLOP, DEREK JAMES**

Folder:

Author: #5921 WARNER, J.

Report time: 2005/02/20 00:00

Entered by: #2793 PENDERGAST, K.

Entered time: 2005/02/20 23:27

by:

Remarks: Court Date 29th March 2005

Count # 1 – Cause a Disturbance

On the 20th February 2005, at approximately 3:00 a.m., Cst. Warner and Cst. Hunter were stationary in the 100 block of Main Street East, North Bay, Ontario, monitoring the bar crowd who had gathered in front of Wylder's and The Zoo night club. The male subject later identified as the accused, Derrik Dunlop – DOB: 18 Feb 71, was observed walking westbound in the middle of the road past Cst. Hunter's police vehicle. The accused was swearing and yelling as he walked past, causing the nearby crowd to yell back at him.

The accused proceeded around behind Cst. Hunter's police vehicle and walked eastbound between the two parked police cruisers. The accused was continuing to swear loudly as he approached Cst. Warner's driver's side window. Cst. Warner cautioned the accused to keep his voice down and stay off the roadway or he would be arrested for causing a disturbance.

The accused leaned closer to Cst. Warner's police vehicle and replied by stating "go ahead I'll fuck you up you and you're fucking pretty goatee you think you're fucking tuff, you're all assholes".

Cst. Warner exited his police vehicle and advised the accused that he was under arrest for causing a disturbance.

Count # 2 – Escape Lawful Custody

As Cst. Warner and Cst. Hunter attempted to restrain the accused, a struggle ensued. The accused continued to struggle against the officers, requiring pepper spray to be administered. The spray had little effect and the accused broke free from police and ran westbound on Main Street East.

The accused was restrained a short distance away and a second dose of pepper spray was administered. The accused was handcuffed to the rear and placed in the rear seat of the police cruiser for transport. A large crowd had gathered nearby to watch the commotion.

Cst. Warner provided the accused his rights to counsel and the accused was escorted to police headquarters. A strong odour of alcohol was detected on the breath of the accused and the accused was subsequently released on a Promise to Appear and OIC Undertaking with a court date of the 29th March 2005.

Witness/Victim List

NORTH BAY Police Service

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Court **C05000194: NB05002642; DUNLOP, DEREK JAMES**

Folder:

Witnesses

Name

HUNTER, MICHAEL CONSTABLE

Contact Information

[Bus] 135 PRINCESS ST W, NORTH BAY, ON
Canada (NORTH BAY POLICE SERVICE)

WARNER, JEFF CONSTABLE

[Bus] 135 PRINCESS ST W, NORTH BAY, ON
Canada (NORTH BAY POLICE SERVICE)



INVESTIGATIVE NOTES OF

Warner #5921

Inc # NB05002642

R VS Derrik Dunlop DOB – February 18 1971

Cause Disturbance
Escape Lawful Custody

Summary of involvement

Arresting Officer

19 FEB 05

0132 10-7 Dawson
BAR closing

0300 MACI SUBT CBS
WALKING W/ B 100
Brock MAIN ST
LIPS IN MIDDLE
ON ROAD - PE
HUNTING PACKED
BRS. ON MY JAH
JUST WEST UNDER
PIZZA - SUBT
WALKS PAST DR

24920050501N

SIDE PE HUNTER
POC JAH - SUBT
LOOKING AT PE
HUNTER POC JAH
- SW. ARMS COUNTRY
AS HE WALKS BY
- CROWD AT 241
PIZZA STARTING
YELLING BACK AT
MACI SUBT AS
HE WALKS BY
CAME AROUND BACK
ON PE HUNTER JAH
+ WALKS IN BROWN
APPROACHING MY
WINDOW CONT TO

19 FEB 05
SWIAR AS I
APPROACHED MY
WINDOW - I TOLD
MAGA TO KEEP
HIS VOICE DOWN
& GET OFF ROAD
OR HE'D BE
ARRIVING FOR
CAUSING A
DISTURBANCE
- SUBT TALK
LEARNED FROM
TALKING MY ⁷²
WINDOW & IN A

NORMAL TALK OR
VOICE STARTING
STARTING GO
AHMAH I'LL FUCK
YOU UP' - YOU
AND YOUR FUCKING
POLITY GOVERN'
- YOU THINK YOU'RE
FUCKING TOUGH'
- YOU'RE ALL
ASSHOLE'S
- AT THAT POINT
I DEMAND POLICE
DOOR WHICH
STUCK SUBS INTO
FACIAL AREA

19 FEB 05
SUBJ TAKEN MAIN
TOWARD BACK OF
MY POL UNIT
- I APPROXIMATED -
GRABBED BY UNIT
ARM + PC HANDLER
ATTEMPT TO ASSIST
- I TOLD MAG
HE WAS UNDER
ARREST FOR
GIVING A DIST
- SUBJ GRAB
PULLING ARMS TO
AWAY + SWIRL

AT POLICE - CROWD
NOW YELLING AT
DISURBANCE
- SUBJ TAKEN TO
GROUND BRIND
BOTH POL UNIT
CONTINUED TO PULL
ARMS AWAY +
UNDER BODY -
REFUSED TO COMPLY
WITH DEMANDS
- SUBJ STOOD -
WAS RESISTING
AGAINST POL UNIT
WITHIN PC HANDLER
ARMED OC SPRAY

19 FEB 05

SUBT WRISTING

FRONT OF CRASP

+ FEED W/B

ALONG SIDWACK

- PC HUNTER CAUGHT

UP TO SUBT ADDED

1/2 BLOCK AWAY

+ TOOK TO GROUND

- GROUND CBS

RUNNING ALONG

SIDWACK ON

OPPOSITE SIDE OF

STAIRS TO ⁷⁵

WATCH INSIDE

+ Began pulling
loudly

- I REQUEST ADDITIONAL

CNT ATTEND RE

INSURE POL WITH

1/2 BLOCK AWAY

+ ASSISTING WITH

SUBT ON GROUND

- I DIRECTION (1)

ENTER STAIR TO

SUBT MID SECTION

TO GAIN COMPLIANCE

+ PC HUNTER

DIRECTION ADDITIONAL

OC STAIRS TO T/F AG

- SUBT EVENTUALLY

19 FIBS OC
CONFID TO PAAR
+ RESTRAINING
RESERVED TO PC
WILSON FOR JAH
+ SAT IN PAAR
I ADVISED ON RC
RSD - I DIDN'T
DO ANYTHING
THOUGH
-SOABCS

0307 10-19

0310 10-7 HJC - PC

78
WILSON + MCFARLANE
ASSISTING W/
DECONTAMINATION OF
OC SPRAY
INTO CUC #6
10-0 AS
DERRICK DUNLOP
DOB - FEB 18 1971
87 LISLICK AVE
BARRIE, ON

I ADVISED CHARLES
GARR DISE +
ESCAPE CUSTODY
RASP - BUT IF
WASN'T DONE

19 FEB 05
ANYTHING GUYS

PAPINWERY COMPLAINTS



This is a copy of the investigative notes of:

Cs6.

Hunter

North Bay Police Service

The Queen versus:

Derrick Dunlop

OCCURRENCE #

NS05-002642

*Please note: All notes pertaining to unrelated investigations
have been obliterated.*

Officer's Involvement in the Investigation:

Assisting officer

Pl. Wesley confirmed
truck parked west
Silver Beach. Please
- sample return done
in a cell.

0139 10.8

0300 106 Main & Myrd
in cave

N50W-00X64Z

Dunlop Derrick

18 Feb 71

87 Leslie Ave.

Barrie

MW 5'10" 220 lb.

brn. hair

127

leather jacket, yellow shirt

20 Feb 65
blue pants and bit pants

Have male stepping
from south sidewalk
into roadway
male getting and
sweating at no
particular person
causing several persons
to start back at
him

male walking on
roadway & vehicles
had to move into
opposite lane of traffic

to avoid male
male walked toward
Warner's car, still
sweating and getting
now toward police
Pt. Warner caution
male & advise to
return to sidewalk
Pt. Warner opened
door to exit car
male, leaning into
window & struck
by door opening
I left car and
told Warner & myself
approach male

20 Feb 05

we both take hold
of mob by each
arm

0303

Warner advised he
understand for
some disturbance
mob proceeds to
resist and pull
away

Warner & myself
wrestle in mob
open hand techniques
I advise several
times to stop resisting
mob still yelling

and swearing
mob grounded
to the street, mob
still resisting in
police

mob pulled free
& twisted out of
police grasp
mob started running
up Main St. along
sidewalk

I start running
up down roadway
follow by Warner
I catch up and
come across sidewalk

20 Feb 05

0304

I then tuck the male off his feet onto the ground Warner & myself secure male male still resisting & trying to pull away

I advise stop resisting or I will pepper spray you again male trying to pull free, I grasped male a second time

the first time after male grounded, he had gotten up on feet, I advise stop resisting or I'll pepper spray you male continued to resist, I grasped him once in the face, then male fought back further and twisted out of grasp & fled.

after tuck & spray male was secured

20 Feb 05
and handcuffed
+ searched

0306 account other officer
searched to assist
man escorted to
M. Wilson room for
transport
at cruise P. Wilson
and PTC and
caution

0307 106 return to cruise

0307 1049

0309 107

man searched
about 10:00

manly bike #5
P. Wilson had provided
note for direction
of OC.

M. Wilson advised
man to be charged
cause disturbance &
escape custody.

0310 106 note
U of F. man

**Regina vs. Derrick DUNLOP
(DRAFT)**

Charges:

- 1. Cause a Disturbance**
- 2. Escape Lawful Custody**

Date and Time	Comments
<p>Constable Warner's Memorandum notes. Page 70. Date written is 19 Feb. 05. He obviously started his shift sometime the late evening of the 19th and just continued with that date after midnight. (The offence date should be Sunday February 20, 2005)</p>	<p>His disclosed notes begin with a time of 1:32 a.m., 10-7, Downtown Bar closing. This means that he is out of service and not available for calls unless other units are unavailable to respond to a call. It also means he had been in the area for about one and a half hours before the incident with Derrick.</p> <p>There obviously are problems at the end of the bar closing in this area of North Bay with some people that are no doubt intoxicated and yelling and in some instances damaging property such as breaking windows. Therefore, the merchants no doubt have asked that there be police presence when the bars are closing for the night. This detail from Warner may have been assigned to him at the beginning of his shift or this particular area was within his patrol area during his shift that day.</p>
<p>Constable Warner's memorandum notes. Page 70. Time: 3:00 a.m.</p>	<p>Warner is in his marked police vehicle. He is parked on the south side of Main Street at the curb. Main Street is a two way street with one lane for westbound traffic and one lane for eastbound traffic. There is parking available on the north side and south side of the street that doesn't interfere with the normal flow of traffic.</p> <p>(Photographs of the intersection at Main Street and Wlyd Street would provide a view with respect to how Main Street narrows down in width just slightly east of Gino's Pizza)</p> <p>As mentioned Warner is parked by the south curb slightly west of Gino's Pizza, which is found at 183 Main Street, North Bay. The first business establishment west of Gino's is Napina, which is numbered 179 Main Street. There is no 181</p>

	<p>Main Street.</p> <p>Based on Warner's notes he would have been parked near Napina's in the curb lane. He writes that Constable Hunter is parked beside his vehicle, which means that the police vehicles are obviously parked parallel to each other and that Hunter's vehicle is in the eastbound lane and in effect blocking any vehicular traffic that is travelling east on Main Street.</p> <p>Therefore this means that any vehicles heading east on Main Street at this location would have to enter the westbound lanes, go around Hunter's vehicle and then back into the eastbound lane because Hunter is blocking that lane of traffic. It is unknown how close the two vehicles are parked beside each other but based on comments from Warner's notes there was obviously sufficient room for him to open his driver's door without any difficulty (See his notes page 73).</p> <p>Warner's first comment about the incident begins at page 70 when he writes that he observed a male (Dunlop) <i>walking</i> westbound on Main Street in the middle of the road.</p> <p>There is no information in his notes as to where the male was originally coming from, although it is fair to conclude that Derrick was coming out of Gino's Pizza, which was the location where the front of Warner's vehicle would have been positioned.</p> <p>It would appear that once Derrick exited Gino's he walked in front of the two police vehicles in a northerly direction towards the north side of Main Street.</p> <p>Warner writes that subj. walked passed driver's side of Constable Hunter. This suggests that Derrick is now on the roadway heading west on Main Street.</p>
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<p>Constable Hunter's memorandum notes. Page 127. Time: 3:00 a.m. No date on this page, however the next page is dated Feb 20, 2005</p>	<p>His disclosed notes begin with an unrelated incident at the top of the page. Midway on the page he has an entry of 1:39 a.m. when he is 10-8 which means he is clear and available for calls. It is not too clear when he arrives on Main Street and meets up with Warner.</p> <p>By 3:00 a.m. he is in the area on Main Street and Wyld Street. It is possible that Hunter was assigned the detail at the beginning of his shift to meet with Warner in the area of Main Street and Wyld at the time the bars were closing.</p> <p>His first entry for this incident; includes, a physical description of Derrick Dunlop.</p> <p>He describes Derrick as M/W 5' 10" 220 pounds, brown hair, leather jacket, yellow shirt, blue and black pants. His home address is listed as 87 Leslie Avenue Barrie. D.O.B. is February 18 1971.</p>
<p>Constable Hunter's memorandum notes. Page 128. Time: 3:00 a.m.</p>	<p>Hunter writes, observe male <i>staggering</i> from the south sidewalk unto roadway. His choice of verb "<i>staggering</i>" implies that Derrick is likely intoxicated. Hunter's notes also suggest that Derrick passed the front of the police vehicles.</p> <p>No where in Hunter's notes does he indicate where he is parked at the time of his observations. The reference to Hunter's location only comes from Warner's notes at page 70.</p> <p>Hunter writes that the male is yelling and swearing at no particular person causing several persons to shout back at him.</p> <p>From the way he describes the incident Derrick is immediately yelling once he staggers onto the roadway. Warner notes do not say this.</p> <p>How did Hunter come to that conclusion that several persons were yelling back specifically at Derrick considering that Hunter writes that was not swearing or yelling at anyone specific? No doubt this area at that time of night was crowded with other pedestrians and a lot were intoxicated. If these people were intoxicated what action did the police ever take to speak to the bar owners who were obviously serving alcohol to persons under the influence.</p> <p>What was being said by these people that were supposedly shouting back at Derrick and what words was Derrick using when he was allegedly swearing and yelling? In addition</p>

WAS I CAUSING THE DISTURBANCE HERE OR BY SWARING AT THE POLICE.

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WAS I CAUSING THE DISTURBANCE HERE OR BY SWARING AT THE POLICE.

