

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEREK JAMES DUNLOP

PROCEEDINGS AT TRIAL

(Volume 1)

BEFORE THE HONOURABLE JUSTICE N. GLAUDE
on May 31, 2010, at NORTH BAY, Ontario.

CHARGES: s. 266 C.C.C. - Assault (x2)
s. 264.1(1)(a) C.C.C. - Threatening
s. 430(4) C.C.C. - Mischief Under
s. 264(1),(2)(b) C.C.C. - Crim. Harassment
s. 270(1)(b) C.C.C. - Assault/Resist Arrest

APPEARANCES:

B. Laplante

Counsel for the Crown

D. Dunlop

In Person

(i)
Table of Contents

ONTARIO COURT OF JUSTICE
T A B L E O F C O N T E N T S
(Volume I)

PROCEEDINGS OF MAY 31, 2010 PAGE 1

<u>WITNESSES</u>		<u>Exam. in-Chief</u>	<u>Cross- Exam.</u>	<u>Re- Exam.</u>
HUNTER, Michael	(On notes)	14	17	146
		19	39	

E X H I B I T S

<u>EXHIBIT NUMBER</u>		<u>ENTERED ON PAGE</u>
ONE	Car repair estimate from Modern Auto Body	33
TWO	Composite of photographs of damage to vehicle	33
THREE	Letter by Mr. Dunlop titled "Please read"	38

Transcript Ordered: July 26, 2010
Transcript Completed: August, 18, 2010
Ordering Party Notified: August 23, 2010

1
R. v. Derek Dunlop

MONDAY, MAY 31, 2010

THE COURT: Thank you. Good morning, all.

MS. LAPLANTE: Good morning, Your Honour.

THE COURT: Good morning.

MS. LAPLANTE: There is one matter on the docket today.

THE COURT: Yes.

MS. LAPLANTE: It's a matter of...

THE COURT: Yes.

MS. LAPLANTE: ...Derek Dunlop.

THE COURT: Yes.

MS. LAPLANTE: We are ready to proceed. I don't know if Mr. Dunlop is ready to proceed.

THE COURT: All right. Oh, okay. Mr. Dunlop, you're representing yourself, are you?

MR. DUNLOP: Yes, I am, Your Honour.

THE COURT: All right. Would you prefer sitting at the counsel table?

MR. DUNLOP: Yes, Your Honour.

THE COURT: All right. Why don't we do that? All right. And do you have pencil and paper?

MR. DUNLOP: Yes, I do, Your Honour.

THE COURT: All right.

COURTROOM CLERK: Also ask you to remain standing for one moment.

MR. DUNLOP: All right.

COURTROOM CLERK: Are you Derek James Dunlop?

MR. DUNLOP: Yes, I am.

COURTROOM CLERK: You stand charged, on or about the 25th day of August, 2009, at the City of North Bay, did commit an assault on Michael Hunter, contrary to Section 266 of the Criminal Code of

Canada. And further, you stand charged, on or about the 25th day of August, 2009, at the City of North Bay, did verbally knowingly utter a threat to Michael Hunter to cause bodily harm to Michael Hunter, contrary to Section 264.1(1)(a) of the Criminal Code of Canada. And further, you stand charged, on or about the 25th day of August, 2009, at the City of North Bay, did commit an assault on Michael Hunter, contrary to Section 266 of the Criminal Code of Canada. And further, you stand charged, on or about the 25th day of August, 2009, at the City of North Bay, did commit mischief by wilfully damaging, without legal justification or excuse and without colour of right, property, to wit: a motorcycle (sic), the property of Michael Hunter, the value of which did not exceed \$5,000, contrary to Section 430(4) of the Criminal....

MS. LAPLANTE: I am sorry, did you say a motorcycle?

THE COURT: She did say a motorcycle.

COURTROOM CLERK: Oh, sorry, motor vehicle.

MS. LAPLANTE: Thank you.

THE COURT: All right.

COURTROOM CLERK: Further, you stand charged, on or about the 25th day of August, 2009, at the City of North Bay, knowing that Michael Hunter is harassed or being reckless as to whether Michael Hunter is harassed, did, without lawful authority, repeatedly communicate directly with Michael Hunter, thereby causing Michael Hunter to reasonably, in all the circumstances, fear for his safety, contrary to Section 264(1),(2)(b) of the

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Criminal Code of Canada. And further, you stand charged, on or about the 25th day of August, 2009, at the City of North Bay, did assault Constable S. Dinsmore with intent to resist the lawful arrest of himself, contrary to Section 270(1)(b) of the Criminal Code of Canada. To these six charges as read, sir, how do you plead: guilty or not guilty?

MR. DUNLOP: Not guilty.

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COURTROOM CLERK: Thank you.

THE COURT: You may sit down, Mr. Dunlop. So you have elected to represent yourself. Is that the idea?

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MR. DUNLOP: Under some very extenuating circumstances, Your Honour. I've tried to follow the process of hiring a lawyer. I've had numerous difficulties with a couple different lawyers in this area and - due to, you know, many circumstances involved in this matter and preceding this matter.

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THE COURT: All right. Have you ever spoken to duty counsel about this matter?

MR. DUNLOP: Yes, I have.

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THE COURT: All right. And has anyone talked to you about resolving this matter at some point? Not that I want to get into that, but...

MR. DUNLOP: Myself, no. Not in - in - in relation to....

THE COURT: Well, have you....

MR. DUNLOP: Like...

THE COURT: I'm sorry.

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MR. DUNLOP: ...in relation to a Crown resolution

meeting...

THE COURT: Yeah.

MR. DUNLOP: ...or something of that nature? No, I have not been privy of that or - or anything of that nature.

THE COURT: So was it - did you ever get a screening form? What's...

MR. DUNLOP: Yes.

THE COURT: ...called a screening form?

MR. DUNLOP: Yes, Your Honour.

THE COURT: All right. And did you ever discuss that with duty counsel?

MR. DUNLOP: Never really made it to that as far as that process. I had another matter down south that I was dealing with at the time, so I - it's also complicated things as...

THE COURT: Right.

MR. DUNLOP: ...far as this matter has - has gone.

THE COURT: Okay. Do you feel that, if you had the assistance of duty counsel this morning, that you would want to explore whether or not this is resolvable or not? Doesn't matter to me. I'm just...

MR. DUNLOP: Yeah.

THE COURT: ...trying to....

MR. DUNLOP: No, I appreciate your offer. I - I guess I could. I don't know whether it makes much sense, but I guess I could.

