

Information No. 12-0529

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEREK DUNLOP

B A I L P R O C E E D I N G S

BEFORE HER WORSHIP A.C. FORFAR
on December 14, 2012 at BARRIE, Ontario

APPEARANCES:

L. McConnery

Counsel for the Crown

D. Dunlop

Self-Represented

FRIDAY, DECEMBER 14, 2012

COURT OPENS...

THE COURT: Good morning, sir. Stay on your feet. Tell me your name please.

DEREK DUNLOP: It's Derek Dunlop, Your Worship.

THE COURT: Thank you, and what are we doing with Mr. Dunlop today?

MR. MCCONNERY: Been in custody since last January. There has been an attempt to get the matter on to a JPT, and I believe there was one on December 10th. He has not had a bail hearing. It is to be put over to December 18th in Collingwood to be spoken to or to set a date for hearing.

DEREK DUNLOP: Partially - I mean, the judicial pre-trial did not happen. I mean that's - I guess that - there's no jurisdiction on that. The reason I'm here, Your Worship, is my mother is passing away. She's terminally ill with incurable and inoperable cancer in North Bay Hospital. I'm trying to get bail on this. I've made some numerous attempts with friends, family members. This week I've been - we've been locked up on two occasions. I've been in court one day this week and have had limited, limited access to a telephone. So I'm not sure where people are at or what's going on.

THE COURT: Do you have a lawyer, sir?

DEREK DUNLOP: I do not. I'm self represented.

THE COURT: All right, so you've been in custody for a year?

DEREK DUNLOP: Almost - well going on about a

year.

THE COURT: Almost a year, so have you not made any phone calls over the past year to get people here to act as a surety for you?

DEREK DUNLOP: Well, I mean, this is imperative. Like this is a different situation with my mom. I mean....

THE COURT: Well your mom notwithstanding, making phone calls to people to act as surety, if you've had sort of a year to do that, that's quite some time.

DEREK DUNLOP: Well I appreciate that. I - but I thought at this point, I mean I'm just trying - I'm imposing on people I would not normally impose upon 'cause possibly, you know, with friends, so on and so forth, and this week has been, Your Honour....

THE COURT: Well what is it - what is it you think that I can do for you?

DEREK DUNLOP: Well, I've proposed different options to the Crown. The Crown recently has said that - I mean I'm not going to plea. I mean I've made it quite clear due to the dynamics and complexities of this matter that I'm not going to enter a plea. The Crown has said that I have served enough time as of earlier this week in relation to that. I'm trying to propose any type of option that, you know, this Court could kindly, graciously, you can hash out and consider and the Crown consider on releasing me on own recognizance, promise to appear, ankle bracelets....

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THE COURT: I - I - I think at this stage, sort of a year into this, I mean anybody can correct me if you think I'm wrong, I think this gentleman has to make all these kinds of propositions in front of a - in front of a judge. Probably, I don't know, I've heard you say you don't want to plea, but perhaps you have to get this process moving along.

DEREK DUNLOP: Well I'm - that's what I'm trying to do, but this is - the reason I'm here today is the reasons that I've mentioned, and regardless of those other - other issues, there's no safety concerns. This is - this is allegedly for sending documents....

THE COURT: You know what, for whatever it is, remember there is a court record here.

DEREK DUNLOP: Sure.

THE COURT: There's no - there's no reason in talking about the occurrence or the alleged occurrence.

DEREK DUNLOP: Okay.

THE COURT: If you want to have a bail hearing it usually occurs here.

DEREK DUNLOP: Sure.

THE COURT: You have to be ready and prepared to have a bail hearing.

DEREK DUNLOP: Sure.

THE COURT: You've also had a year to get counsel. I'm not sure why you haven't.

DEREK DUNLOP: Well I can't 'cause there's - there's a law society complaining I was out of control and so forth.

THE COURT: All right. So you've had some issues with counsel. So what is it you really want to do ultimately? You want to have a trial?

DEREK DUNLOP: Well, kind of the way has initially gone - this will be going to trial.

THE COURT: No, no, I'm saying that. Are you headed towards having a trial?

DEREK DUNLOP: Yes.

THE COURT: So have you set a trial date yet?

DEREK DUNLOP: No, not yet because there's been an issue with that as of last week. This is - Your Worship, there is....

THE COURT: So again, you have a family crisis happening at the moment. So you need to make some decision, sir, about what you wish to do. If you want....