	<p>where were these people that were yelling back at Derrick? This obviously is a problem area and shouting and yelling by those exiting from the bar appears to be the common thing and that is why the police are there. Neither Warden nor Hunter mentioned the specific words by Derrick and neither does the Police Synopsis for the charge for Cause a disturbance. Was Hunter's driver's window rolled up or down? (See below) Hunter now writes that male was <i>walking on roadway and vehicles had to swerve into the opposite lane of traffic to avoid male</i>. As is discussed below based on the officer's notes Derrick was walking by Hunter's side of the vehicle at the time these vehicles were swerving to avoid hitting Derrick. The question is, which lane did these vehicle have to swerve too since Hunter's vehicle is blocking the eastbound lane and in all likelihood vehicles are parked on the north and south curbs or the snow is such that vehicles may not be able to park there.. If that is true about these vehicles swerving then why didn't Hunter take <i>immediate action</i> as he is required to do as part of his duties as a Police Officer. He obviously has formed an opinion that Derrick is intoxicated based on describing Derrick as <i>staggering</i> when he first saw him and should have told Derrick to get off the roadway immediately after realizing that vehicles were swerving around Derrick. He never did say anything or get out of his police vehicle. Likewise neither did Warner. Why not? Hunter and Warner should know that a person that is intoxicated may be arrested if he poses a danger to himself or if there is danger to other citizens by the intoxicated person. Yet both officers remain in their police vehicles despite the fact that <i>vehicles</i> are allegedly being forced to swerve around Derrick, which surely suggests there that this is a dangerous situation not only to Derrick but the other pedestrians, especially at such as busy time when the bars are closing. In addition there is also a danger to these motorists. Warner for some reason never mentions this incident about vehicles swerving around Derrick and being forced into the opposite lanes. However, it would appear Warner was following Derrick's movement based on his earlier notes and was able to see Derrick walking by Hunter's driver's side door. As mentioned above, if Hunter was blocking the eastbound lane where did the vehicles swerve to, <i>to avoid male?</i> (1st line page 129)</p>
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	<p>If Derrick was actually in the middle of the roadway and in effect blocking the westbound lane then vehicles could not swerve around him because Hunter's vehicle is parked in the roadway blocking eastbound traffic. The same thing can be said about the westbound traffic.</p> <p>From Warner's notes at page 71 it is clear that Derrick only walks as far as the rear of Hunter's vehicle, which is indeed a very short distance and then cuts across behind Hunter's vehicle and walks east between the two police vehicles. The two police officers based on their notes are clearly watching Derrick from the beginning right up until he approaches Warner's driver's side door. With all this dangerous activity of cars swerving taking place neither officer steps out of their vehicle to speak to Derrick and caution him. It is clear from Hunter's notes there is a danger being posed to civilians as already mentioned. So why didn't either officer as part of their responsibility to Serve and Protect exit their vehicles and take immediate action? Why? Because what Hunter has written in his notes didn't happen. There were no cars swerving. It simply doesn't make sense and Hunter's credibility and Warner's is certainly in issue.</p>
<p>Constable Warner's memorandum notes. Page 71. Time: 3:00</p>	<p>Warner writes that the subject is looking at Constable Hunter as he passes Hunter's vehicle and swearing loudly. He is not specific as to the words used by Derrick. He writes that as the male walked by the 241 Pizza (This pizza establishment is the third one west of Wyld Street on the north side of Main Street and is directly across from Napina's roughly the location where Hunter's vehicle is parked blocking the eastbound traffic.) He writes the crowd started yelling back at the male. How did Warner come to the conclusion that they were yelling at Derrick when in Hunter's notes above he said the male was yelling at no one in particular? In addition what was the crowd saying?</p> <p>Warner writes the male walked by and came around the back of PC Hunter's vehicle. Therefore based on his notes it would</p>

	<p>suggest that Derrick didn't go that far passed Hunter's vehicle. Based on Hunter's earlier notes discussed above Derrick was in front of the police cars and only staggered beside and then behind Hunter's vehicle. The distance would be the length of the police car or about twenty feet.</p> <p>This also means Derrick would have been somewhere in the area of Classic's Men's Wear the establishment next to or west of Napina's. Based on Warner's notes this puts Derrick in the eastbound lane behind Hunter's vehicle, which is already blocking the eastbound lanes. So if any vehicles are in fact swerving as described by Hunter it is because he is blocking traffic. To this point Hunter has not exited the vehicle nor has he taken any action whatsoever despite the fact that according to him <i>vehicles</i> were swerving to avoid Derrick. Why not? If that is true then Hunter should have foreseen the danger as already mentioned not only to Derrick but other pedestrians in the area as well as the vehicles that were swerving.</p> <p>Warner then writes that the male came between his vehicle and Hunter's vehicle and approached Warner's window and not Hunter's window. Why did Derrick approach Warner as opposed to Hunter who according to Warner that Hunter was the officer that the Derrick was originally staring at.</p> <p>Given that this event takes place at 3:00 a.m. according to the officers' notes a rough estimate should put the time to be somewhere around 3:02 a.m. +/- when Derrick is at Warner's vehicle.</p> <p>* To this point there is no mention in either of the officer's notes that Derrick was yelling back at the crowd that was allegedly yelling at him when Warner and Hunter first see Derrick.</p> <p>Warner's driver window given the cold weather condition was in all likelihood rolled up as was Hunter's. To this point in his notes Warner still doesn't indicate the words used by Derrick when he was swearing on this second occasion.</p>
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Constable Hunter's memorandum notes.
Page 129.
Time:3:00 a.m.

At the second line of page 129 Hunter writes the male walked towards Warner vehicle still swearing and yelling now toward police. Based on that comment the first time that Hunter heard Derrick yelling and swearing he believed it was directed at the people, whoever they are. So to this point Derrick is staggering in the middle of the road that results in *vehicles* swerving around him and being forced into the opposite lane and at the same time he is yelling and swearing at no one in particular and is now approaching Warner's vehicle and now swearing at the police.

If these vehicles were swerving where exactly were they swerving to? In the meantime Hunter still had made no effort to leave his vehicle considering that he was the closest officer to Derrick when this alleged conduct was first taking place and no doubt as previously mentioned endangering not only Derrick but other pedestrians and vehicular traffic, including the police. So why didn't Hunter take the appropriate action immediately as he is required to do a Police Officer? Why? Because as already mentioned the car swerving incident didn't happen.

Hunter then writes that P.C. Warner cautions male and advice to return to sidewalk. How did Hunter hear this conversation? Did Warner roll down his driver's window to speak to Derrick? No and that is based on Warner's notes on page 73. Was Hunter's passenger window rolled down as well? It had to be in order for him to hear Warden talking to Derrick. This is in the dead of winter and in all likelihood both officers windows are rolled up as is indicated in Warner's notes once again at page 73.

If Warner's window is rolled up then common sense suggests that Hunter's passenger window is also rolled up, therefore, he not only didn't hear Derrick's alleged comments discussed below, he also didn't hear Warner's conversation unless of course Hunter had bionic ears.

On the other hand maybe Hunter may say at trial that he had his passenger window rolled down when Derrick approached Warner's driver's window and Hunter then rolled down his window so he could listen to what was being said. But that is not the evidence according to their memorandum notes. Both the passenger window to Hunter's vehicle and the driver's window to Warner's vehicle are rolled up.

Hunter then writes that PC Warner opened door to exit cruiser male leaning *into window* and struck by door opening. The

way Hunter writes his notes it could be interpreted in two ways.

One Derrick is leaning down towards Warner's window and the window is rolled up and Derrick's face is near the glass when Warner opens up the door to exit his police vehicle and the window then strikes Derrick logically in the face. Hunter does not record where the door struck Derrick, although common sense would suggest that it was in the face if Warner's window is rolled up.

Therefore, this would suggest that Warner's window was definitely rolled up. The second possible theory is that Warner's window is rolled down and Derrick is leaning into the car. But that is not the case based on Warner's notes discussed below. Since the window is rolled up how does Hunter hear what Warner said to Derrick? Furthermore, cross reference to Warner's notes below when he describes Derrick's tone as normal tone or voice. *He is not yelling.* Did Hunter hear what was alleged to have been said by Derrick? If not, why not, considering he claims to have heard Warden who would be further away and Derrick's body would in effect be blocking Hunter's view of Warden and acting as a barrier, unless of course, Warden is the one that was yelling or raising his voice and creating a disturbance. Hunter then writes, "I exit cruiser and both Warner and myself approach male. So now Hunter decides to leave his police vehicle when Derrick is now speaking in a normal tone or voice and he is no longer in the middle of the roadway and approaches Derrick for the first time. He didn't do anything when the vehicles on Main Street are swerving around Derrick and going into the opposite lane, which common sense suggests that that couldn't have happened because Hunter is blocking the one lane of traffic with his police vehicle. Now when Derrick is not doing anything other than speaking in a *normal tone or voice* Hunter decides to leave his vehicle and take action. That doesn't make sense.

Based on Warner's notes the only thing Derrick has done when he approached his vehicle was speak in a *normal tone or voice* (see Warner's notes page 73 discussed below) and called Warner some very unpleasant names.

When Hunter indicates that both he and Warner approached the male he doesn't indicate where this happened.

At the first three lines of page 130 of his notes Hunter writes, we both take hold of male by each arm. Are they between the police vehicles or at the rear of the vehicles? If the taking hold

	<p>of Derrick by the arms is at the rear this might suggest that Derrick listened to Warner and was leaving as suggested. Derrick according to Warner's notes is no longer yelling or swearing but talking in a normal tone or voice. So why did they arrest Derrick for Causing a Disturbance? He wasn't doing anything.</p>
<p>Constable Warner's memorandum notes. Page 72. Time: 3:00</p>	<p>Warner writes that Derrick was swearing as he approached his window on the driver's side. Warner writes, I told male to keep his <i>voice down</i> and get off the road or he'd be arrested for causing a disturbance. (Actually it is more likely that he told him he would be arrested for being drunk in a public place)</p> <p>He then writes, subj. leaned further toward my window and in a (the next passage continues on page 73) normal tone or voice started stating, "<i>Go ahead I'll fuck you up you and your fucking pretty goatee, you think you're fucking tough, you're an asshole.</i> (Continued below at page 73).</p> <p>Given that Derrick kept his voice down as instructed by Warner, where are the reasonable grounds to establish that the offence of causing a disturbance had taken place? <i>Immediately</i> after Derrick's alleged comments Warner steps out of his vehicle and arrested him for cause a disturbance at the <i>back</i> of his vehicle (<i>See page 74 Warner's notes below</i>)</p> <p>When viewed subjectively and objectively there are no reasonable grounds to suggest that Derrick had committed the offence of causing a disturbance. In fact, if any disturbance is being caused at that time it is by Warner once he opens his door and strikes Derrick in the facial area with the window of the driver's door.</p> <p>Derrick in all likelihood was intoxicated. When Warner heard what Derrick was alleged to have said he no doubt said a few</p>

	<p>choice words himself and then stepped out of his vehicle with the intention of arresting Derrick for being intoxicated in a public place as already mentioned above. However, once they had discovered at the police station that Derrick was not just one of the regular Joe Blows from the bars but an investigator with the Children's Aid Society things changed drastically. See below as to how Warner describes how the arrest took place.</p>
<p>Constable Warner's memorandum notes. Page 73. Time: 3:00</p>	<p>Continuing again from the notation on at the end of page 72. Subject leaned <i>further</i> toward my window. Warner then writes," as already mentioned above. "<i>In a normal tone or voice started stating Go ahead I'll fuck you up you and your fucking pretty goatee. You think you're fucking tough you're all assholes.</i>" Warner writes that at that point he opened his police vehicle door, which struck subject in the <i>facial area</i>. If Derrick is leaning towards Warner's vehicle common sense suggests that it is the window that struck Derrick in the facial area. Warner is not specific as to where in the face his door struck the Derrick. Based on his prior comments it is a fair inference to draw that since he said the male leaned closer to my window it was the window that struck the male in the facial area and <i>therefore his driver's window was rolled up.</i></p> <p><i>Since Warner's window is rolled up then how did Hunter hear Warner cautioning Derrick to keep his voice down and stay off the road?</i></p> <p>IF I WAS STRUCK IN THE FACE I WOULD HAVE HELD MY FACE OR ATTEMPTED TO HIT SOMEONE</p>

<p>Constable Warner's memorandum notes. Page 74. Time: 3:00</p>	<p>Warner writes that the subject moved toward <i>back of my police</i> vehicle, which means Derrick is close to the south sidewalk behind Warner's vehicle. This also would then mean that after Warner's door struck the Derrick in the facial area that Derrick walked away and was standing at the back of Warner's vehicle logically probably holding his face or tending to it some way.</p> <p>Warner then <i>grabbed</i> the male by the arm and Hunter who had also exited his vehicle attended to assist Warner. This means that both officers are at the rear of Warner's vehicle. From the time Derrick is talking in a normal tone or voice there was no disturbance until Derrick is struck in face with the window of the police car and then moves to the rear of Warner's vehicle. Derrick is not doing anything.</p> <p>Warner writes, "I told male he was under arrest for causing a disturbance. The use of the verb <i>grabbed Derrick by the arm as opposed to took hold of Derrick by the arm</i> is more consistent with using a little more force than necessary. What has taken place since Derrick lowered his voice and walked to the back of Warner's vehicle to cause him be arrested? Nothing!</p>
<p>Constable Hunter's memorandum notes. Page 130. Time:3:03 a.m.</p>	<p>Hunter writes, we both take hold of male by each arm. At the fourth line of his notes he writes, Warner advise he under arrest for cause disturbance.</p> <p>Based on Warner's own notes there is no disturbance. The last comments by Derrick to Warner were made in a normal tone or voice.</p> <p>The actual fact of the matter is that there was a verbal argument between Warner and Derrick and unpleasant words were no doubt used by both. Warner took exception and decided that he was going to arrest Derrick for intoxication in a public place and not Cause a Disturbance because there is no evidence of any disturbance, especially, when Hunter's lack of action is considered from the very beginning. Warner</p>

	<p>got a little over zealous under the circumstances and that's when it all started. From there it only got uglier.</p> <p>While the arrest was taking place Hunter writes that male proceeds to <i>resist</i> and <i>pull away</i>. He writes that Warner and myself wrestle with male using <i>open hand techniques</i>. What does this mean? Hunter warns Derrick several times to stop resisting.</p>
<p>Constable Warner's memorandum notes. Page 75. Time: 3:00</p>	<p>His last three lines on page 74 read that subj. began pulling arms away and swinging. At the top of page 75 it continues and suggests that Derrick was <i>swinging at police</i>. He uses third person to describe this event as opposed to male swinging at either himself or Hunter. He writes that the crowd was now yelling at disturbance. Were they yelling at the disturbance created by Derrick or rather were they yelling at the police officers to let Derrick go? Likely it was the latter. There is no notation in Warner's notes that reflect what the crowd was saying or where this crowd was. Warner writes subj. <i>taken to ground behind both police vehicles continued to pull arms away and under body. Subj. refused to comply with demands. Subj. stood was <u>restrained against police vehicle.</u></i> This would suggest that Derrick is now standing up after being taken to the ground. The use of the word <i>restrained</i> in Warden's notes suggests or means; to <i>bring under control, pin down or hold down.</i></p>