THE COURT: Yes. There has been no discussions of settlement in this matter?

MS. LAPLANTE: I can indicate that, on two occasion, there was counsel. There is a third

counsel that was - the matter was adjourned a few times to try to retain him. I don't know. There was a pretrial schedule at one point in time, but it was not held when it was cancel on the record...

THE COURT: Right.

MS. LAPLANTE: ...so there's been no resolution discussions.

THE COURT: Hm. Is there duty counsel here today?

MS. LAPLANTE: On Monday? Mr. King is sometime in the building. He's the regular duty counsel. I don't know if he's doing bails, though.

THE COURT: Mhm.

MS. LAPLANTE: But sometimes they call in someone when the need arise. I know that they won't do a trial....

THE COURT: Oh, no. No, it's not a question of doing a trial. It's just I think that, as far as I am concerned, if - if there is some credit to be given to a resolution, I think this gentleman should have the opportunity of taking advantage of that.

MS. LAPLANTE: Yes.

THE COURT: I am just trying to be fair to him.

MS. LAPLANTE: Mhm.

THE COURT: Everybody else in the process would have had that, had he had a lawyer. Is - how would you get ahold of this duty counsel?

MS. LAPLANTE: We can page Mr. King and see if he's....

THE COURT: Can you page him, please?

...MR. KING PAGED, 10:00 A.M. - NO RESPONSE

THE COURT: All right. Any suggestions?

MS. LAPLANTE: If we take a short recess, I can look in the building to see if - if there is any counsel that act as duty counsel that are present...

THE COURT: Mhm.

THE COURT: ...and see if they are willing to go down and speak with Mr. Dunlop. Otherwise, I can try to find out when Mr. King is expected back. He just went home and....

COURTROOM CLERK: Yeah, he's gone.

MS. LAPLANTE: Okay.

THE COURT: Thank you. Sir, what's your thoughts on this?

MR. DUNLOP: I guess - I mean, I'd be willing to at least, you know, listen to what, you know, they're - a - a possible Crown resolution prior to proceeding.

THE COURT: Yeah. Okay. It's just I don't want to delay the trial unduly. Maybe what we can do is, we'll take a short break, let's say 15 minutes, and if something happens and we can start before then, that's fine, and I'll come back in 15 minutes, even if duty counsel is here, so that I can get an assessment of how we're doing and what we're going to do. All right? Thank you.

R E C E S S

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

THE COURT: Have you had a chance to meet with duty counsel, sir?

MR. DUNLOP: Yes, I did, Your Honour.

THE COURT: All right. And so are you prepared to proceed with trial today?

MR. DUNLOP: I am, but I - just there's some information, I mean, I've - my mother has forwarded to the Crown's office as of last week and I forwarded a fax to them just in relation to - I wanted to bring a notice of application to enter other evidence into this matter in my own defence of my own disclosure, so on and so forth, but obviously being in custody, I'm prevented from doing those things, not able to access the resources to be able to do that and not being represented by counsel to be able to do that.

THE COURT: Mhm.

MR. DUNLOP: I also have concerns about the fact that, as far as I'm aware and from what the Crown attorney has just mentioned, there's been no pretrial in this matter, don't know if there's even been a prelim, I am not sure, to the best of my knowledge, and I don't believe there's been a bail hearing and I've not been given the right or the opportunity to elect mode for trial. So there is - I'm not trying to delay the trial or - or anything of that nature, but I don't believe those things have happened, but, due to circumstances beyond my control, being in custody, having some issues with past attorneys, so on and so forth, I am not sure what's happened and what hasn't happened, so....

THE COURT: Well, okay. First of all, you are not entitled to a preliminary inquiry. The reason for that is because the Crown has an election to start

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off with and they've decided to treat this as a summary conviction offence, which means that, because you don't have a right to a preliminary and right to judge and jury, that the maximum penalty is less than if it would - was - if they had proceeded by way of indictment. So you don't have a right to a preliminary inquiry. All right. So no judge and jury, nothing like that. You - I don't know - how long - since when have you been in custody?

MR. DUNLOP: Twenty-fifth of August '09.

THE COURT: Pardon me?

MR. DUNLOP: The 25th of August '09.

THE COURT: On these charges?

MS. LAPLANTE: He's - he serve a sentence for portion of time. From....

THE COURT: I am sorry, proportionate to...?

MS. LAPLANTE: For a portion of this period of time.

THE COURT: Right.

MS. LAPLANTE: From November to March...

THE COURT: Right.

MS. LAPLANTE: ...there was a sentence that was being serve.

THE COURT: Okay. And then what about a bail hearing?

MS. LAPLANTE: I don't know if he has appeared for - I - I know that it was appearance in Bail Court. My file doesn't indicate if there was an actual bail conducted. But, from what I can see, he was in Bail Court. For example, September 29th. I don't have all the entries and....

THE COURT: Okay, so - but - so if he hasn't had a bail hearing - he served a sentence and, after he served the sentence, how come he wasn't released?

MS. LAPLANTE: Because he appeared in Bail Court and either waive his bail or adjourned it...

THE COURT: Yes.

MS. LAPLANTE: ...and never brought it back. He - he appeared in video remand regularly...

THE COURT: Yes.

MS. LAPLANTE: ...and adjourned it to the next video remand, adjourned it to a date, and, at one point in time, set a trial date on this matter without going back to Bail Court after his original appearance in Bail Court.

THE COURT: Is that correct, sir?

MR. DUNLOP: I don't believe so, Your Honour. I don't know about the bail hearing, but I was....

THE COURT: Well...

MR. DUNLOP: Sorry.

THE COURT: ...what time - when did you finish serving your sentence?

MR. DUNLOP: March 18th.

THE COURT: All right. So here you are on March 18th and they bring you back to Bail Court. Video man....

MR. DUNLOP: Haven't been in court on this matter since January. Well, other than last week or the 21st of May in which trial was set in January, January 15th or I'm not sure of the exact date. I can't remember what....

THE COURT: And so what happened in May then? May what?

MR. DUNLOP: May 21st was ten days ago. That was when it was put over 'til today.

THE COURT: Right. Okay. But, since March, you've had lawyers represent you.

MR. DUNLOP: No.

THE COURT: Okay. And....

MS. LAPLANTE: And there was no further appearance in court here, as he had already set a trial date as a person in custody.

THE COURT: Yeah.

MS. LAPLANTE: He was in custody when he set the trial date as a person in custody...