DEREK DUNLOP: This is the - this is the biggest case of collusion, cover-ups, conspiracy in the history of our judicial system, and at some point somebody has to take ownership, responsibility, accountability for their actions.

THE COURT: Okay. I....

DEREK DUNLOP: No, no, Your Worship, I get cut off all the time because you want....

THE COURT: I'm not trying to cut you off. I'm just trying to focus you...

DEREK DUNLOP: Sure.

THE COURT: ...to what I can do for you here...

DEREK DUNLOP: Okay.

THE COURT: ...and this court, run bail

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hearings.

DEREK DUNLOP: Yeah.

THE COURT: Right, that's what I do...

DEREK DUNLOP: Okay.

5 THE COURT: ...in this court. We can also set trials from this court. We can set judicial pre-trials from this court, but I can't get into ever what the Crown decisions may be or - or those sorts of things. I'm assuming the position of the Crown on bail is contested?

10 MR. MCCONNERY: Yes.

THE COURT: All right, so you would be facing a contested hearing, which means generally you would - it's in your best interest to have a surety here. Are you able to do that?

15 DEREK DUNLOP: I will try to do so. I will ask for a week 'til next Friday to do so and that's - in relation to that, that's all I'm asking, that it be put over to the 21st - Friday the 21st in relation to trying to do that part of it. As far as the pre-trial, that's been kind of waived without my even doing so. So I'd appreciate it if a pre-trial is reset in this matter so.

20 THE COURT: All right. I understood from the Crown that something was happening on December the 18th.

25 MR. MCCONNERY: It's to be spoken to in Collingwood.

30 THE COURT: Okay, so that's maybe regarding the judicial pre-trial. Is that where the pre-trial was to be held?

MR. MCCONNERY: I think it's - yes. I mean,

that's along the stream.

DEREK DUNLOP: The Crown doesn't want to own up to their responsibility. There's too many crowns involved in this. At some point somebody needs to come forward and be honest and be forthright with the truth. On the last date I proposed - I put notice....

THE COURT: You know what, it's - there's no point telling me 'cause I can't help you with your pre-trial. There's no - there's no point trying telling me what happened during it.

DEREK DUNLOP: There is no - I - I thought....

THE COURT: No that's fine. So - so maybe what's happening is that on December the 18th another pre-trial is being set or some more discussions are going to occur.

DEREK DUNLOP: No, no, no, that's not it, Your Worship. This is what I have approved. The judge who was presiding over that matter earlier this week waived my pre-trial. I contested that. The judge who heard that and presided over that said that I could bring back a motion or whatever the hell my pre-trial reinstated. They're going forward and setting a trial date without having to....

THE COURT: Well that's very often done actually. I - I don't know what the circumstances of your case are, but not all things are in fact pre-tried. So on December the 18th, I gather you want to have a bail hearing a week today.

DEREK DUNLOP: Yes.

THE COURT: But there's also an interim date in between on the 18th where you're to go back to Collingwood.

DEREK DUNLOP: Yeah

5 THE COURT: And again, of course, you can speak to whatever happens on that date, but it's simply to be spoken to. I'm sure somebody might be talking to you about pre-trial or trial dates.

10 MR. MCCONNERY: It will be - it's supposed to be scheduled to set a trial.

15 THE COURT: So on - on that date you can affirm. You can - you'll have now the weekend to make some calls until Tuesday, and if you still wish to have your bail hearing on the 21st with sureties here, you can let the Court know on the 18th, and they can bring you back next Friday here.

20 DEREK DUNLOP: Can we set that now, Your Honour, because today was - today there was a complicated issue and I wasn't even going to be brought today. So I'd appreciate it if you could set the 21st for bail. Hopefully you're willing to do so.

25 COURTROOM CLERK: We can only set one date at a time.

30 THE COURT: Yeah it's - that's the issue. Really we can only set - especially when we're talking to set date courts as opposed to maintaining a trial date or something like that, but that will all be on the - the file the Crown up there knows. You can make your wishes known.

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You are able to come back for a bail hearing at any day at your wish. We have bail court every day here. Just be sure that when you do, that you've got some folks with you or some anticipated sureties to appear so that they can assist you with your bail hearing. So at this stage you're going to return on the 18th, that's Tuesday in the Collingwood court in person and then possibly you'll be here again next Friday as well.

DEREK DUNLOP: I'm not sure why the Court is resistant to do that, but I appreciate that it will be set down, but I'll - I'll go with whatever you have to say I guess.

THE COURT: Okay, thank you.

MR. MCCONNERY: Thank you.

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