	<p>Based on Warner's choice of words the subj. is no longer <i>resisting and is pinned against the police vehicle</i>. The last two lines at page 75 after the subj. is restrained or pinned down, reads, "Where PC Hunter admin. OC Spray. (See Hunter's note below at page 133 where he writes the OC Spry was directed at Derrick's face.)</p> <p>If Derrick is <i>restrained or pinned down</i> against the police vehicle why did Hunter use the O C Spray at that time?</p> <p>The pepper is very powerful and burns, especially when contact of O C Spray is made with the eyes.</p> <p>The use of the O C Spray at that point doesn't make sense, especially if Derrick is restrained according to Warner's notes. This would also suggest that if Warner is holding Derrick down he must be in pretty ^{close} proximity when Hunter uses the OC Spray for the first time</p> <p>Was Warner affected by the spray given the close proximity? But more importantly, why was the pepper spray used at all if Warner's notes suggest Derrick was <i>restrained</i> before being sprayed as mentioned above.</p> <p>Derrick wasn't sprayed with the pepper spray at that time by Hunter. That is pure fabrication on the part of both officers. The reasons for believing that the pepper was not used are discussed below.</p>
<p>Constable Warner's memorandum notes. Page 76. Time: 3:00</p>	<p>At the time the pepper spray was allegedly used by Hunter Warner writes, subj. wrestled free from grasp and fled W/B along the sidewalk. At this point since the OC Spray was used it is fair that it would have some impact on Derrick's vision. Pepper spray burns the eyes and certainly causing them to water and partially blind the person.</p> <p>Since Warner wrote that Derrick is restrained why did Hunter administer the OC Spray? On the other hand if both officers are having such a difficult time with Derrick how does Hunter manage to get the OC Spray from his police belt? (Need to establish where the pepper spray canister is attached to the police belt.)</p> <p>Once Derrick begins to flee west along the sidewalk what did Hunter do with the pepper spray canister and how long did it take him to react and begin to chase Derrick. Did Hunter put</p>

	<p>the pepper spray canister back on his belt? Warner writes, about a third of the way on this page 76 that Hunter caught up to <i>subj. ½ block away and took to ground.</i> The way he writes and choice of words used suggests a tackle to the ground either at the feet or around the shoulder. This might suggest that both of Hunter's hands were free, therefore, where is the canister of pepper spray? Once Hunter tackles Derrick it is likely that both either rolled or slid along the ground. If Hunter was carrying the pepper spray canister in his hand during the chase the chances are good that it would have been dislodged from his hand once he tackled Derrick. That is just common sense. It is more likely that the pepper spray was still on his belt and had never been used back at the location where the altercation first occurred. While Hunter was chasing <i>subj.</i> Warner writes. Crowd CBS (not clear what this means) running along sidewalk on opposite sidewalk to watch disturbance (Top of page 76) and began yelling loudly. So why weren't they arrested for causing a disturbance? They were actually causing more disturbance than Derrick based on Warner's notes. So what was Warner doing while Hunter was chasing Derrick? Was he running as well or was he affected by the OC Spray (which really didn't happen to this point otherwise Derrick would have been blinded and would not have been able to run the <i>half block</i> before being tackled by Hunter. The half block distance would put Derrick somewhere near TNG Wholesale at 141 Main Street. (Map of area to be provided).</p>
<p>Constable Hunter's memorandum notes. Page 131. Time:3:03 a.m.</p>	<p>Hunter writes for the incident at the first location of the altercation that male grounded to the street. Male still resisting with police. He also uses third person as opposed to saying male still resisting Warner and I. He writes male pulled free and twisted out of police grasp. This means that Derrick is on the ground and in all likelihood the officers are on top and according to Warner's notes discussed above, Derrick has his arms under his body. Hunter also says something entirely different than Warner <i>at this</i></p>

point in his notes because Warner has Derrick on the ground and then Derrick stood and was restrained on the back of the police vehicle.

(Cross reference to page 133 when Hunter now writes male got up on his feet. At page 133 this is when Hunter writes he uses the pepper spray on Derrick the first time back at the original scene where the police vehicles were parked). Hunter doesn't mention that he used the OC Spray (Pepper Spray) at the first altercation on page 131 of his notes. It only comes into play in his notes later on at page 133.

Why didn't he mention the use of the Spray at this point of his notes? His notes to this point seem to be in chronological order as to the events.

Pepper spray in all likelihood is used after Derrick is tackled to the ground by Hunter and Warner. However, Hunter for reasons that might suggest that excessive force was being used if two officers used the spray claims that he was the only one who used **pepper spray twice**. It is quite possible that when an officer uses Pepper Spray they might have to submit a form to replenish what was used. Therefore, there should be a paper trail. This area needs to be investigated.

Hunter writes that Derrick while on the ground (at the point of the first altercation) pulled free and starts **running** w/b along the sidewalk. He never mentions that Derrick was restrained on the police vehicle as Warner writes in his notes. So where was Derrick before he began to flee? Was he on the ground or was he restrained on the police vehicle?

Hunter writes that he starts running w/b down the roadway and not the sidewalk followed by Warner. Hunter writes, I catch up and came across sidewalk. Was he running on the roadway because some vehicles may have been parked on the south side?

Derrick has just been sprayed with pepper spray according to Hunter at page 133 and it no doubt would be stinging his eyes. Earlier at page 128 Derrick is described by Hunter as staggering from the sidewalk. So here you have a person that is *intoxicated*, has been described *as staggering* as opposed to walking; has been *sprayed in the face by O C Spray and is now running along the sidewalk without bumping into anything, including, the buildings on the south side of Main Street, any vehicles that may have been parked on the south side.*

	<p>In addition Derrick appears to be running in a straight line because he never crosses onto the roadway. Derrick who is intoxicated manages to run at least a half city block before Hunter captures him. This whole scenario simply doesn't make sense.</p>
<p>Constable Hunter's memorandum notes. Page 132. Time:3:04 a.m.</p>	<p>At page 132 Hunter writes I then tackle the male off his feet onto the ground. Unclear what he means here as to the tackle. Does he tackle him by the legs or does he tackle him at the upper body and then they go down. Where is Hunter's canister of O C Spray at the time he is chasing Derrick. So far no mention about it in his notes. Did he have enough time to put it back in the pouch and then begin the chase? If it was still in his hand wouldn't it be possible that it was dislodged from his hand once he tackled Derrick? It makes sense that Hunter would have had two free hands when he tackled Derrick. The pepper spray was never used back at the original point of contact between Derrick and the two officers. It simply doesn't make sense.</p> <p>He then writes, Warner and I <i>secure</i> male, male is still resisting and trying to pull away. I advise stop resisting or I will pepper spray you again. Male trying to pull free and I sprayed him a second time. What is Warner doing at this point and how close is he to Derrick?</p>

Constable Warner's memorandum notes.
Page 77.
Time: 3:00

At the third line on this page Warner calls for backup to attend. Was his concern the crowd or Derrick? He writes, I requested additional unit attend Re: *insecure police vehicle ½ a block away and assist with subj. on ground.* This would suggest that both police vehicles were running with the keys still in them. *It would be important to get a copy of Warner's radio transmission to determine what he actually said.* Warner then assists Hunter with Derrick on the ground where *he then delivered one knee strike to the mid section to gain compliance.* This would suggest that Derrick is on his back. This conduct by Warner would certainly knock the wind out of anyone, especially if the person is intoxicated. He then writes that PC Hunter delivered additional OC Spray to face. Now this is the second time Hunter uses the spray on Derrick. Earlier when Derrick is restrained against the police vehicle Hunter allegedly sprays him when Derrick is not doing anything. Now this is the second instance where Derrick has just been kneed to the mid section and Hunter again sprays him. (Need to establish the rules for the use of the pepper spray by the police)

How did Hunter manage to get that spray can out during this tough struggle and where was it while he was struggling with Derrick considering he had already used it back at the original point of the altercation. And why would Hunter use the spray a second time, especially if Warden had just kneed Derrick in the mid section to gain compliance.

This whole scenario from the beginning simply doesn't make sense because Hunter was the one who tackled Derrick and Warden was following up behind. Why didn't Warden take out his pepper spray and use it? Was it in the car? Was he not trained in the use of pepper spray at that time? The more logical and common sense belief is that both officers administered the pepper spray at that location in front of or near TNG Wholesale.

<p>Constable Hunter's memorandum notes. Page 133. Time:3:00 a.m.</p>	<p>(He now writes in his notes about the first time he used the pepper spray on Derrick. The first time (meaning using the pepper spray) was used was after male on ground he had gotten up on feet I advised stop resisting or I'll pepper spray you, male continued to resist. I sprayed him once in the face then male fought back further and twisted out of grasp and fled.)</p> <p>His notes have been in chronological order to the point and now he recalls using the spray back at the original scene of the altercation at the back of the police vehicle.</p> <p>He then resumes and writes, after tackle and spray, male was secured.</p>
<p>Hunter's note page 135 Memorandum notes. February 20/05</p>	<p>He writes male was handcuffed and searched. Several other officers searched to assist. Unclear what the officers are searching for and who were the other officers and what did they do.</p> <p>He writes at 3:06 a.m. male is escorted to PC Wilson cruiser for transport. He writes, at cruiser PC Warner RTC and caution.</p> <p>Does the Record of Arrest indicate whether Derrick called anyone at that time and did he sign anything on the Record of Arrest?</p>
<p>Constable Warner's Memorandum notes. Page 78 Time: 3:00</p>	<p>The last line on page 77 begins, Subj. eventually cuffed to rear and <i>restrained</i>. Again the word restrained is used which suggests once again they have Derrick under control.</p> <p>Subj. escorted to PC Wilson Police Vehicle and <i>sat in rear</i>. I advised on RTC. Reply I didn't do anything though SOABIB (Son of a bitch).</p>

<p>Hunter's note page 135 Memorandum notes. February 20/05 3:07 a.m.</p>	<p>Hunter returns to his cruiser and writes 10-6 and at the same time he is also 10-19.</p>
<p>Constable Warner's Memorandum notes. Page 78. Time: 3:07 a.m.</p>	<p>Warner's notes indicate 10-19. Unclear what that means. It may mean that he left the area of Main and Wyld.</p>
<p>Hunter's note page 135 Memorandum notes. February 20/05 3:09 a.m.</p>	<p>He writes he is 10-7 male is searched and placed in cell #6. Property in locker #5.</p>
<p>Constable Warner's Memorandum notes. Page 78. Time: 3:10 a.m.</p>	<p>Warner's notes indicate 10-7. HDC. This means he is out of service and likely traveled to the police station but it is unclear when he arrived at the station as his notes do not reflect any time after 3:10 a.m. <i>The police radio communications data would provide that information, including, any voice transmissions or text transmissions.</i> There are no times recorded as to when he made up his notes for this occurrence or whether he submitted a Use of Force Report.</p>
<p>Hunter's note page 136 Memorandum notes. February 20/05 3:09a.m.</p>	<p>He writes PC Wilson (<i>Need his notes</i>) had provided water for decontamination of O C. He writes that Warner advised male to be charged cause a disturbance and escape custody. At 3:10 a.m. he writes 10-6 notes and U. of F. report. (Need this report)</p>
<p>Constable Warner's Memorandum notes. Page 79. Time: 3:10</p>	<p>Warner's notes indicate that Wilson and McFarlane assisting in decontamination of OC Spray. (<i>Need their notes as Wilson is the transporting officer.</i>) Wilson must have had some radio communication with the dispatcher either in text form or verbally. In both instances there should be a record. Also his notes may reflect any conversation he had with Warner as to the <i>reason for the arrest.</i></p> <p>It is unknown when Wilson and or McFarlane arrive on Main Street. It would appear that Wilson arrives at the station first and therefore Derrick may have already been paraded before the booking officer and the <i>booking tape would reveal what was said by Wilson, including the reason for his arrest.</i></p> <p>In addition, the Police Radio communications data would assist in several other ways. First of all, when Warner calls for assistance it would be of interest to hear what he actually has to say and secondly it would provide an accurate time and</p>

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	<p>account of the events as they transpired, including, when Wilson actually arrived on the scene. Warner writes that Derrick is placed in cell #6. Warner only has Derrick's name recorded along with his date of birth and home address. He doesn't have a physical description or the clothing that Derrick was wearing. There is no mention that Warner smelled alcohol on Derrick, yet in Hunter's notes he describes Derrick as staggering. If Derrick was in fact staggering as suggested by Hunter at the first instance the police see him then how did this man who was staggering earlier and had pepper spray administered to his face manage to run for close to half a block before being tackled?</p> <p>Warner writes that he advised that the charges were Cause a Disturbance and Escape Custody. Reply: "But I wasn't doing anything guys."</p> <p>Why didn't they charge Derrick with Assault with intent to resist arrest? Based on their notes that charge seems more appropriate according to their story.</p> <p>Warner's last line is paperwork completed. There are no times to indicate when that was done. Did he submit a Use of Force Report?</p>
	<p>There is information that suggests that the police visited Gino's Pizza on Monday the 21st or Tuesday the 22nd. No employee has admitted speaking to the police which likely deals with this matter. The owner Luigi did say he had heard that Jason an employee at Gino's told him the police came over to speak to him about an incident that past weekend. I spoke to Jason but he denied speaking to the police.</p> <p>If it was Warner and Hunter who went to Gino's a couple of days afterwards it may reflect in their notes for that day. In addition if they were leaving their vehicle to go into Gino's on that day they may have informed their dispatcher that they would be out of the car. There should be a paper trail and audio trail.</p> <p>And why were they at Gino's Pizza to begin with?</p>

DEREK DUNLOP
116 LESLIE AVENUE
BARBIE, ON
(C) - 705-791-1472

GINO'S PIZZA
183 MAIN ST. WEST
NORTH BAY, ON
(705)-495-1505

JASON LARONDE + LAURIE LARONDE
892 JANE ST.
NORTH BAY, ON
(H) (705)-495-2537
(C) (705)-498-0107

241 PIZZA
178 MAIN ST. WEST
NORTH BAY, ON
(705)-840-0241

CORINNA + KEVIN HARKNESS
5 NIGHTINGALE
NORTH BAY, ON
(H) (705)-494-4840

WYLDER'S
300 WYLD ST.
NORTH BAY, ON
(705)-472-7510.