THE COURT: Mhm.

MS. LAPLANTE: ...because he had appear in Bail Court and was - and adjourn his Bail Court.

THE COURT: Right. So did you adjourn your Bail Court through video remand from time to time?

MR. DUNLOP: Yeah, I did, yes.

THE COURT: Okay.

MR. DUNLOP: There was no actual bail hearing per se.

THE COURT: Did you ask for one?

MR. DUNLOP: I'm assuming - I - I don't really recollect - I mean, I was putting it off because I was trying to obtain a lawyer, Your Honour, yeah.

THE COURT: Right. But that's you.

MR. DUNLOP: Yeah.

THE COURT: You ready for trial today?

MR. DUNLOP: As - I don't know, but, as I said, I - I - well, you know, I've tried to put notice of application in to enter other evidence into this matter...

THE COURT: But....

MR. DUNLOP: ...for the best of my own defence,
but....

THE COURT: Well, okay. So what we're going to do
then is - you mean you want to call evidence?

MR. DUNLOP: Yes, I do.

THE COURT: All right. And so what form will that
evidence be taking? Like, people?

MR. DUNLOP: It would have been written
documentation as far as, you know, subpoenaing
witnesses, so on and so forth.

THE COURT: So you want to subpoena witnesses?

MR. DUNLOP: Yes.

THE COURT: And you haven't been able to?

MR. DUNLOP: Well, I haven't been able to follow -
I - I don't have the resour... - access to the
resources, being in custody.

THE COURT: What resources would you want to
access?

MR. DUNLOP: Well, computer, being able to do
research, being able to formally submit notice of
applications to the court.

THE COURT: For what?

MR. DUNLOP: To enter - to request and for the
court to consider, you know, entering evidence.

THE COURT: No, no, no, no. No, no. If you want
to call witnesses, it's up to you to subpoena
them.

MR. DUNLOP: Mhm.

THE COURT: Right. You don't have to make
application to this court to do that.

MR. DUNLOP: Mhm. You have to be sworn as an

officer of the court or something, I believe, though.

THE COURT: No, no. Well, I don't know. That's up to you.

MR. DUNLOP: Okay.

THE COURT: You know. Well, I tell you what we'll do, sir. I am going to start. You know, we - you can't stay in jail all this time and waste this trial opportunity, so what I am prepared to do is listen to the Crown's case at least, so we won't miss up on a - I'm sorry, are you duty counsel?

MS. LAPLANTE: No, he is the investigating officer.

THE COURT: Okay. Oh, yeah, oh, yeah, sorry, sorry. So what I propose to do is, we start the trial, we hear the Crown's evidence, and, after that, at that point, you, as a defendant, will have an option to decide whether or not you want to call evidence, whether or not you want to testify - right? - and that's up to you.

MR. DUNLOP: Mhm.

THE COURT: All right? So, going back to the trial, you are charged with these offence.

MR. DUNLOP: Mhm.

THE COURT: All right? The onus is on the Crown to satisfy me beyond reasonable doubt that the offences have been committed. You are under no obligation to do anything. All right? It's up to them to prove that. All right? Beyond reasonable doubt. If they present a prima facie case, a good case to start off with, then you - it's up - it's going to be up to you to decide after they've -

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the witnesses have passed, whether you want to call a defence or not. So we'll proceed to then. So what's going to happen is, the Crown is going to call the witness. She is going to examine them in-chief. You will be permitted to cross-examine them - all right? - on issues relevant to the trial. After you finish that, if the Crown feels that you've raised new issues, she is permitted to re-examine the witness, but only on new issues that you may have brought up. All right? Do you understand that?

MR. DUNLOP: Yes, I do, Your Honour.

THE COURT: All right. So I would suggest that's what we do. Now, you've had disclosure? The Crown has provided you with disclosure of the case that it has against you?

MR. DUNLOP: Yes, Your Honour.

THE COURT: All right. So why don't we do it that way. All right? Have a seat. Call your first witness, please.

MS. LAPLANTE: Yes, it'd be Sergeant Mark (sic) Hunter.

THE COURT: Thank you.

MS. LAPLANTE: Before we start, I understand that - since Mr. Dunlop is unrepresented, the Crown has several police and civilian witnesses.

THE COURT: Yes.

MS. LAPLANTE: We - I'd ask that there be an exclusion of witnesses.

THE COURT: All right.

MS. LAPLANTE: An exception for the investigating officer. I don't expect calling him as a witness.

THE COURT: All right. Sir, Mr. Dunlop, what we're doing is, we are going to exclude all of the witnesses from the Crown's case so that they can't hear and have the advantage of hearing what they have to say.

MR. DUNLOP: Yes.

THE COURT: We'll be cross-examining them as they go. If you have any witnesses - you don't have any witnesses here, eh?

MR. DUNLOP: Not at this time, Your Honour.

THE COURT: Okay. But anyway, there'll be an order excluding all of the witnesses. Thank you.

MICHAEL HUNTER: SWORN

EXAMINATION IN-CHIEF BY MS. LAPLANTE:

Q. Sergeant Hunter, I understand you're just finishing night shift?

A. That's correct.

Q. And you're a member of North Bay Police Services?

A. That's correct.

Q. How long have you been a police officer?

A. Twenty-three years.

Q. And I understand that, in this matter, you are the complainant and part of it is something that happened while you were off duty that stems from something that happened while you were on duty.

A. That's correct.

THE COURT: Well - okay. So you're not - what part - like, what I am concerned about is his uniform.

MS. LAPLANTE: Okay.

THE COURT: All right? If he's off duty, why is he wearing a uniform?

MS. LAPLANTE: He's coming off duty. He was on duty last night 'til this morning.

THE COURT: 'Til what time?

A. Six o'clock. So what happens from there is I stay continuous duty. I'm on shift, overtime.

THE COURT: Mhm.

A. ...until the conclusion of court.

MS. LAPLANTE: So he is still on duty at this time.

THE COURT: All right.

MS. LAPLANTE: Q. So you've made some notes regarding your dealings with Mr. Dunlop?

A. Yes, I have.

Q. And when were those notes made?

A. They were made at the time of the incident or shortly thereafter.

Q. And I understand there is also two statements you made regarding some dealings with Mr. Dunlop.

A. Correct.

Q. And when were those made?

A. They were made again shortly thereafter the incident would occur.

Q. Okay. Do you need - the notes are made in your own handwriting?

A. Yes.

Q. Any addition, deletion, altercation of those notes?

A. None.

Q. Do you need them to refresh your memory as to details?

A. If I may.

Q. Do you have an independent recollection of your dealings with Mr. Dunlop?

A. I do.

MS. LAPLANTE: Permission that he uses his notes.