PETER DUNLOP + PEGGY GREER
3 SUNNYSIDE DRIVE 12.2 #1
CORBET, ON
(H) (705)-776-7274
PEGGY'S COL - (705)-471-5533

PETER THOMPSON
WHITE PINES INVESTIGATING.
(705)-495-2477

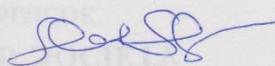
MICHAEL GREER
875 MEMORIAL DRIVE
NORTH BAY, ON
(H) (705)-476-1288

DENNIS MCMURRAY
(705)-497-9102

BARBARA DUNLOP
401-295 LALESHORE DRIVE
NORTH BAY, ON
(H) (705)-495-6377

GINO'S -
OWNER
LUIGI PRATELLI

CHRIS ?
JASON ?



ARRESTING OFFICERS

STEVE WARNER + MIKE HUNTER.

RELEASING OFFICERS

GERRY MARTIN + ?

* STAFF SERGEANT KELUSKY TOOK PICTURES OF FACIAL INJURIES AT ABOUT 9:15PM ON THE 20-FEB-05 AT THE NORTH BAY POLICE STATION.

DATE
TIME

BOOKER
LAWYER
NAME OF

[Empty rectangular boxes for case information]



CHILDREN'S AID SOCIETY
OF THE COUNTY OF SAN DIEGO

[Handwritten signature]

-1-

ON 20-FEB-05 MYSELF, DEREK DUNLOP + FRIEND KEVIN HARKNESS WERE AT GINO'S PIZZA IN NORTH BAY, ON. OUR FRIEND JASON LARSEN WHO WAS WITH US RECEIVED A RIDE HOME WITH ANOTHER FRIEND OF HIS. KEVIN AND MYSELF WENT TO GINO'S PIZZA AFTER BEING AT THE BAR EVOLUTIONS. WE STOOD IN A LINE-UP AT GINO'S PIZZA AWAITING TO GET A SLICE OF PIZZA. AT ONE POINT KEVIN DID ASK ONE OF THE WORKERS TO ORDER US A TAXI. THE WORKER DID NOT DO SO. KEVIN APPEARED TO HAVE LEFT GINO'S SO I WENT OUTSIDE TO FIND HIM. THIS WAS PROBABLY ABOUT 2:30-2:45AM.

THERE WERE TWO NORTH BAY POLICE FORCE CRUISERS PARKED BESIDE EACH OTHER. THERE WAS ONE OFFICER IN EACH CRUISER.

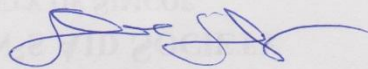
I, DEREK DUNLOP NOTICED THE OFFICER IN THE CRUISER NEAREST THE CURB STARRING AT ME. HE CONTINUED TO LOOK AT ME AS I WALKED IN FRONT OF THE CRUISERS. I WALKED BY THE CRUISERS AND I LOOKED AT HIM. I DO NOT RECOLLECT IF HE ASKED ME WHAT I WAS LOOKING AT OR NOT. I KNOW THAT I ASKED HIM WHAT HE WAS LOOKING AT. I WALKED ON THE OTHER SIDE OF THE FAR CRUISER AND PAST THE CRUISERS. I LOOKED BACK TO NOTICE THAT THE OFFICER IN THE FAR CRUISER WAS STILL LOOKING AT ME. I WENT BACK AND WALKED BETWEEN THE TWO CRUISERS AND WENT UP TO THE WINDOW OF THE CRUISER NEAREST THE CURB. I ASKED HIM WHAT THE FUCK HE WAS LOOKING AT. I SAID TO HIM THAT HE WAS JUST A FUCKING ASSHOLE. I CALLED HIM AN IDIOT. HE CALLED ME AN ASSHOLE. HE PROVIDED ME THE OPPORTUNITY TO LEAVE. I WAS GOING TO LEAVE BUT I CALLED HIM AN ASSHOLE AGAIN.



20-FEB-05

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AT THIS POINT THE OFFICER ABRUPTLY OPENED HIS DRIVER SIDE DOOR AND HIT ME IN THE HIP PINNING ME UP AGAINST THE OTHER CRUISER. I MOVED OUT OF THAT SPACE IN HOPES OF SPEAKING TO MIM. I WANTED TO MOVE OUT BETWEEN THE CRUISERS. I TURNED MY BACK AND I WAS SLIMMED ON FROM BEHIND BY THIS OFFICER AND TACKLED TO THE GROUND. I ALSO HEARD THE OTHER OFFICER GET OUT OF HIS VEHICLE AT THIS TIME. AFTER BEING TACKLED TO THE GROUND. THE OFFICER TOOK MY HEAD AND DROVE MY FACE INTO THE PAVEMENT. HE JUMPED ON ME AND DROVE MY LEFT SIDE OF MY CHEST + SHOULDERS INTO THE PAVEMENT. I ASKED MIM WHAT HE WAS DOING. HE PULLED MY LEATHER JACKET UP OVER THE BACK OF MY HEAD. I FELT PUNCHES TO THE BACK OF MY HEAD, KICKS TO MY BODY, RIBS, LEGS. I AGAIN ASKED THE OFFICERS WHAT THEY WERE DOING. NO RESPONSE AGAIN. ONE OFFICER DID STATE THAT YOU ARE BEING ARRESTED FOR BEING INTOXICATED IN A PUBLIC PLACE. I COULD NOT SEE BUT I WAS CONTINUED TO BE HIT. I ASKED THEM AGAIN WHAT THEY WERE DOING AND PLEADED WITH THEM TO PUT THE HANDCUFFS ON ME AND PUT ME IN THE CRUISER. THEY DID NOT DO SO. I TURTLED ON THE GROUND PROTECTING MY HEAD AS I WAS GETTING PUMMELED. I PLEADED WITH THE OFFICERS AGAIN TO ARREST ME, HANDCUFF AND PUT ME IN THE CRUISER. THEY DID NOT DO SO. I WAS NOT RESISTING ARREST, I WAS ASKING TO BE ARRESTED FOR INTOXICATED IN A PUBLIC PLACE.



20-FEB-05

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THEY PICKED ME UP OFF THE GROUND BUT WERE BENDING MY WRISTS AND ARMS BEHIND MY BACK IN WAYS THAT IT FELT LIKE THEY WERE GOING TO BREAK MY ARM OR WRIST. I PLEADED WITH THEM TO HANDCUFF ME. I RECEIVED ANOTHER COUPLE OF PUNCHES TO MY SIDE. ALL I KEPT TELLING MYSELF IS NOT TO HIT BACK. AT THE TIME I SAID TO MYSELF THEY ARE NOT PUTTING THE HANDCUFFS ON AND THEY ARE NOT STOPPING THE POUNDING ON ME. I STILL COULD NOT SEE AS THEY WERE BOTH BEHIND ME. IT FELT LIKE ONE OFFICER WAS ON ONE ARM AND THE OTHER OFFICER WAS ON THE OTHER ARM. I DECIDED THAT I WAS GOING TO BRIBE FREE. I PULLED ONE ARM FREE AND THEN I PULLED THE OTHER FREE AND TOOK OFF DOWN THE SIDEWALK. THERE WAS NO AUDIENCE OF PEOPLE WATCHING THIS HAPPEN. A LOT OF PEOPLE WERE STANDING OUTSIDE OF 241 PIZZA. I WAS EVENTUALLY CAUGHT AND SLAPPED ON FROM BEHIND. I WAS THEN SPRAYED WITH MACE BY BOTH OFFICERS. I COULD NOT SEE AND MY EYES WERE EXTREMELY BURNING. I WAS THEN HANDCUFFED AND WALKED BACK TO THE CRUISER. I WAS THROWN INTO THE CRUISER IN WHICH I WAS LYING ACROSS THE FLOOR AND THE SEATS. MY EYES CONTINUE TO BURN SIGNIFICANTLY AND I WAS IN AN EXTREME AMOUNT OF PAIN.

J. J.

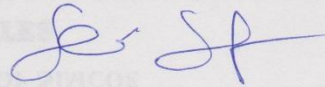
20-FEB-05

-4-

THE POLICE OFFICERS THEN DROVE ME BACK TO THE STATION. I WAS ASKED TO PLACE MY BELT, BOOTS, SACKET, MONEY + WALLET IN LOCK UP. MY EYES WERE BURNING SO BAD THIS WAS ALL I COULD REALLY FOCUS ON. IN MY MIND I WAS WONDERING IF I WOULD BE ABLE TO SEE AGAIN. WHEN IN THE STATION I RECOGNIZED TWO OFFICERS THAT I KNEW.

I WAS PUT IN A HOLDING CELL. I COULD NOT SEE. I SPLASHED WATER ON MY EYES FOR A SIGNIFICANT PERIOD OF TIME. I WAS EXTREMELY CONCERNED ABOUT MY EYESIGHT AS I HAD NEVER FELT ANYTHING SUCH AS THIS BEFORE.

AT ABOUT 9:00 AM I WAS LET OUT OF THE CELL BY OFFICER JERRY MARTIN. PC. MARTIN AND A FEMALE OFFICER (?) INFORMED ME THAT I WAS BEING CHARGED WITH CAUSE A DISTURBANCE AND ESCAPE LAWFUL CUSTODY. THEY WERE RELEASING ME ON AN UNDERTAKING. AFTER INFORMING ME ABOUT A FEW CONDITIONS OF THE UNDERTAKING I ASKED PC. MARTIN IF I COULD SPEAK TO A LAWYER. HE SAID THAT THEY JUST WANTED TO GET THROUGH THE PAPERWORK AND THAT HE WOULD PROVIDE ME THIS OPPORTUNITY AFTER WE GOT THROUGH PAPERWORK. I WAS NOT PROVIDED THIS OPPORTUNITY BEFORE LEAVING THE STATION. MY NAME WAS ALSO SPelled WRONG ON THE UNDERTAKING AND ON THE PROMISE TO APPEAR. THE OFFICERS WERE CONCERNED THAT I WOULD NOT BE ABLE TO DRIVE BUT THEY STILL PROCEEDED WITH PAPERWORK WITH ME.



CASE NO. _____
OF THE COUNTY OF _____
THE CHILDREN'S AID SOCIETY

20-FEB-05

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AT ABOUT 9:15AM I, DEREK DUNLAP REQUESTED THAT I HAVE PICTURES OF MY INJURIES TAKEN. STAFF SGT. KELUSKY TOOK PICTURES. CST. GERRY MARTIN WAS ALSO PRESENT WHEN S.S. KELUSKY WAS TAKING PICTURES.

AT ABOUT 9:25AM I TOOK A TAXI TO MY MOTHER BARB DUNLAP'S RESIDENCE. I LIED DOWN AT MY MUM'S UNTIL 10:40AM.

AT ABOUT 10:40AM JASON LARONDE CAME AND PICKED ME UP TO GO AND GET MY CAR. JASON DROVE ME TO MY CAR. JASON AND I AGREED TO MEET AT TIM HORTON'S AT THE END OF LAKESHORE NEAR THE OVERPASS. JASON WITNESSED MY INJURIES AT THIS TIME.

AT ABOUT 11:30AM I WENT HOME TO MY MOTHER'S FROM TIM HORTON'S. I CONTACTED MY FRIEND KEVIN MARXNESS. I WENT AND GOT KEVIN AND WE WENT FOR A COFFEE AT CRESSWELL STREET. WE BROUGHT THE COFFEE TO THE WATERFRONT AND SAT AT WATERFRONT FOR A COUPLE OF HOURS. KEVIN WITNESSED MY INJURIES. KEVIN STATED THAT HE WAS IN THE WASHROOM AT GINO'S PIZZA. KEVIN INFORMED ME THAT SOMEBODY INSIDE GINO'S PIZZA CAME UP TO HIM AND SAID I THINK YOUR BUDDY WAS TAKING BY THE POLICE. KEVIN STATED HE DID NOT SEE ANYTHING.



CYRIL HOLLER
OF THE BOARD OF
THE CHILDREN'S AID SOCIETY

20-FEB-05

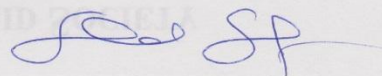
-6-

AT ABOUT 2:40PM I ATTENDED THE LARONDE RESIDENCE. LAURIE LARONDE TOOK PICTURES OF DEREK DUNLOP'S INJURIES AS A RESULT OF BEING INJURED BY THE POLICE. JASON LARONDE ALSO WITNESSED LAURIE TAKE THESE PICTURES. I DROVE KEVIN HOME.

AT ABOUT 3:45PM I ATTENDED NORTH BAY GENERAL HOSPITAL (CIVIC SITE) TO HAVE MY INJURIES EXAMINED AND DOCUMENTED. AT ABOUT 5:50PM I WAS OBSERVED BY DR. MATH AND HE DOCUMENTED MY INJURIES. HE STATED THAT HE WOULD DICTATE THESE INJURIES AND I COULD REQUEST THE RECORDS WITH MY CONSENT OF RELEASE.

AT THIS TIME I WENT OVER TO KEVIN'S RESIDENCE AT ABOUT 6:15PM AND SPOKE TO CORINNA + KEVIN. CORINNA STATED THAT KEVIN HAD COME HOME AND TOLD HER THAT I THINK DEREK IS AT THE POLICE STATION. KEVIN TOLD HER TO CALL THE POLICE AND GO AND GET DEREK. CORINNA CALLED THE POLICE AND ASKED TO GET ME. THE POLICE INFORMED HER THAT THEY COULD NOT RELEASE ME. CORINNA ASKED THEM TO INFORM ME TO CALL IN THE MORNING WHEN BEING RELEASED. THE POLICE STATED THAT THEY WOULD RELAY MESSAGE TO ME IN THE MORNING. NO MESSAGE PASSED.

AT ABOUT 6:45PM I SPOKE TO STAFF SERGEANT TRINI OF THE NORTH BAY POLICE FORCE TO ASK HOW THE INCIDENTS WERE RELAYED TO NORTH BAY MEDIA. S.S. TRINI INFORMED ME THAT SPECIAL CONSTABLE MONTGOMERY WAS IN CHARGE OF THIS. SS. TRINI RECOMMENDED THAT I SPEAK TO MONTGOMERY AND REQUEST MY NAME NOT BE RELEASED.



20-FEB-05

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AT ABOUT 7:00 PM I LEFT THE HARKNESS RESIDENCE AND DROVE TO MY DAD'S RESIDENCE AND ARRIVE AT MY DAD'S AT ABOUT 7:30 PM. MY DAD PETER DONLAP + PEGGY GREER WERE INFORMED OF THE INCIDENT. AT ABOUT 7:45 PM PEGGY GREER TOOK PICTURES OF DEREK DUMOR'S INJURIES AS A RESULT OF BEING INSURED BY THE POLICE. PETER DONLAP ALSO WITNESSED PEGGY TAKE THESE PICTURES. I STAYED THE NIGHT AT MY DAD'S RESIDENCE.

NAME

[Handwritten signature]

DATE

CASE NUMBER

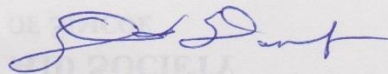
OF THE COUNTY OF PINNAC
THE CHILDREN'S AID SOCIETY



ON THE 21-FEB-05 AT ABOUT 7:00AM MY FATHER, PETER DUNLOP HAD BROUGHT ME TO THE NORTH BAY POLICE STATION. I, DEREK DUNLOP WENT INSIDE AND REQUESTED TO SPEAK TO SPECIAL CONSTABLE IVAN MONTCALM. I SPOKE TO S.C. MONTCALM AND REQUESTED MY NAME NOT BE RELEASED TO THE MEDIA AS I AM A CAS WORKER FOR THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE. S.C. MONTCALM AGREED NOT TO RELEASE MY NAME AND INCIDENT TO THE NORTH BAY MEDIA. AT ABOUT 7:00AM I LEFT THE NORTH BAY POLICE STATION.

ON THE 21-FEB-05 AT ABOUT 8:45AM PETER DUNLOP + DEREK DUNLOP ENTERED DENNIS FENTON'S LAW OFFICE AND SPOKE TO HIS SECRETARY. SHE THEN SPOKE TO DENNIS ON THE TELEPHONE. I, DEREK DUNLOP SPOKE TO DENNIS ON THE TELEPHONE IN FRONT OF PETER DUNLOP AND DENNIS SUGGESTED THAT MY FRIENDS SHOULD TRY TO OBTAIN AN INDEPENDENT WITNESS FROM THE INCIDENT THAT OCCURRED ON THE 20-FEB-05. DENNIS ASKED MYSELF WHO THE OFFICERS WERE. I INFORMED HIM THAT IT WAS WARNER + HUNTER. DENNIS SAID "OH, SESUS." I ASKED HIM WHAT THAT MEANT. DENNIS SAID, "OH I KNEW THOSE TWO GUYS." LATER ON IN THE CONVERSATION DENNIS STATED THAT IT SOUNDS LIKE THOSE TWO OFFICERS ARE IN A LOT OF TROUBLE. I ASKED DENNIS IF IT WOULD BE WORTH GOING TO SPEAK TO A JUSTICE OF THE PEACE AND HE STATED THAT IT WOULD IF I WAS GOING TO LODGE MY OWN COMPLAINT.

AT ABOUT 9:00AM ON THE 21-FEB-05 PETER DUNLOP + DEREK DUNLOP WENT TO WALMART IN NORTH BAY, ON TO HAVE PICTURES DEVELOPED THAT LAURIE LARONDE HAD TAKEN OF DEREK DUNLOP ON THE 20-FEB-05. THESE PICTURES WERE PICKED UP BY MYSELF AT ABOUT 10:15 ON THE 21-FEB-05. MY FATHER WIS WITH ME.



OF THE COUNTY OF
THE CHILDREN'S AID SOCIETY

ON THE 21-FEB-05 AT ABOUT 9:40AM, PETER DUNLOP AND
DEREK DUNLOP WENT TO SPEAK TO JUSTICE OF THE PEACE,
MICHEL MOREAU. WE WANTED TO INFORM JUSTICE MOREAU
ABOUT THE CONCERNS ABOUT THE WAY THE POLICE OFFICERS
HAD TREATED MYSELF DEREK DUNLOP. JUSTICE MOREAU STATED
TO PETER DUNLOP AND MYSELF THAT I COULD FILE A
COMPLAINT AND GAVE ME DOCUMENTATION ABOUT HOW TO
PROCEED WITH THIS PROCESS. JUSTICE MOREAU STATED
THAT THEY (THE J.P.'S) DEALT WITH THE POLICE OF NORTH BAY ALL
THE TIME AND THAT THEY MAY HAVE TO BRING IN A JUSTICE
OF THE PEACE FROM ANOTHER JURISDICTION TO HANDLE A
MATTER SUCH AS A COMPLAINT AGAINST AN OFFICER(S).
JUSTICE MOREAU AND MYSELF RECORDED A PORTION OF THIS
DISCUSSION TO STATE THAT I HAD ATTENDED HIS OFFICE TO
EXPRESS MY CONCERNS.

DATE
TIME

WORKS

BY
AWARD



CHILDREN'S AID SOCIETY
OF THE CITY OF TORONTO
1100 BAYVIEW AVENUE, 2ND FLOOR
TORONTO, ONTARIO M2W 1G3
TEL: (416) 924-7434
WWW.CAS.TORONTO.CA

John Jay

ON THE 22-FEB-05 MY DAD PETER DONOFRU WENT TO UNION CAB
AND SPOKE BARB PANKVATZ AT ABOUT 11:00AM. PETER ASKED
HER IF SHE MAY HAVE BEEN WORKING ON THE 20-FEB-05. BARB
STATED THAT SHE WOULD SPEAK TO THE GENTLEMAN WHO WAS
ON SHIT THAT MORNING.

ON THE 22-FEB-05 MICHAEL GREER WENT DOWN TO GINO'S PIZZA
AND ASKED THE WORKER IF HE HAD SEEN ANYTHING THE
NIGHT OF THE 20-FEB-05. THE WORKER STATED HE
HEARD THAT SOMETHING HAPPENED BUT DID NOT SEE
ANYTHING. THE WORKER INFORMED MICHAEL THAT POLICE
OFFICERS HAD BEEN BACK SINCE THE 20-FEB-05 ASKING
FURTHER QUESTIONS.

DATE
TIME

WORKER

PHONE
NUMBER

Jeff

CASE NUMBER

OF THE COMPLEX OF SERVICES

THE CHILDREN'S AID SOCIETY



PICTURES

1. NORTH BAY POLICE FORCE STAFF SERGEANT KELUSKY TOOK PICTURES ON SUNDAY 20-FEB-05 AT ABOUT 9:15AM BEFORE I WAS RELEASED. I REQUESTED THAT THESE PICTURES BE TAKEN. AFTER PICTURES WERE TAKEN I WAS RELEASED.
2. ON THE 20TH-FEB-05 AT ABOUT 2:40PM I ATTENDED THE LARONDE RESIDENCE. LAURIE LARONDE TOOK PICTURES OF DEREK DUNLOP'S INJURIES AS A RESULT OF BEING INJURED BY THE POLICE. JASON LARONDE ALSO WITNESSED LAURIE TAKE THESE PICTURES.
3. ON THE 20TH-FEB-05 AT ABOUT 7:45PM AT PETER DUNLOP + PEGGY GREER'S RESIDENCE,, PEGGY GREER TOOK PICTURES OF DEREK DUNLOP'S INJURIES AS A RESULT OF BEING INJURED BY THE POLICE. PETER DUNLOP ALSO WITNESSED PEGGY TAKE THESE PICTURES.
4. ON THE 22-FEB-05 AT ABOUT 2:26PM, BARBARA DUNLOP TOOK PICTURES OF DEREK DUNLOP'S INJURIES AT DEREK DUNLOP'S RESIDENCE. THESE INJURIES WERE A RESULT OF BEING INJURED BY THE POLICE ON THE 20-FEB-05.

THE
DATE

WORKER

EMERGENCY
NUMBER

CASE NUMBER

OF THE CHURCH OF ENGLAND

THE CHILDREN'S AID SOCIETY



I DID NOT RESIST ARREST, I DID NOT FIGHT
BACK. I DID NOT HIT AN OFFICER. I WAS NOT
CHARGED WITH RESIST ARREST. I WAS NOT CHARGED
WITH ASSAULTING A POLICE OFFICER.

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THE
DVI

NO. 111

TYPE OF
CASE

CASE NOTES

OF THE BOARD OF DIRECTORS

THE CHILDREN'S AID SOCIETY





THE CHILDREN'S AID SOCIETY
OF THE COUNTY OF SIMCOE

CASE NOTES

DATE:
TIME:

NAME OF
FAMILY

WORKER

24-JUN-05
3:00 PM
111)

I spoke to Dennis Foster and he informed me that he would be asking to go to trial. (I found this kind of odd as this was different from my last discussion with Mr. Foster.) Dennis in our previous discussion had said that the Crown would be deciding whether to proceed to trial or not and that this may take 2 or 3 court dates. The first date the Crown decides to do nothing was the 07-JUN-05. * Everything is seeming to change since my workplace found out on the 22-JUN-05. Dennis had stated that he was confident to go to trial before. I believed that he knew what he was doing. So I did not question it with minimal though I questioned this in my own mind.

Dennis also stated that he could get a ~~radio~~ communication disclosure if he wanted to go to the police station. Dennis also asked that I try to get disclosure from Sgt. Dave Jones of the Beattie Police Service to determine how he was informed about my charges.

DENNIS W. FENTON
LAW OFFICES

BARRISTERS & SOLICITORS

Dennis W. Fenton
B.A., LL.B.
Erin J. Lainevoal
B.A., LL.B.

555 MAIN STREET WEST, UNIT 5
NORTH BAY, ONTARIO P1B 2V3
Telephone: (705) 476-5017
Facsimile: (705) 476-5048

June 29, 2005


Mr. Derek Dunlop
116 Leslie Avenue
Barry, ON L4N 9P4

Dear Sir:

Re: R. vs. Derek Dunlop
S. 175(1)(a); 145(1)(a) C.C.C.

On June 28, 2005, I attended at Ontario Court of Justice, Provincial Division, at which time a **trial** date for the above-noted matter was set for **November 16, 2005, at 1:30 p.m., Courtroom 305**, Courthouse, 360 Plouffe Street, North Bay, Ontario. It is mandatory that you attend at that time.

Yours truly,


DENNIS W. FENTON

mb
(Dictated but not read)

30-JUN-05.



-+

DEAR MR. DENNIS FENTON:

I WOULD GREATLY APPRECIATE IT IF YOU COULD COMPISE LETTERS FOR DISCLOSURE FROM THESE 3 INDIVIDUALS. I HAVE ALREADY LEFT A VOICE-MAIL FOR MR. GARY PERDUE ON THE 24-JUN-05 ASKING HIM TO TRY TO OBTAIN INFORMATION FROM SGT. DAVE JONES ABOUT HOW SGT. JONES WAS INFORMED ABOUT MY CHARGES. I ALSO E-MAILED MR. GARY PERDUE ON THE 26-JUN-05 REQUESTING LETTERS FROM HIM IN RELATION TO HOW HE WAS NOTIFIED, WHEN SGT. JONES NOTIFIED HIM, WHAT HE DISCUSSED. I ALSO REQUESTED A COMPREHENSIVE LETTER FROM MY MEETING ON THE 22-JUN-05,

INITIALLY IN MY MEETING WITH MR. GARY PERDUE AND MS. MAUREEN CARMEL ON WEDNESDAY 22-JUN-05, GARY HAD INFORMED ME THAT SGT. DAVE JONES WAS INFORMED BY SOMEBODY FROM THE NORTH BAY POLICE FORCE. ON THE EVENING OF THE 27-JUN-05 I SPOKE TO MR. PERDUE ABOUT MY REQUESTS, MR. PERDUE AND I AGREED TO WAIT UNTIL MY COURT DATE OF THE 28-JUN-05 WAS OVER BEFORE SENDING LETTERS BACK AND FORTH. MR. PERDUE WOULD NOT COMMIT TO SAYING THAT SGT. DAVE JONES WAS INFORMED BY A MEMBER OF THE NORTH BAY POLICE FORCE. AFTER STRESSING THE IMPORTANCE OF OBTAINING THIS INFORMATION WITH MR. PERDUE HE SUDDENLY DID STATE THAT SGT. DAVE JONES HAD INFORMED



-2-

MR. PEDDUE THAT IT WAS A MATTER OF PUBLIC RECORD,
(I HAVE THIS CONVERSATION DOCUMENTED).

I BELIEVE THAT IT WOULD BE BEST IF YOU REQUESTED
INFORMATION FROM THESE INDIVIDUALS. LET ME KNOW WHAT YOU THINK.

THANK YOU FOR YOUR ATTENTION TO THESE MATTERS.

YOURS TRULY,

Derek Danie

FAMILY SERVICE WORKER



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LETTERS FOR DISCLOSURE

SGT. DAVE JONES

- 1) HOW HE WAS NOTIFIED ABOUT DEREK DUNCAN'S CHARGES ?
- 2) WHO NOTIFIED HIM ABOUT THESE CHARGES ?
- 3) WHEN WAS HE INFORMED ABOUT THESE CHARGES ?
- 4) WHEN HE INFORMED MR. GARY PERDUE OF SIMCOE C.A.S.!
- 5) WHAT HE AND MR. PERDUE DISCUSSED ?
- 6) WHAT SGT. DAVE JONES' CONCERNS ARE ABOUT WORKING IN CONJUNCTION WITH DEREK DUNCAN WOULD BE ?
- 7) ANY OF HIS NOTES RELEVANT TO THIS CASE.

MR. GARY PERDUE

- 1) HOW HE WAS NOTIFIED ABOUT THESE CHARGES ?
- 2) WHEN DID SGT. DAVE JONES CONTACT HIM ABOUT THESE CHARGES ?
- 3) WHAT WERE SGT. DAVE JONES' CONCERNS ABOUT DEREK DUNCAN'S CHARGES WERE ?
- 4) WHAT DID SGT. DAVE JONES SAY HOW HE OBTAINED THE INFORMATION ABOUT DEREK DUNCAN'S CHARGES ?
- 5) WHAT HE AND SGT. DAVE JONES DISCUSSED ?
- 6) ANY OF HIS NOTES RELEVANT TO THIS CASE.
- 7) HOW + WHEN HE INFORMED MRS. MAUREEN CARROLL ?



-4-

MR. GARY PERDUE

- * 8) A COMPREHENSIVE LETTER ABOUT WHAT WAS DISCUSSED IN MEETING WITH DEREK DUNLOP AND MS. MAUREEN CARREL ON WEDNESDAY 22-JUN-05.

MS. MAUREEN CARREL

- 1) HOW WAS SHE INFORMED ABOUT DEREK DUNLOP'S CHARGES
 - 2) WHEN WAS SHE NOTIFIED BY MR. GARY PERDUE AND WHAT DID HE TELL HER? ³
 - 3) WHAT DID MR. PERDUE TELL HER ABOUT HOW SGT. DAVE JONES WAS INFORMED?
 - 4) ANY CASE NOTES RELEVANT TO THIS CASE.
- * 5) A COMPREHENSIVE LETTER ABOUT WHAT WAS DISCUSSED IN OUR MEETING WITH DEREK DUNLOP AND MR. GARY PERDUE ON WEDNESDAY 22-JUN-05



-5-

SGT. DAVE JONES

BARRIE POLICE SERVICE

P. O. Box 188

BARRIE, ON L4M 4T2.