THE COURT: Are these the originals, sir?

A. Yes, they are.

THE COURT: All right. And they were made not in the course of your duties?

A. After the incident, I returned to North Bay Police Service headquarters and, at that time, I was put on duty in relation to completing the investigation and made my notes and stuff at that time 'cause my note book would have been at the police station.

THE COURT: All right. Thank you. So are these the originals?

A. Yes.

THE COURT: You have nothing scribbled elsewhere and you retransferred into your notes?

A. That's correct.

THE COURT: All right. And the notes are contained in your officer's note book?

A. Yes. My regular duty note book.

THE COURT: All right. And your two statements. And - yeah, you gave two statements?

A. Yes.

THE COURT: All right. Thank you. Sir, this gentleman is - has his police officer's notes about what happened at whatever incident that I haven't heard about yet, and he wants to be able to refresh his memory by reviewing those notes.

Now, first of all, do you have a copy of those notes?

MR. DUNLOP: I believe I have a copy of everything, yes.

THE COURT: Does he have a copy...

MS. LAPLANTE: Yes.

THE COURT: ...of the notes? Does he have a copy of the two statements?

MS. LAPLANTE: Yes.

THE COURT: All right. So what I am going to do, subject to your - so you can ask him questions now, if you want, only on the issue of whether or not he can refresh his memory by looking at the notes. The Crown has asked him a number of questions about - that sa... - would satisfy, tend to satisfy, that he could look at the notes because they were made shortly after the incident occurred, that they're the originals. They've been in your possession and care and control since that time?

A. Yes, they have.

THE COURT: You haven't made any alterations to these notes?

A. None.

THE COURT: Okay. So do you have any questions with respect to that issue?

MR. DUNLOP: Yes, Your Honour.

THE COURT: All right.

CROSS-EXAMINATION ON NOTES BY MR. DUNLOP:

Q. Mr. Hunter, you - you know what contempor... - contemporaneously-documented notes means. Do you know what that

means?

A. No, I do not understand what you are asking.

Q. Within a 24-hour time period of - of when the events have occurred. You're - you are responsible to - as a officer, to document your notes in that 24-hour time period.

A. I made my notes right after the incident occurred. It was within 24 hours, if that's what you're asking.

Q. Yes. So it was within 24 hours.

A. Yes, they were.

THE COURT: But did you say - you know, I don't know about any rule about 24 hours. Okay, but I don't want you to be under the misapprehension that they necessarily have to be made within 24 hours.

MR. DUNLOP: But - but they are to be contemporaneously....

THE COURT: As soon as possible thereafter. Yeah, okay, let's put it that way.

MR. DUNLOP: Q. And you are aware of that, Mr.

Hunter.

A. My notes were made right after the incident when I returned to the head... - police headquarters.

Q. And you've - you've had how many dealings with Mr. Dunlop over time?

A. Two.

Q. And these - these are documents that - of the - the statement is documented and the black book notes are documented at that time.

A. I don't understand what you mean.

Q. You are documented at that time.

THE COURT: You wrote 'em up. Just use plain English to him.

MR. DUNLOP: Yes.

THE COURT: You wrote....

A. I wrote notes at the onset of both instances.

Or the completion of both instances.

MR. DUNLOP: That's all, Your Honour.

THE COURT: All right. So do you have any comments as to whether or not he should be permitted to review his notes to refresh his memory?

MR. DUNLOP: Oh, that's fine, Your Honour.

THE COURT: All right. So, sir, what I am going to ask you to do is not to refer to the notes because I want to see what kind of independent recollection you have and, when it comes to a point where there's a need to refresh, then we'll do that that way, but you have permission to refresh them whenever you do need them.

A. Sure. Thank you.

THE COURT: All right? Thank you. Go ahead.

MS. LAPLANTE: Q. Sergeant Hunter, were you on duty on the 25th of August, 2009?

A. No. Not on that date. I was off duty at that time.

Q. Okay. And I understand that, during that day, you went shopping.

A. That's correct.

Q. Where did you go?

A. To the A&P or what's known as the Metro.

Q. Okay.

A. A grocery store.

Q. And where is that?

A. It's on Lakeshore Drive. I believe it's 390

Lakeshore Drive.

Q. Okay.

A. In the City of North Bay.

5 shopping?

A. Yes, I was.

Q. Okay. And I understand that something happens while you're attending there.

A. That's correct.

10 Q. What's the first unusual thing that happened?

A. I was about halfway through my grocery shopping and a gentleman came up in front of my cart, who I didn't initially recognize at that time, and stuck out his right hand in the gesture of a handshake ^{LIE #1} and said, "Derek Dunlop, your career's gonna explode." As soon as I heard the name, then it was - it came all back to me. Okay, I know who this is, I know what this is about, and then proceeded from there.

LIE #1
OF
MIKE
HUNTER'S
TESTIMONY
UNDER OATH

15 Q. Okay. So, up 'til the point he introduce himself, you had no idea....

A. It was probably one, two seconds that he was standing in front of me. I was just kinda like, you know, 'Who is this, what's this about?' Because it was - his behaviour itself was out of the ordinary.

20 Q. Okay. So, after he made that comment, what happened?

A. If I may refer to my notes for specifics?

25 THE COURT: Go ahead. You mean you don't remember what happened?

A. Yeah, I remember. I just - there are certain quotes and stuff...

THE COURT: Okay, okay. Go ahead, go ahead.

30 A. ...that I'd like to...

THE COURT: Mhm.

A. ...keep in tune.

THE COURT: Yes.

5 A. He stuck out his - his arm - his hand in
relation to a handshake ^{LE#2} and had said, you know, "Derek Dunlop,
your career's gonna explode." At that time, I - I knew who he
was and - and what the situation entailed. So I immediately
turned my shopping cart away from him - 'cause he was standing
directly in front of it - ^{LE#3} and proceeded down another aisle. He
10 continued to follow me and continued to then try and engage me in
commun... - conversation. He was, at that time, talking about an
incident that happened back in 2005, ^{LE#4} stating that I was corrupt
and that I was a bad police officer. He'd also made references
to Constable Warner, Jeff Warner, who's also of the North Bay
Police Service, who was with me in that instance, that he was
15 corrupt and that we were bad officers. My observations of him
was that he was very angry at that time. He didn't seem to be
very engaging or cooperative in relation to the two-way
conversation, so I just tried to stay away from him. ^{LE#5} I proceeded
down four or five different aisles and he followed me the whole
20 way on a couple occasions, ^{LE#6} almost to the point where he was
bumping into the back of me and I could feel contact from him.
He - as he....