(T) (705) 725-7025

(F) (705) - 725-5268

MS. MAUREN CARREL

BRANCH SERVICE DIRECTOR

THE CHILDREN'S AID SOCIETY

OF THE COUNTY OF SIMCOE

UNIT #7 - 60 BELLFARM ROAD

BARRIE, ON L4M 5G6

(T) - (705) - 726-6587 ext. 266

(F) - 705 - 726-9788

MR. GARY PERDUE

HUMAN RESOURCES MANAGER

THE CHILDREN'S AID SOCIETY OF

THE COUNTY OF SIMCOE

UNIT #7 - 60 BELLFARM ROAD

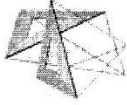
BARRIE, ON L4M 5G6

(T) - 705 - 726-6587 EXT. 237

(F) - 705 - 726-9788

e-mail - gperdue@simcoecas.com

e-mail - mcarrel@simcoecas.com



Gary Perdue/SIMCAS

07/07/2005 05:21 PM

To Derek Dunlop/SIMCAS@SIMCAS

Ted Soucie/SIMCAS@SIMCAS, Maureen
Carrel/SIMCAS@SIMCAS, Kim Heim/SIMCAS@SIMCAS,
Heather Henderson/SIMCAS@SIMCAS

bcc

Subject confidential

Hi Derek:

This is to summarize our recent discussions concerning the charges against you and the implications on your work.

As you know I have been informed by Sgt. Dave Jones of the Barrie P.D. that due to two charges that you are currently facing (ie causing a disturbance and fleeing lawful custody) that they are not prepared to work with you as a child protection worker. With the latter charge he feels there could be a risk to his officers and/or the public. Furthermore there is a credibility issue, especially if matters proceeded to court and you were needed to testify.

With your current position of investigation worker in the Barrie office a very high percentage of your cases requires contact with the Barrie Police. As we discussed, it would not be possible to assign only cases that do not involve police, given the volume of cases and our inability to predict when police involvement might be required.

You have told us that the matter is expected to be dealt with at trial in mid November 2005. We are prepared to work with you in the interim to try to arrange other casework assignments that would involve minimal police contact. Of course you are free to apply for any position posted in the organization. The prospective supervisor and team would need to know that there are potential limitations to the scope of your functions.

It would appear that the most appropriate interim assignment would be in the Intake/Overload department. I have briefed Kim Heim. You indicated to me this afternoon that you will call Kim and ask to attend the unit meeting next week to explain the situation to the team and to ask for their cooperation in arranging this interim assignment. You indicated that you may approach a couple of the intake overload workers in advance of the meeting.

Gary

COPY PASTED TO DENNIS PENNON - 11-JUL-05.

15

Jul-05

1:00PM

In North Bay, ON my dad and I met with my lawyer Dennis Lister. Mr. Lister informed us that he had not been able to meet with Crown Attorney Paul Janche this week because he had been busy. Mr. Lister stated that he was going on two weeks holidays. Mr. Lister stated that he had been extremely busy. I asked Mr. Lister if he had received any further disclosure. He had not. I asked him if he has the radio transmission. Mr. Lister stated that he could have access if he wanted it. Mr. Lister stated that he wanted to take the letter about the implications on my work to see if the Crown Attorney would be willing to drop the case. My dad said to Mr. Lister that he seemed pretty confident that the Crown might be willing to drop the case. Mr. Lister stated that the Crown would know that they have a Charter Application and that they might drop it. Mr. Lister stated that he felt that they knew they have a problem on their hands. I asked Mr. Lister if the Crown had any other witnesses at this point. Mr. Lister stated that he did not believe so but he had three cases involving the police at this time. Mr. Lister stated that he believed that there was a demand

15
Jul-05
1:00PM

from the police but he believed it was just a page of notes from the police. I informed Mr. Linton about Todd Hunter (MIKE HUNTER'S BROTHER) calling me recently and questioning me about my discharge level. Mr. Linton are you suggesting that Mike Hunter went on to call somebody. I said possibly. Mr. Linton went on to say that Mike Hunter is a good guy and that he has some issues at home that I am sure that I was already aware of. Mr. Linton stated that Mike Hunter was on the tactical team. Mr. Linton went on to say that Mr. Wanner suffers from the small vein syndrome and he was surprised that he went after somebody my size. We talked about the occurrence and Mr. Linton stated that he (Wanner) asked you to step to the curb and if there was no offense committed before he opened his door then there was no offense for to open his door. In relation to the use of excessive force reports Mr. Linton stated that he knew that Mr. Matson knew what he was talking about but that the reports removed people's names and that they were used for educational

15
- JUL-05
1:00pm

purposes for the police and that they may not be that helpful in this case. I asked Mr. Linton about filing a complaint in relation to the police. Mr. Linton stated that he was not an expert on civil matters but that he did not believe that there would be a lot to pursue. Mr. Linton stated not to quote him. Mr. Linton had asked if I had pursued civil advice and I said "No." I also informed Mr. Linton about my ex-girlfriend and supervisor at work who were in "cohab" against me. I said they had wanted to get me into their sex ring and when I went against that they did not like that. I said I used to be best friends with them and that I used to be very good to my supervisor and drove her children when she could not. I said that they may have possibly ratted me out to the Dennis Police Service. I asked Mr. Linton if he had got disclosure from the Dennis Police Service and he stated that he had not as of yet because he was pursuing this other angle. I informed Mr. Linton that I was doing to inform all kinds of people at work about my charges. I said I was supposed to notify about 30 staff members on Tuesday 19-JUL-05 about my charges.

-A.

15-526-05

1:00pm

Mr. Sinton stated that there were criminal proceedings against me and that anybody that was informed about this may be required to testify as a witness in this case. He said to inform my employer that I would not be informing anybody else because of this fact. Mr. Sinton stated that if there were issues with this that they could contact him. Mr. Sinton said not to be paranoid about my situation and not to worry.

DENNIS W. FENTON
LAW OFFICES

BARRISTERS & SOLICITORS

Dennis W. Fenton
B.A., LL.B.
Erin J. Lainevoel
B.A., LL.B.

555 MAIN STREET WEST, UNIT 5
NORTH BAY, ONTARIO P1B 2V3
Telephone: (705) 476-5017
Facsimile: (705) 476-5048

July 22, 2005

Mr. Derek Dunlop
116 Leslie Avenue
Barry, ON L4N 9P4

Dear Sir:

Re: R. vs. Derek Dunlop
Trial: November 16, 2005

As you are aware, a trial date is scheduled for November 16, 2005. Your attendance is mandatory at that time.

I am currently in receipt of a \$1,000.00 retainer. Please be advised that I will require a further deposit of \$1,500.00. Please ensure that this amount is received into my office as soon as possible.

Yours truly,

May
DENNIS W. FENTON

mb
(Dictated but not read)



Family, Youth & Child Services of Muskoka

File No.: _____

Case Notes

Client Name: _____

Date (place/staff/participants)	Content (purpose/focus of contact)
15 - AUG - 05 10:00AM	<p>I went a paid lawyer Dennis Senter \$1500 and asked him if he had spoke to the Crown Attorney Paul Suche.</p> <p>Dennis stated that he had not caught up to Paul as of yet. Dennis called to the Crown's Office and left a message for Paul Suche to call in relation to DORAL DUNCAN'S MATTER.</p>
	<p>I asked Dennis if he was going to get disclosure from the Barrie Police Service and Dennis stated that he did not want to stir things up too much for me in Barrie as people remember.</p>
	<p>Dennis and I discussed whether he had any more more disclosure from the North Bay Police and he stated that he wanted to pursue this route first by speaking to the Crown. Dennis stated that he could not see it being in anybody's benefit to proceed. Dennis stated that he would tear the police officers apart on the stand.</p>



Family, Youth & Child Services
of Muskoka

File No.: _____

Client Name: _____

Case Notes

Date (place/staff/participants)	Content (purpose/focus of contact)
<p>30-SEP-05 2:10:19 PM</p>	<p>I called Dennis Senter's office and left a voice message for secretary Mary stating that I would be in North Bay, ON next Friday the 07-Oct-05 and that I was wondering if she could get back to me if Dennis had anytime available that day. I left a message stating that I was available all day that day. The message also stated that Mary could leave a voice-mail on my cell telling me how a time that we could meet.</p>
<p>30-SEP-05 2:49:43 PM</p>	<p>Dennis Senter left a voice-mail on my cell stating that he had two trials scheduled for that Friday and that he would be out of town that following week. Dennis stated to get a hold of him on Monday.</p>



THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

16-Oct-05

Dear Mr. Fenton:

I would greatly appreciate it if we could co-ordinate a face-to-face meeting a couple of weeks prior to my trial. Obviously, this meeting would have to be at a time convenient to both of us.

As I am sure you know my career, reputation and future is in jeopardy for something that I did not do. Furthermore, I have aspirations to pursue a position as a supervisor within the agency that I am currently employed. Two North Bay police officers have fabricated a story and are trying to convict me of charges that I did not commit. Their notes are more indicative of somebody who committed an assault with the intent to resist arrest.

I know that in my profession that gathering as much information as possible during an investigation is paramount to each case. I want to know who informed the Barrie Police Service about my charges whether it was the North Bay Police Service or somebody else. Initially, I know that you wanted to obtain disclosure from the Barrie Police Service and I still believe that this is essential. We have also discussed obtaining disclosure of the radio transmissions, Mr. MacFarlane's and Mr. Wilson's notes and the Use of Excessive Force Reports. The Use of Excessive Force Reports might identify who is trained in using Pepper Spray. These reports might also provide us with other information to prove that they pepper sprayed me twice after being tackled to the ground the second time.

With your expertise and a copy of all of these notes, I believe that they can only assist you in assisting me.

I have scheduled a telephone conference with you on the 17-Oct-05 after 4:00pm. I look forward to hearing from you at that time.

Thank you for your assistance and continued cooperation.

Yours truly,

Derek Dunlop
Family Service Worker

- 60 Bell Farm Road, Unit #7, **Barrie**, Ontario, L4M 5G6 Telephone: (705) 726-6587 or (800) 461-4236 Fax: (705) 726-9788
Intake Fax: (705) 735-4996 **Legal Services Fax:** (705) 735-6398
- 344 King Street, **Midland**, Ontario L4R 3M8 Telephone (705) 526-9341 Fax: (705) 526-3418
- 186 Hurontario Street, Unit #105, **Collingwood**, Ontario L9Y 4T4 Telephone (705) 444-9160, Fax: (705) 445-9601
- 46 Wellington St., W, Unit 4, **Alliston**, Ontario L9R 2B8 Telephone (705) 435-4348 or (800) 661-5311, Fax: (705) 435-3547
- 94 Colborne St. W., **Orillia**, Ontario L3V 2Y9 Telephone (705) 325-1005 or (800) 422-9970, Fax: (705) 325-1519
- 118 Barrie Street, Box 872, **Bradford**, Ontario L3Z 2B3 Telephone: (905) 775-4336 or 1-(866) 550-8020, Fax: (905) 775-5325
- World Wide Web:** <http://www.simcoecas.com>

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*****
*
*                               TRANSACTION REPORT                               *
*                                                                                   *
*                               OCT-16-2005 11:42 AM                               *
* FOR: _____ *
*
* SEND *
*
* DATE   START   RECEIVER   PAGES   TIME   NOTE *
* _____ *
* OCT-16 11:41 AM 17054765048     1     49"  OK *
* _____ *
*****
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THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____
Completing Note: _____

Position: _____ -1-

02-NOV-05 - I met with Mr. Dennis Foster at his new office
3:30 PM on Blouffe St. in North Bay, ON.

- Dennis initially apologized for not being prepared. Dennis stated that had recently been sick over a weeks period of time and that this had set him back. Dennis took a couple of minutes to refresh his memory. Dennis stated that he would be taking my file home tonight to review it.

- ~~Dennis~~⁰⁵ Dennis and I discussed the fact that the North Bay Police had provided no other disclosure. Dennis said that the North Bay Police were not willing to provide the Use of Excessive Force Reports.

- Dennis and I discussed the photographs that I had initially provided him back in February of 2005. After assessing these photographs together we agreed that some of the photographs had to very show how to reveal my injuries adequately. We agreed that we would not use those in court. Dennis said that the people that took the photographs need to be in court in order that they could say that they observed my injuries and that what was in the pictures is what they saw.

- Dennis stated that he would argue the Charter Application in relation to the North Bay Police Service not providing the video-tape of my locking, not providing Use of Excessive Force Reports. Dennis stated that this may take 4 hours.

THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____
Completing Note: _____

Position: _____ - 2 -

02-NOV-05 - I mentioned to Dennis about using a
3:30PM character witness. Dennis explained the
dichotomy of using a character witness
and stated that it may be meaningless
to use a character witness. My
understanding was that a character witness
could attest to how others judged my
character but not how they themselves
actually judged my character. Dennis
stated that the Crown could not bring
my character into question in court but
if it presented a character witness then the
Crown could also address my character.
Dennis asked who I had in mind. I advised
him that I had Mr. Malorovic in mind. At
this time we agreed that we would not use a
Character Witness. Dennis asked what
witness I had to Mike Muter. I informed Dennis
that I went to High School and played
football with his youngest brother Todd.
I discussed how Mr. Warner was
overzealous and Mr. Muter came to his
partner's aid as most partners would. Dennis
discussed how there was no offence committed
and that I basically saw in Mr. Warner's
face and saw at him and he cautioned me
to move to the sidewalk or I would be arrested.
Dennis stated that they were going to have to
prove how they were in lawful execution of

THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____
Completing Note: _____

Position: _____ -3-

02 NOV-05
3:30 PM

- their duty. I informed Dennis that Mr. Warner had said to me that I was being arrested for being intoxicated in a public place.

- Dennis and I discussed how much I had to drink. I informed Dennis that I began drinking at about 11:00 pm that night and that I was at Don Cherry's and then had about 7 or 8 rays in over a 2 hour time period downtown.

- Dennis and I discussed the fact of testifying about being intoxicated. Dennis stated not to get caught up in the fact that you could remember exactly how you are drinking and that somebody is not effected by the use of alcohol. I said to Dennis I would not have sworn at a police officer if alcohol did not effect me.

- Dennis stated that he may ask me to testify on the stand. Dennis stressed that I answer the questions and not get into long winded answers. Dennis stressed that I listened to the question that is being asked and if I do not understand the question to ask for clarification. Dennis stressed that I be truthful and that I stick to what I know. Dennis stated not to refute what the Crown is saying as they are in control of the situation. I informed Dennis that I am comfortable on the

THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____
Completing Note: _____

Position: _____ -A-

02-NOV-05

3:30PM

- start as I have testified in criminal trials for work before.
- I asked Dennis about my account. Dennis stated that he had no idea where things were at. Dennis asked how much have I provided him with. I informed him that I have already given him \$2500 at this time. Dennis said it may be a bit more than that. Dennis was not concerned about this at this time.
 - I provided Dennis a copy of CD's of my pictures taken by PEGGY GREEN and by LAURIE MULLMAN.
 - There was no discussion about the disclosure from the Bernie Police Service that I have requested in the past. Left office at 4:05PM.

02-NOV-05

4:25PM

- I missed a call from Mr. Dennis Denton on my cell phone. Dennis stated that he had received some additional information and that he wanted me to call him back.

Absent 5:05PM

- I called Dennis back on his cell phone at 1-705-499-6742. Dennis did not answer and I left a message for him to call me back.



THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

11-Nov-05

Dear Mr. Fenton:

It would be greatly appreciated if you could provide me with a letter stating that my charges have been withdrawn by the Crown Attorney as soon as possible after my scheduled trial on the 16-Nov-05. This letter is essential for me to provide my employer, in order that I pursue my previous employment as a front-line investigator with The Children's Aid Society of the County of Simcoe.

You have informed me that I do not need to attend court on the 16-Nov-05 for my scheduled trial. I wanted to confirm that I definitely do not need to be in court on that date.

I also wanted to inquire about my fingerprints and mugshots and I am wondering how I proceed to have these sealed. I wanted to know if that could be done now or I will have to pursue the Clemency and Pardons of Canada at a later time.

I also want to put all of this behind me and me forward with my life and career. I would greatly appreciate it you could provide me a copy of my account so that you have been adequately compensated for your all of your assistance.

I wanted to commend you on your professionalism and expertise. I am extremely grateful for the outcome of my case. I am more thankful to you than you will ever know.

I have a telephone conference scheduled with you on the 15-Nov-05 and I look forward to hearing from you at that time.

Thank you for your continued assistance and cooperation.

Yours truly,

Derek Dunlop
Family Service Worker

- 60 Bell Farm Road, Unit #7, **Barrie**, Ontario, L4M 5G6 Telephone: (705) 726-6587 or (800) 461-4236 Fax: (705) 726-9788
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- 94 Colborne St. W., **Orillia**, Ontario L3V 2Y9 Telephone (705) 325-1005 or (800) 422-9970, Fax: (705) 325-1519
- 118 Barrie Street, Box 872, **Bradford**, Ontario L3Z 2B3 Telephone: (905) 775-4336 or 1-(866) 550-8020, Fax: (905) 775-5325
- World Wide Web:** <http://www.simcoecas.com>

THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____

Completing Note: _____

Position: _____

17-NUV-05 - My lawyer Dennis Lester had to M on
3:41 PM my cell phone stating that he was not
sure I was requesting in relation to a
letter. Dennis stated that we would
have to talk about this.

THE CHILDREN'S AID SOCIETY OF THE COUNTY OF SIMCOE

CASE NOTE

Family: _____ Page _____ of _____

Case Manager: _____ Date: _____

Name of Person _____ Time: _____
Completing Note: _____

Position: _____

17-NOV-05

6:28PM

- I called my lawyer Dennis Anton at home and he informed me that the Crown Attorney would not provide a letter stating that the charges ~~are~~ had been withdrawn. Dennis stated that he would be able to provide me a copy of the hearing of the information and that would outline that the charges had been withdrawn.

DENNIS W. FENTON
ERIN J. LAINEVOOL

BARRISTERS & SOLICITORS

355 PLOUFFE STREET
NORTH BAY, ONTARIO P1B 4E9

Telephone: (705) 476-5017
Facsimile: (705) 476-5048

FACSIMILE TRANSMISSION COVER PAGE

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

TO: Derek Dunlop

FACSIMILE: 705-735-4996

DATE: December 1, 2005

RE: Certified Copy of Information

NUMBER OF PAGES INCLUDING THIS PAGE: 5

IF ANY QUESTIONS, PLEASE CONTACT: Dennis W. Fenton, Law Offices 476-5017

ACCESS TO FAX NO: (705) 476-5048 ATTENTION: Mary

Derek,

Please find attached a Certified copy of the Information stating that the charge against you was withdrawn. [last page, (WDR of CR) withdrawn at the request of the Crown]

Mary

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL TO US BY POSTAL SERVICE AT THE ADDRESS NOTED ABOVE. THANK YOU.

PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Dénonciation de :
North Bay Police Service

Northeast / Nord-Est
(Region / Région)

Peace Officer
(occupation / profession)

The informant is
Le dénonciateur

that he/she believes on reasonable grounds that Derek James DUNLOP of the City of Barrie
déclare qu'il a des motifs raisonnables de croire

(1) that / que

on or about the / le ou vers le 20th day of / jour de February / février, at the City
yr. / an 2005 à (au)
of North Bay in the said region of Northeast
de dans ladite région

not being in a dwelling house did cause a disturbance in or near a public place to wit: 100 block of Main Street East, North Bay, Ontario, by shouting and swearing, contrary to Section 175(1)(a)(i) of the Criminal Code of Canada

(2) further that Derek James DUNLOP of the City of Barrie, on or about the 20th day of February, 2005 at the City of North Bay in the said region of Northeast

did escape from lawful custody of Constable Jeff Warner, contrary to Section 145(1)(a) of the Criminal Code of Canada

CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL DOCUMENT
Dated at North Bay, this 30 (Nov) 2005
Signature B. Borejai
Clerk of the court.

Page "A"

Date Date	Accused Accusé(e)	Appears Adjournment (Remand to) Comparution Ajournement (Renvoi)	Parties Consent Consentement des parties	Ball and/or other Action Cautionnement et/ou autre mesure	Fails to Appear Omet de comparaitre	Bench Warrant Mandat du tribunal	Discretion Discretion	Es/reat
MAR 29 2005	DF	Nov 14/05	930-01	meet court				
APR 19 2005	DF	Nov 14/05	930	RT - June 7/05				
JUN 7 2005	DF	Nov 14/05	930-101	del er pos				
			930-305	TR				

Date Date	Clerk Greffier	Reporter Sténographe	For Crown Pour la Couronne	For Accused Pour l'accusé(e)
MAR 29 2005	Kalceenfield	C. Gilmore	Holland	Cmm DF
APR 19 2005	"	"	Plask	"
JUN 7 2005	"	"	"	"
Nov 14/05	"	E. Simoy E. Haupt	B. Laporte	DF

Accused / Accusé(e)

Notice Given Under H.T.A.
Avis en vertu du Code de la route

Suspension/
Prohibitions
Suspension/
Interdictions

Impound
Mis en
fourrière

12-01-05 08:50 FROM-DENNIS W FENTON LLB 7054765048

T-263 P004/005 F-514

Return Date of Summons / Sommarion rapportée le
 yr. / an 2005

116 Leslie Avenue
 Barrie, Ontario

CHARGE / ACCUSATION
 use A Disturbance, Section 175(1)(a)(i) CCC
 Cape Lawful Custody, Section 145(1)(1) CCC

Return Date of Summons / Sommarion rapportée le
 yr. / an

Address / Adresse

CHARGE / ACCUSATION

Return Date of Summons / Sommarion rapportée le
 yr. / an

Address / Adresse

CHARGE / ACCUSATION

Summons Sommarion	<input type="checkbox"/>	Warrant Mandat	<input checked="" type="checkbox"/>	Arrest Arrestation	<input checked="" type="checkbox"/>
Reportable M.V. Offence (H.T.A. 184) Infraction V.M. à déclarer (Code de la route 184)	<input type="checkbox"/>	C.V.O.R. No (Commercial Vehicles Only) Número C.E.C.V.U. (vehículos utilitarios seulement)	<input type="checkbox"/>	Arrest Arrestation	<input checked="" type="checkbox"/>
Birth Date / Date de naissance Day / Jour	Month / Mois	Year / Année	Was defendant owner? La partie défenderesse était-elle propriétaire?	Yes / Oui	No / Non
18	02	71	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driver's License Number / Numéro du permis de conduire					
Plate No. / Numéro de plaque	<input type="checkbox"/> Involved in Accident Infraction reliée à un accident				
Informant Dénonciateur					
Date Sworn Date d'assermentation	No Nº				
Officer Agent de police	WARNER 5921				
Div.	Dist. Dist.				
Courtroom / Salle d'audience 0 Plouffe Street, North Bay, Ontario - #101 At / A(au) 10 a.m. First Appearance					

Summons Sommarion	<input type="checkbox"/>	Warrant Mandat	<input type="checkbox"/>	Arrest Arrestation	<input type="checkbox"/>
Reportable M.V. Offence (H.T.A. 184) Infraction V.M. à déclarer (Code de la route 184)	<input type="checkbox"/>	C.V.O.R. No (Commercial Vehicles Only) Número C.E.C.V.U. (vehículos utilitarios seulement)	<input type="checkbox"/>	Arrest Arrestation	<input type="checkbox"/>
Birth Date / Date de naissance Day / Jour	Month / Mois	Year / Année	Was defendant owner? La partie défenderesse était-elle propriétaire?	Yes / Oui	No / Non
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driver's License Number / Numéro du permis de conduire					
Plate No. / Numéro de plaque	<input type="checkbox"/> Involved in Accident Infraction reliée à un accident				
Informant Dénonciateur					
Date Sworn Date d'assermentation	No Nº				
Officer Agent de police					
Div.	Dist. Dist.				
Courtroom / Salle d'audience At / A(au)					

Summons Sommarion	<input type="checkbox"/>	Warrant Mandat	<input type="checkbox"/>	Arrest Arrestation	<input type="checkbox"/>
Reportable M.V. Offence (H.T.A. 184) Infraction V.M. à déclarer (Code de la route 184)	<input type="checkbox"/>	C.V.O.R. No (Commercial Vehicles Only) Número C.E.C.V.U. (vehículos utilitarios seulement)	<input type="checkbox"/>	Arrest Arrestation	<input type="checkbox"/>
Birth Date / Date de naissance Day / Jour	Month / Mois	Year / Année	Was defendant owner? La partie défenderesse était-elle propriétaire?	Yes / Oui	No / Non
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driver's License Number / Numéro du permis de conduire					
Plate No. / Numéro de plaque	<input type="checkbox"/> Involved in Accident Infraction reliée à un accident				
Informant Dénonciateur					
Date Sworn Date d'assermentation	No Nº				
Officer Agent de police					
Div.	Dist. Dist.				
Courtroom / Salle d'audience At / A(au)					

of / de North Bay
 in the Province of Ontario / dans la province de l'Ontario
 this day of February / février, yr. 2005
 ce jour de North Bay an

Justice of the Peace / Juge de paix

OIC Undertaking

Informant / Dénonciateur

Appearance Notice / Citation à comparaître
 Promise to Appear / Promesse de comparaître
 Recognizance / Engagement pour
 Confirmed on / Confirmé(e) le

for March 29th, yr. 200
 le FEB 22 2005, yr. 2005
 Justice of the Peace / Juge de paix

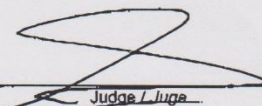
Date / Date
 Crown Elects to Proceed / Choix de la Couronne
 Summary / Procédure sommaire
 By Indictment / Acte d'accusation
 Summary Conviction Offense(s) / Infraction(s) punissable(s) sur déclaration de culpabilité par procédure sommaire
 Indictable Offence(s) / Infraction(s) punissable(s) par mise en accusation

Date / Date	Accused / Accusé(e)	Elects Trial by / Choix d'un procès devant			Preliminary Hearing Requested / Enquête préliminaire demandée		Justice's Initials / Initiales du juge	Abs. Juris. Comp. absolue	Pleads / Plaidoyer	
		Superior Court / Cour supérieure		Ontario Court / Cour de l'Ontario	Yes / Oui	No / Non			Guilty on Counts / Coupable pour les chefs d'accusation	Not Guilty on Count / Non coupable pour les chefs d'accusation
		Judge / Juge	Judge & Jury / Juge et Jury	Judge On Counts / Juge pour les chefs d'accusation						

Date / Date	Accused / Accusé(e)	Committed (or) Ord. Std. Trial *On Counts / Interné(e) (ou) renvoyé(e) à son procès * pour les chefs d'accusation	Bail / Cautionnement	Discharged on Counts / Libéré(e) pour les chefs d'accusation	Found Guilty on Counts / Reconnu(e) coupable pour les chefs d'accusation	Not Guilty on Count / Non coupable pour les chefs d'accusation

With consent of accused and prosecutor, without taking or recording / Avec le consentement de l'accusé(e) et du poursuivant sans recueillir ou consigner
 (a) any evidence / a) de preuve (or) (b) further evidence / b) de preuve supplémentaire

NOV 16 2005
 1 > NOT OF CR
 2


 Justice J.G. Lebel
 Ontario Court of Justice

DATE: 20 FEB 2005 TIME: 1553 CLINICAL RECORD NO.: 0205337 REGISTER NO.: ER03/353/04 ARR. MODE: 0111 STATUS: SIG EP LOCATION: 2 EP
 PATIENT'S NAME: DUNLOP, DEREK JAMES BRITLER DATE OF BIRTH: 18 FEB 1971 AGE: 34 SEX: M PHONE: 705 722 9261 TRANS. FROM:
 PATIENT'S ADDRESS / CITY / PROV. / POSTAL CODE: 110 LESLIE AVE STAYING LOCALLY AT / PHONE: NEXT OF KIN / REL. TO PATIENT / PHONE: DUNLOP, PETER P 705 776 7274
 PHYSICIAN: ATTENDING / FAMILY / OTHER: MVA, GORDON DUNLINS, CHUCK CC TO FAMILY PHYSICIAN: INSURANCES: HCN / OTHER: HCN 1410 783 557 CL RFP: TEN EMPLOYER / ADDRESS:
 ALLERGIES INDICATORS: ALLERGO ACCIDENT DATE: 23/02/05 CODE: CIHI:

REASON FOR VISIT / COMMENTS: ASSAULTED LAST NIGHT/WANTS INJURIES DOCUMENTED OTHER: 08 98 MAIN ST RELIGION: NIL

TIME	TEMP	PULSE/APEX	RESPS.	B/P	PAIN SCALE	LAST Td	WT (kg)	CAP REFILL (PEDS)	O ₂ SAT	PEAK FLOW	VISUAL ACUITY	CBG
1558	36.9	74	18	144/71	/10			<input type="checkbox"/> < 2 sec. <input type="checkbox"/> > 2 sec.			L	R

Cardiac N/A Chest Pain? Yes No Radiating Diaphoretic Nausea Increased with respiration Decreased with rest Shortness of breath History of: CAD CABG