LIE #2
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #3
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #4
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIES #5 & #6
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: From him. I'm sorry. From him. Was
it like the cart he was - was he...

A. No.

THE COURT: ...did he have a cart?

A. No, he did not have a cart.

THE COURT: Okay.

A. The only thing he had in his hand at that time
was a - a plastic bag. I believe it was a bag
from the store...

THE COURT: Okay.

A. ...with something in it. I don't know what
 was in it. ^{LIE #7} But the contact was more of a chest - his chest to
 kinda the back of my shoulder. I continually was telling him,
 you know, "Derek, go away. This isn't the time, this isn't the
 place. These instances were settled long ago. Leave me alone."
 He continued to talk and ^{LIE #8} he indicated that the North Bay Police
 Service was a joke, always talked to Warner myself, we're liars
 and dirty cops. ^{LIE #9} He said that I was an asshole and everything is
 my fault. I tried to ignore him. I felt that engaging him would
 cause further problems and it certainly wasn't the time or place
 in a public store, and I had expressed that to him, that I didn't
 want to talk to him and to go away and leave me alone. The
 ignoring him seemed to upset him further and he became a little
 bit more engaged in the sense of being louder, a little bit
 closer to the - a li... - ^{LIE #11} a little bit more physical in the sense
 of bumping me.

^{LIE #12} I had turned and gone down the pop/chip aisle of the store. At
 that point, he moved from behind me, closer to the - my left
 side. At that point, ^{LIE #13} he pushed my cart, which abruptly went
 sideways and into the - I believe it's the chips or crackers that
 were there. ^{LIE #14} He then raised his fist and he swung at me,
 punching. I was a little bit further away from him 'cause the
 cart had moved and he caught me in the shoulder. ^{LIE #15} At that point,
 when he followed through with his punch, ^{LIE #16} I then stepped forward
 and pushed him with both my hands in his chest to get some
 distance between him and myself. ^{LIE #17} He probably took one or two
 steps back as a result of that and fell into the opposite aisle
 of the - the store there. ^{LIE #18} I'm not sure what was on that aisle,
 whether it was more chips or pop, I'm not sure. ^{LIE #19} I told him that
 that was enough and again this is not the time or place to be

LIE #7
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #8
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIES #9 or #10
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #11
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #12
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #13
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #14
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIE #15
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIES #15 or #16
 OF MIKE HUNTER'S TESTIMONY UNDER OATH
 LIES #17, #18 - #19
 OF MIKE HUNTER'S TESTIMONY UNDER OATH

dealing with this and to go and leave me alone. ^{LIE #20} He said to me, ^{LIE #20} "I'll get you. I owe you a beating. I'll get you." At that time, he kinda stopped and I continued down, so I had almost thought that he was gonna leave, but he didn't. ^{LIE #21} He then said, ^{LIE #21-22} "Come outside. We will finish this outside. I will get you." ^{LIE #22} I ^{LIE #22} told him I don't want to fight with him, that this is over and to go away.

^{LIE #23} He continued to follow me, follow me down the rest of that aisle. ^{LIE #23} My thought at that time was that this was not going to stop. So I decided I would go to the checkout, pay for the groceries that I had, finish my shopping at some other time, go to my car, and then report the incident. Unfortunately, at that time, I didn't have my phone with me. It was left in the car, so I didn't have any way of making that call at that particular time, so I ^{LIE #24} proceeded to a checkout. ^{LIE #24} He followed me, although at a little bit more of a distance, but still engaging me verbally in relation to I was dirty and, you know, I was a bad cop, and - and ^{LIE #24} then he was using - he was swearing and using vulgar language. When I got to the checkout, there was one person in front of me. I had to wait. He stood back probably about three to five feet, ^{LIE #25} and he didn't say anything further. ^{LIE #25} He stood in silence and he ^{LIE #25} was staring at me. I just sorta turned away from him so I wasn't in any way engaging with him or - or that he may have felt I was engaging. Focused kind of toward the cash. Put my stuff on the conveyor belt, paid for what I had in the cash register.

²⁵ As I was paying, I turned back and he was gone. I didn't see which way he went and I was kinda like 'Great, he's gone, he's done his thing, I'll finish with what I have to do here and then report the incident.' So I finished paying, loaded my groceries that I had into my shopping cart, proceeded out towards the front ³⁰

door of the store, and, just as I got out the front door, you know, I did a quick scan to see if he was still there or not, and he was immediately on the right-hand side of the door. I proceeded straight through and started to cross the parkin' lot towards my car, which was maybe 30 metres to 50 metres from the door. He immediately followed right in behind me and started again with the - the comments and the slurs.

MS. LAPLANTE: Q. What time of day was that happening at?

A. This was just after 5:00 p.m.

THE COURT: Question?

MS. LAPLANTE: Q. Sorry. You're going towards your motor vehicle, he's following you...

A. Yes.

Q. ...using the same words. What happened after that?

A. He followed me, he was about two or three feet behind me, all the way to my car. I said to him several more times, "Derek, go home. Leave." Once at my car, I sort of stopped at the back trunk area with the idea of, you know, I - at that point, I just wanted to get my groceries in the car, and, you know, that way, I wouldn't have to worry about those being wrecked or, you know, that sort of thing. He came up alongside of me. At that point, he - he grabbed my cart and - and pushed it into my car and it struck the back quarter panel of the car and overturned, dumping all my groceries onto the ground. He then followed that up by coming right - right close to me and he punched me with a closed fist and, at that time, it caught me just on the chin. I let go of the cart, immediately engaged with him. I grabbed him by the shirt. We wrestled for a few seconds. We were back and forth. He tried to swing but really didn't hit me. It was more kinda like to my back. I was able to pull his

LIES #27-28
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
LIE #29
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

^{LIE #30} shirt over top of his head and I kned him in the abdomen area ^{LIES #30-31}
^{LIE #31} and I pushed him back, to the point where he fell down and he was ^{OF MIKE HUNTER'S TESTIMONY UNDER OATH}
^{LIE #32} on the ground. I believe I saw the plastic bag fall on the ^{LIES #32, #33, #34, #35 or #36}
^{LIE #33} ground. I don't know where it was prior to that. Some ^{LIES #32, #33, #34, #35 or #36}
^{LIE #34} sunglasses fell on the ground. And I told him again, said, ^{LIES #32, #33, #34, #35 or #36}
^{LIE #35} "Derek, that's enough." He stopped for a little bit at that ^{LIES #32, #33, #34, #35 or #36}
^{LIE #36} point. ^{LIES #32, #33, #34, #35 or #36} I think he was, in my opinion, a little bit stunned about ^{OF MIKE HUNTER'S TESTIMONY UNDER OATH}
^{LIE #37} being knocked down. I told him again, "This isn't the time or ^{LIES #32, #33, #34, #35 or #36}
^{LIE #38} place. Derek, leave. This is done." ^{LIES #32, #33, #34, #35 or #36} Told him to go home, I ^{LIES #32, #33, #34, #35 or #36}
^{LIE #39} didn't want to fight with him. He got up, back onto his feet. ^{LIES #32, #33, #34, #35 or #36}

He picked up what I believe was his sunglasses and the bag that he had, and then he turned and walked back towards the store.

Q. At that point, what's your impression?

A. My impression at that point was that he was leaving, that he had - the words that I was saying sort of sunk
^{LIE #40} in and he was gonna go. I gathered up my cart and my groceries, put them in my car, and, you know, thinking at that point 'Okay, I'll get this outta the way so that they're not all over the ground,' and then I would call. So I put them in my car, got into my car, used my cell phone, and I reported the incident to our dispatch centre. Gave them a description of what had
^{LIE #41} happened, a description of what Mr. Dunlop was wearing at the time, and where I had last seen him. And, at that time, they said they didn't have a car available 'cause another incident was taking place in the - in the city, which had drawn a lot of the officers, so I said, "Well, I'll stay here and I'll wait." And -
^{LIE #42} until an officer's available and go from there.

Q. And did you see Mr. Dunlop after that?

A. After I got off the phone, I stayed in my car for a little bit. I didn't see him. ^{LIE #43} I got out of my car and, ^{LIE #37}
^{LIE #44} you know, was checking sort of where the shopping cart had hit ^{OF MIKE HUNTER'S TESTIMONY UNDER OATH}
^{LIE #45} and the damage that was caused there. And then I was just kinda

looking around and I did see him. He was standing over by the entrance to the - the A&P or the Metro.

Q. Did he engage you again?

A. He walked back up towards the car and he started to engage me verbally as he was walking up, again saying the same type of things that he was saying in the store and ^{LIE #38} and ^{LIE #39} previously about me being a dirty cop and, you know, I was gonna get mine. And he'd also said, when he got closer - he was probably about three, three feet to five feet between me and him ^{LIE #39} and ^{LIE #40} he had stopped, said, "I want to go again." I told Derek, "No, I don't want to fight you." He said, "I want - I want you to throw the first punch," and he was saying that to me. And I said, "No, I don't want to fight," ^{LIE #41} He had called me on, ^{LIE #42} challenging me several more times about fighting. Several slurs on his part. He'd called me chicken, pussy, said I was scared. I told Derek that he needed help and that he should go and get that help.

^{LIE #43} He engaged me with a little bit of conversation about the police and saying about my career being bad and that Constable Warner was gonna get his, too. I let him go and - go on, just venting, ^{LIE #43} thinking that it would buy some time until an officer would be coming to - to deal with it. This went on for a little bit and then I saw a cruiser coming down Lakeshore Drive and it pulled into the entrance coming into the A&P, which goes by the - the beer store, the gas station, in through there. I saw him look. He saw the police cruiser coming towards us and, at that time, he turned and - and started to walk away. So I waited. The police car pulled in, came right up to where I was. ^{LIE #44} Constable Dinsmore was the - the officer. He got out. I explained to him briefly what had happened in the sense that I had been assaulted and I was threatened. I said, "It was Derek Dunlop, I know who he is."

And I said there - there are some issues there and that he was
currently walking away. ^{LIE #45} I asked Constable Dinsmore if there were
other officers coming, because he was violent and aggressive. He
said that he was the only officer coming at this time 'cause
there was another incident happening in the city. So I said,
"Okay. Well, I'll assist you as best I can and we can go from
there." ^{LIE #46} So he was under the assumption that he - he had these
grounds to arrest him for - for assault and threat....

LIE #45
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #46
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: Whoa, whoa, whoa, whoa, whoa, whoa.

A. I told him that.

THE COURT: So you don't know...

A. Sorry. Yeah, not what he thought.

THE COURT: ...whether he was....

A. Sorry.

THE COURT: So let's take that back.

A. Yeah.

THE COURT: What - what - what - so....

LIE #47
A. I advised him that he was arrestable for
assaults and threats.

LIE #47
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: Okay.

MS. LAPLANTE: Q. And you indicated to Constable
Dinsmore that you would act as a backup for him?

A. That's correct.

Q. Okay. And so you went with Constable Dinsmore
then to arrest Mr. Dunlop.

A. That's correct. We proceeded to walk across
the parkin' lot in not really a run but a slow jog to try and
catch up to him. Derek Dunlop didn't - he didn't run any
further, he just maintained a steady walk and continued across
the parkin' lot and we caught up with him just the other side of
the beer store in the grassed area between the beer store and the
Shell station.

Q. Okay. And tell us what happened then.

A. Constable Dinsmore engaged him in relation to verbally telling him, you know, to get down on the ground. He eventually had pulled out his pepper spray and was holding that.

THE COURT: Who's 'he'?

A. 'He' is Constable Dinsmore.

THE COURT: Okay.

A. Constable Dinsmore pulled out his pepper spray, had shown that out, ^{LIE #48} and said, you know, "If you don't get ^{LIE #49} down, I'm gonna pepper spray you." That was said several times. ^{OF MIKE HUNTER'S TESTIMONY UNDER OATH}
Derek Dunlop had positioned himself behind a light, a metal light pole, so that was between him and Constable Dinsmore. I had positioned myself to Constable Dinsmore's left and to, I believe, Derek Dunlop's right, probably about, you know, five feet away. ^{LIE #49}
And then Constable Dinsmore attempted to engage him. He wasn't ^{LIE #49-50} getting any response from Mr. Dunlop at all. I could tell that there was just no connection between the two. ^{LIE #50} At that time, I called out, "Derek, Derek," to try and get his attention. He turned and looked at me and I said, "Derek, you're under arrest ^{LIE #51-52} for assaults and threats. ^{LIE #51} This officer has pepper spray. If you ^{LIE #52} don't get down on the ground, he will pepper spray you." There ^{OF MIKE HUNTER'S TESTIMONY UNDER OATH} was a second or two of hesitation and then he got down onto his knees, put his hands behind his back. So I motioned to Constable Dinsmore, "Okay, let's, you know, go in and - and arrest him." So we did. I grabbed onto one arm, Constable Dinsmore grabbed onto the other arm. At that point, Mr. Dunlop decided to try and stand up and we were then into a wrestling match with him at that point. He regained his feet. Both - well, myself, I was trying to control him with an arm bar to get him back to the ground. Constable Dinsmore was on his opposite side to me, wrestling with him as well.