Respiratory N/A Not laboured Dyspnea Stridor Drooling Rapid Wheezes Crackles Productive cough Decreased breath sounds Lt. / Rt. **Airway** N/A Airway patent Pain on swallowing

Abdomen N/A C/O Pain? Yes No Location: RUQ LUQ RLQ LLQ epigastric Soft Distended Bowel sounds? Yes No Last BM: Last ate @

GU N/A C/O Flank pain? Yes No Dysuria Hematuria Frequency Unable to void Urgency URINE DIP: + VE / - VE

OB/GYN N/A Vag bleeding Moderate / Heavy Vag discharge LMP: Pregnant FHT Rate: Gravida: Para: Weeks: EDC:

Prehospital Care C-spine immobilized O₂ IV Medication

Current Medications See attached list

Behaviour Calm / Co-operative Withdrawn / Anxious Hostile / Aggressive See Comments

Mental Status Awake, alert, oriented x 3 Awake, confused See GCS

Nurse
 Assaulted last night. NBD involved. Requesting documentation of bruises. Pt states he fought 2 girls that they used excessive force.
 See ER Medical/Trauma Flow Record RN: [Signature]

Triage Treatment/Medications

Radiology

RN Signature:

Physician

Time MD: 18:00
 3/17/07 [Signature]
 B7 Pours [Signature]
 R. [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]

Orders

Lab Work

Order	Done
<input type="checkbox"/> Old Chart	<input type="checkbox"/>
<input type="checkbox"/> ECG	<input type="checkbox"/>
<input type="checkbox"/> Chem 1	<input type="checkbox"/>
<input type="checkbox"/> CBC	<input type="checkbox"/>
<input type="checkbox"/> LFT's Amylase	<input type="checkbox"/>
<input type="checkbox"/> CCU Profile	<input type="checkbox"/>
<input type="checkbox"/> PT / PTT / INR	<input type="checkbox"/>
<input type="checkbox"/> Diabetic Profile	<input type="checkbox"/>
<input type="checkbox"/> Trauma Profile	<input type="checkbox"/>
<input type="checkbox"/> Full Drug Screen	<input type="checkbox"/>
<input type="checkbox"/> Partial Drug Screen	<input type="checkbox"/>
<input type="checkbox"/> Screen & Hold	<input type="checkbox"/>
<input type="checkbox"/> X&T ___ units	<input type="checkbox"/>
<input type="checkbox"/> Urine R&M	<input type="checkbox"/>
<input type="checkbox"/> Urine C&S	<input type="checkbox"/>
<input type="checkbox"/> Urine Preview	<input type="checkbox"/>
<input type="checkbox"/> Urine Triage	<input type="checkbox"/>
<input type="checkbox"/> C&S	<input type="checkbox"/>
<input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

MD D/C Instructions
 [Signature]

DIAGNOSIS: Soft tissue injury
 DISPOSITION TO: HOME ADMIT 1810 hrs.
 INITIAL CONSULTATION - NAME/SERV.:
 TIME CALLED: ANSWERED:

NB 701A* (Rev. 10/02) Signature Attending: [Signature] Signature Consultant:

NORTH BAY GENERAL HOSPITAL
750 Scollard Street
P.O. Box 2500
North Bay, Ontario PIB 5A4

Patient Name : DUNLOP,DEREK JAMES ARTHUR
Admission Date: 20/02/05
Discharge Date: 20/02/05
Date of Birth : 18/02/71

Location : S-ER
Account No: ER037353/04
Chart No : J265331

EMERGENCY ROOM REPORT

CHUCK CUNCINS
#301-111 MAIN STREET WEST

NORTH BAY, ON PIB 2T6

CC : CUNCINS,CHUCK

DIAGNOSIS:

Soft tissue injuries.

This 34-year-old man states he was arrested by the Police last night for causing a disturbance. He had been drinking. He states that he sustained some injuries due to the arrest. He states that he fought with the Police and they used excessive force.

On examination patient has some abrasions to his upper lip. There's abrasions to the bridge of his nose, to his right cheek. His left shoulder has a large bruising which is about 20 cm. in diameter. There's no bony tenderness of the chest wall. He has abrasions to the flexor aspect of his right wrist and dorsum of his right hand. Also abrasions to his left wrist where it appears from the handcuffs.

His air entry is equal bilaterally. There's no bony tenderness of the joints.

Advised him to ice the areas and advised some Tylenol.

AUTHENTICATED
GORDON MAH, MD CCFP (EM)

Initials: LAWREB
Dict. : 20/02/05 0616
Transcr.: 23/02/05 0905

PLEASE READ THE FOLLOWING PRIOR TO COMPLETING THE ATTACHED DOCUMENT

**COMMENCING A PROCEEDING
FOR A PRIVATE INFORMATION UNDER
THE CRIMINAL CODE OF CANADA**

As a citizen, you have the right to appear before a Justice of the Peace to lay charges against another person by **swearing to an Information**. A Justice of the Peace must receive the Information if it meets the statutory provisions of the Criminal Code of Canada.

Upon your swearing on oath to the Information outlining the charge(s), The Criminal Code of Canada requires that the Justice of the Peace refer the matter to a Provincial Court Judge or a designated Justice of the Peace to consider whether to issue a summons or warrant to bring the person charged before the court.

By law, the Provincial Court Judge or designated Justice of the Peace may only issue a summons or a warrant if they have heard and considered the allegations of the informant and evidence of witnesses. Also the Provincial Court Judge or designated Justice of the Peace must be satisfied that the Attorney General has received a copy of the Information and has been given reasonable notice of the hearing and an opportunity to attend the hearing to cross-examine and call witnesses and present any relevant evidence at the hearing. The hearing will not occur at the time the Information is sworn.

If the Provincial Court Judge or designated Justice of the Peace decides there are grounds to do so, a summons or, more rarely, an arrest warrant, may be issued for the accused person to compel him or her to attend in court to answer to the charge(s). ***The Provincial Court Judge or designated Justice of the Peace is not required to issue any form of process to bring someone to court if they are not satisfied the allegations set forth in the evidence presented at the hearing support the charge(s).***

A Provincial Court Judge or Justice of the Peace is **strictly prohibited** from giving any advice about what charges to lay nor can they give you any other type of legal advice, opinion or guidance. If you are seeking a legal opinion or require guidance about this process, or the situation has caused you to consider this process, you should seek advice from a lawyer or legal clinic.

ONCE THE ATTACHED DOCUMENT IS COMPLETE, PLEASE RETURN TO THE COURT OFFICE SERVICE COUNTER WHERE YOU WILL RECEIVE FURTHER INSTRUCTIONS ABOUT THE NEXT STEP IN THIS PROCEDURE.

NOTE: *This information sheet has been prepared to provide a simple introduction to the requirements under the Criminal Code for a individual to lay a charge against another person. If you wish further advice on how the law applies in your matter, you should seek legal counsel.*

IMPORTANT: THIS DOCUMENT MUST BE COMPLETED IN FULL AND LEGIBLE IN ORDER FOR ANY INFORMATION(S) TO BE PROPERLY PREPARED FOR SIGNATURE.

Information to all applicants for peace bonds under section 810 of the Criminal Code of Canada.

By swearing an information before a Justice of the Peace to obtain a Peace Bond against another person, you should be aware of the following facts:

- 1) This is your application as a private citizen. It is your responsibility to attend court on each and every court date. If you do not attend court, the Justice may dismiss your application.
- 2) If the Defendant refuses to sign a Peace Bond and asks for a hearing; a hearing date will be set. In a situation such as this, it may take as long as 2 – 3 months to obtain a Peace Bond depending on court availability.
- 3) If you wish you may retain a lawyer to represent you in court and to assist you in presenting your case. If you do not retain the services of a lawyer, a Crown Attorney may assist you if he/she feels that it is appropriate to do so. If you wish to speak to the Crown Attorney, you should approach him/her prior to the date set for the hearing.
- 4) If there is a hearing, you may be required to give sworn testimony to demonstrate that you have reason to fear that the defendant will cause personal injury to you (or your spouse or children) or will damage your property. If you have any witnesses, it will be your responsibility to have them attend court on the date set for the hearing and they as well may be required to give sworn testimony. You may speak to the Justice of the Peace as to the procedure to obtain a subpoena for any witnesses.
- 5) If you and the Defendant were married or lived common-law, you may qualify for a Restraining order under the Family Law Act, which may be more appropriate than proceeding under section 810 of the Criminal Code for a Peace Bond. You should speak to a family law lawyer about pursuing such an order.
- 6) If the Defendant assaulted you or did anything, which qualifies as an offence under the Criminal Code of Canada, the police may charge him/her. You should notify the police force in the area where the incident occurred and lodge a complaint. If you are not satisfied with the police's decision, you are entitled to request to have it be reviewed by a superior officer.
- 7) If you reconsider and decide not to proceed with your application, you must attend court on the next scheduled date and inform the presiding Justice that you wish to abandon your application.

Private Prosecutions Particulars

Part I: Allegations (to be completed by Informant)

Name of Informant DEREK DUNLOP
 Address 116 LESLIE AVENUE
 City/Town BARLIE, ON Postal Code L4N 9P4
 Telephone (705) - 791 - 1472 (c)

Name(s) of Accused CST. STEVE WARWAR + CST. MIKE HUNTER - NORTH BAY POLICE
 Address 135 PRUDENCE STREET WEST
 City/Town NORTH BAY, ON Postal Code _____
 Telephone _____ Date of Birth _____

Particulars of Offence

Date 20 - FEB - 05
 Location GINO'S PIZZA - 183 MAIN ST. WEST, NORTH BAY, ON
 I will say:

(Please provide sufficient details of the offence to permit an information to be drafted)

(Use additional paper if necessary)

Part II: Directions to Court Staff *(to be completed by Justice of the Peace)*

Please prepare an Information for a private prosecution by the informant named above,
charging the accused person named above, with the offence of

against _____ committed in the City/Town of
_____ on the _____ day of _____, 20 _____
contrary to section _____ of the _____

Signature of Justice of the Peace

Date

DENNIS W. FENTON
ERIN J. LAINEVOOL

BARRISTERS & SOLICITORS

355 PLOUFFE STREET
NORTH BAY, ONTARIO P1B 4E9

Telephone: (705) 476-5017
Facsimile: (705) 476-5048

December 8, 2005

Derek Dunlop
116 Leslie Avenue
Barrie, ON L4N 9P4

Dear Sir:


RE: R. vs. Derek Dunlop
S. 175(1)(a); 145(1)(a) C.C.C.

Enclosed herewith are my accounts for services rendered in relation to the above-noted matters. Also, enclosed is a Certified copy of the Information which was faxed to you on December 1, 2005.

Please note, there are two accounts as my practice changed to a Partnership on September 16, 2005, and I am required to interim bill all my files to that date. Total amount owing is **\$1,309.21**.

I trust this is satisfactory to you. If you have any questions, feel free to contact my office.

Yours truly,


DENNIS W. FENTON

mb
Enclosures

Fenton & Lainevoal Barristers & Solicitors
 355 Plouffe Street
 North Bay, ON P1B 4E5

Ph: (705) 476-5017

Fax: (705) 476-5048

Derek DUNLOP
 116 Leslie Avenue
 Barry, ON L4N 9P4

December 7, 2005

Attention:

File #: 05-4312
 Inv #: 14

RE: Charges: Cause Disturbance, Escape Lawful Custody

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-03-05	Telephone call from client.	0.10	35.00	DWF
Oct-17-05	Fax from client.	0.10	35.00	DWF
	Telephone conference with client.	0.20	70.00	DWF
Oct-30-05	Review of file re: conference with client November 2, 2005.	0.40	140.00	DWF
Nov-02-05	Conference with client re: trial.	0.30	105.00	DWF
	Telephone call to Crown.	0.10	35.00	DWF
	DWF review file re: Charter Application.	0.60	210.00	DWF
	Review of correspondence from Crown.	0.10	35.00	DWF
	Telephone call to client; left message.	0.10	35.00	DWF
Nov-06-05	Telephone conference with client; receive instructions re: diversion.	0.10	35.00	DWF
	DWF attends Ontario Court of Justice; charges against D. Dunlop withdrawn.	0.30	105.00	DWF
Nov-07-05	Telephone call to Crown re: diversion.	0.10	35.00	DWF
	Totals	2.50	\$875.00	
	GST on Fees		61.25	

Fenton & Lainevoal Barristers & Solicitors
 355 Plouffe Street
 North Bay, ON P1B 4E5

Ph:(705) 476-5017

Fax: (705) 476-5048

Derek DUNLOP
 116 Leslie Avenue
 Barry, ON L4N 9P4

December 7, 2005

Attention:

File #: 05-4312
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RE: Charges: Cause Disturbance, Escape Lawful Custody

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	Telephone conference with client.	0.20	70.00	DWF
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Nov-02-05	Conference with client re: trial.	0.30	105.00	DWF
	Telephone call to Crown.	0.10	35.00	DWF
	DWF review file re: Charter Application.	0.60	210.00	DWF
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	Totals	2.50	\$875.00	
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DISBURSEMENTS


	Disbursements	Receipts
Nov-23-05		
Postage (2 x .50)	1.00	
Faxes (7 x .50)	3.50	
Photocopies (8 x .25)	2.00	
	<hr/>	<hr/>
Totals	\$6.50	\$0.00
Tax on Disbursements	0.46	
		<hr/>
Total Fees, Disbursements		\$943.21
Previous Balance		\$0.00
Previous Payments		\$0.00
		<hr/>
Balance Due Now		\$943.21

Total GST \$61.71

GST No.: 81895 0941RT0001

* tax-exempt

**THIS IS MY ACCOUNT
E. & E.O.**



DENNIS W. FENTON

In accordance with Section 35 of the Solicitor's Act, interest will be charged at the rate of 4% per annum on fees, charges or disbursements calculated from a date is one month after this statement is delivered.

DATE Feb 24/05 770062

RECEIVED FROM Derek Dunlop.

ADDRESS One thousand DOLLARS (\$ 1000.00)

FOR _____

FROM _____ TO _____

METHOD OF PAYMENT	TO	ACCOUNT
CASH <u>1000.00</u>	TOTAL AMOUNT	
CHEQUE	AMOUNT PAID	
MONEY ORDER	BALANCE DUE	

TAX REG. NO. Mary
DENNIS W. FENTON
 Barrister & Solicitor
 5-555 Main Street West
 North Bay, ON P1B 2V3

BY _____

DC 74 BlueLine

Date Aug 15/05

Received from Derek Dunlop. XV

Sixteen hundred 100 Dollars

\$ 1500.00 Cash No. _____

Tax Reg. No. _____

Mary
DENNIS W. FENTON
 Barrister & Solicitor
 5-555 Main Street West
 North Bay, ON P1B 2V3

RECEIPT BlueLine