MS. LAPLANTE: Q. I understand that the commotion

draw attention of some civilians.

A. Yes. I wasn't aware of that at the time.

THE COURT: First of all, I don't - that's kind of leading, given - I haven't heard about a commotion. There's an incident, maybe.

MS. LAPLANTE: Well, two officer are wrestling with an individual.

THE COURT: That's your conclusion. You're - you're in-chief. Don't - let's not. Tell - you tell us of whatever happened there.

A. Constable Dinsmore and myself were - were wrestling with him. I was on one side, he was in the other. The next thing I'm aware of is that somebody had jumped onto the back of Mr. Dunlop and that motion carried us forward onto the ground. Once we got to the ground, I realized that it was a - a male gentleman in civilian clothes. I didn't know who it was at the time. So he was on top of him. His weight plus myself and Constable Dinsmore, we were able to sort of hold him, pin him to the ground. I was able to secure an arm bar on the one side and there was a little bit more wrestling. ^{LIE #53} I was telling Derek to stop fighting. You know. "You're under arrest." Just - "This is enough." It continued for a few - few seconds, maybe five, and then he stopped.

LIE #53
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

At that time, when I looked up, there were several people around. There was another civilian that had also grabbed onto him and was on the opposite side to me. I - I don't know where he came from or when he - he got involved. It was that time - at that point where I noticed him. ^{LIE #54} So I said to Derek that was enough of fighting and he had verbally said to me, "Okay, okay." And, at that time, I looked up. Constable Dinsmore was getting his handcuffs and bringing them over to - to Derek and both his

LIE #54
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

handcuffs - or both his hands were secured with handcuffs behind his back.

MS. LAPLANTE: Q. Did you or Constable Dinsmore ask for assistance from civilians at that time?

A. I did not. Once - when I looked up and saw the two civilians on his back, a few more seconds and I was able to secure his arm and was able to pin him to the ground. And, at that time, the civilians were - were moving off of him and - and sort of backing up and - and Constable Dinsmore was able to engage with the handcuffs.

Q. And you were able to get control of him. Did the assistant (sic) of the civilian help end things or...

A. Oh, it helped greatly. Constable Dinsmore and myself were struggling with him to secure him while he was standing up. I'm not sure how successful we would have been had not at least one of those civilians, certainly the one that jumped on his back, assisted with knocking him back down to the ground. And, once he was on the ground, it was a little easier to control him with the weight of at least three other men on his back.

Q. And, after he was handcuff, how did things proceed? Or was that the end of your involvement in this?

A. No. Once he was handcuffed, Constable Dinsmore advised me that he had radioed for other officers to come down and that - I believe he told me that - that Acting Sergeant O'Neill was on his way. ^{LIE #55} At that time, while he was on the ground and in handcuffs, I advised Mr. Dunlop of his rights to counsel. I did that from my memory. I asked him if he understood. His response to me was, "Yeah," and he shook his head affirmingly. I asked him if he wanted to call a lawyer and he said, "Yes," and I told him that he would be given that chance at the police station and he responded to me, "Okay." And I

LIES #55,
#56 or #57
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #58

again advised him that he was under arrest for assault and threatening.

LIE #58

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Do you know how he was brought to the detachment?

A. Constable - or sorry, Acting Sergeant O'Neill arrived in a marked police cruiser. He came up to us. At that time, myself, Constable Dinsmore, and Acting Sergeant O'Neill assisted Derek back to his feet. ^{LIE #59} All three of us walked him over to the cruiser and he was cautioned in relation to further resisting by myself and he said, "Okay, okay." And then he was placed in the back of the police cruiser of Acting Sergeant O'Neill and he transported him back to headquarters.

LIE #59

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. And from that, from the time while you put him back to his feet, escort him to the cruiser, how was his behaviour and his demeanour?

A. He was - he didn't say anything more. There was no more slurs or verbal engagement that I was aware of.

Q. Okay. I understand there was some damage to your motor vehicle?

A. That's correct. There was a - a dent and several scratches on the left rear quarter panel where the shopping cart had hit the car and, ^{LIE #60} during our wrestling match, he ^{LIE #61} had fallen back into the car as well, so there was - there was that dent, too, along with the one from the shopping cart.

LIES #60 + #61

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Okay. I have an estimate here from Modern Auto Body....

THE COURT: Has that been provided to the accused?

MS. LAPLANTE: My understanding is that it was and....

THE COURT: Do you have an estimate of....

MR. DUNLOP: No. Not from - from Modern Auto Body that - apologize.

MS. LAPLANTE: He knows....

MR. DUNLOP: Yes, I have the pictures, but I never been - received an estimate.

MS. LAPLANTE: Okay.

THE COURT: Do you have a copy for him?

MS. LAPLANTE: That's the...

THE COURT: Maybe....

MS. LAPLANTE: ...only copy I have.

THE COURT: Well, maybe you could show it to him at least.

MS. LAPLANTE: I can indicate that further disclosure was given to him in custody on December 15.

THE COURT: And what disclosure was given on December 15th?

MS. LAPLANTE: The additional disclosure that was not included in the original disclosure is that and photographs, so....

THE COURT: Mr. Dunlop, any problems with that being filed?

MR. DUNLOP: No, that's fine.

THE COURT: Thank you.

MS. LAPLANTE: Regards to the - what type of motor vehicle were you driving at the time?

A. It's a 2008 Nissan Rogue.

LIE #62 Q. And you indicated there was some dent and scratches?

A. Yes.

Q. And you obtained an estimate.

A. And repairs were done by Modern Auto Body.

This is - this is the - the bill and it was submitted and I went through my insurance company. My only out-of-pocket expenses was

LIE #62
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

\$500 for my deductible and my insurance. And the insurance company paid the balance of that.

MS. LAPLANTE: That could be marked as an exhibit.

THE COURT: Exhibit Number One.

EXHIBIT NUMBER ONE: Car repair estimate from Modern Auto Body - Produced and marked.

MS. LAPLANTE: Q. And those are the two photographs that were taken at the time?

A. Correct.

Q. And they also - can you describe what you - we can see on each?

A. There is several scratches and a dent which is visible in the left rear quarter panel just by the left driver - left - left rear driver's side door.

LIE #63 Q. And these damage were caused by the accident?

A. Yes, they were.

MS. LAPLANTE: Could be marked Composite Exhibit Two?

THE COURT: Yes, please.

EXHIBIT NUMBER TWO: Composite of photographs of damage to vehicle - Produced and marked.

THE COURT: Thank you.

MS. LAPLANTE: Q. You indicated that, when Mr. Dunlop identified himself at the beginning of the altercation, that you realize who he was and what was this all about.

A. That's correct.

Q. Okay. I understand that, in your capacity as a police officer, you had one dealing directly with Mr. Dunlop?

A. That's correct.

Q. And....

A. In 2005. Believe it was February. Myself and Constable Warner had arrested Mr. Dunlop in the downtown area for

LIE #63
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

causing a disturbance.

Q. And that was your only involvement you had directly with him.

5 A. Yes, that's correct. Directly with him. It was a year prior to this incident that there was some involvement that I became aware of in relation to several letters, emails, and things like that that were submitted within the city to restaurants, the university, the college. There were emails sent out and a hard copy of letters. They were put in different
10 persons' mail boxes. And that - those letters I have seen and read and a majority of those letters were in relation to the incident that happened in '05 and both mine and Constable Warner's involvement indicating that we were corrupt and we'd lied and those things.

15 Q. I have a copy....

THE COURT: I don't - how is this relevant?

MS. LAPLANTE: It's relevant regarding the criminal harassment charge.

THE COURT: Okay.

MS. LAPLANTE: It's a situation I've explained...

20 THE COURT: Thank you. No, that's fine. I agree.

MS. LAPLANTE: ...some of the background. I have a copy here.

THE COURT: Did you - did - did you - I'm sorry....

MS. LAPLANTE: That's why the original disclosure....

25 THE COURT: I know. And I don't - I understand. But, because he's unrepresented, I've got to stop and make sure. So do you have copies of this in the disclosure, sir?

30 MR. DUNLOP: Yes, I do.

THE COURT: Thank you. All right.

MR. DUNLOP: Just trying to locate it at this time.

THE COURT: Okay.

5 MS. LAPLANTE: Q. When you talk about letter that were distributed in town, do you recognize this?

A. Yes, I do.

Q. And what's that?

10 A. This is a copy of the letter that had been distributed to several of the locations.

Q. How is it that you became aware of that letter being circulated in town?

A. My original - no, it was - I received a phone call from a friend of mine, name of Tammy Esterbrooks (ph). Her husband, Greg Esterbrooks....

15 MS. LAPLANTE: It's this knowledge, not for the truth of it but for his knowledge of Mr. Dunlop's campaign....

THE COURT: Well, don't lead. I don't know about all of that because it's an unrepresented accused, so, as far as you're concerned, do you believe that this is the kind of letter that Mr. Dunlop had distributed around town?

A. Correct.

THE COURT: Okay. So....

20 MS. LAPLANTE: Q. And, at the time you became aware of that, did that cause some concern to you?

A. Yes, absolutely.

Q. And what did you do about that?

30 A. I initiated an initial investigation. I was actually working night shift when I first became aware of this. My understanding was they had been distributed early in the day,

so I had assigned an officer to go - go down, recover the letter that had been distributed and take a statement from that person in relation to how they came to - to get it.

5 Q. Okay. And did that cause you personal concern? Not just as a police officer as a crime is occurring, but as an individual?

A. At the onset, I didn't really know what it was about. Once I received the information and - and a copy of the letter and read it and then, subsequent to that, learned that 10 there were additional letters sent to several - several different places, I became very concerned. To the point where I made a complaint to our service in relation to my safety as well as the safety of my family, that I didn't know what was gonna happen based on this letter if I was to - to run into this person in a store, a grocery store or the mall. I was right concerned for my 15 safety as to what might happen.

Q. And I - do you recall when you would have made that complain' to the police?

A. I believe it woulda been around the 10th or 11th of August of 2008.

20 Q. And after - this occurred in 2008. Any further contact with Mr. Dunlop?

A. I didn't have any contact with him in 2008. It was just the letters and - and the investigation that happened. But the incident that took place on - on this date, I didn't have any other contact with him after that.

25 Q. So in 2005 is the first time you saw him as a police officer and did you have to go to trial or did you see him after that regarding that incident?

A. No. I'd never been subpoenaed to court or anything along those lines, so I didn't have any other dealings in that matter after the initial arrest and we submitted all the 30

Crown briefs and reports and our notes as required. It wasn't
until this came up that I actually went back into our police
records and found out that he'd received diversion on those
charges.

LIE #64

LIE #64
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

5 Q. Okay. So, from 2005 to 2008, there is no
contact?

A. None.

Q. Do you know Mr. Dunlop as a kid growing up in
North Bay or....

10 A. I did not, no. My understanding, from talking
with my brother, he knew him. But I - I'd never met him that I
was aware of.

Q. So first incident 2005, you receive those
letter in 2008, and 2009 is at a time where you...

A. Correct.

15 Q. ...had dealings with him.

A. That's correct.

Q. In 2008, your concerns that cause you - that
cause you to make a report, were they just for your safety or
other people's safety?

20 A. It was - it was my safety as well as I said if
I was to - to run into him while I was shopping with my family,
my wife at the time or my two sons, I had concerns. I didn't
know what that would lead to. Because of the nature of the
letters. And our original dealing with him, there was a physical
altercation as well. So I knew there was that potential. So I
was concerned for - for their safety as well.

LIE #65

LIE #65
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

25 Q. Okay. You've been a police officer for
twenty-some years.

A. Correct.

Q. You've received threats in the past.

A. Yes, on occasion.

30

Q. Have you reacted this way in the past about threats you've received?

A. No. A lot of times, when I've dealt with instances....

MR. DUNLOP: Objection, Your Honour.

THE COURT: You have to stand up.

MR. DUNLOP: That's a leading que... - I would say that there is some - woops - somewhat of a leading question by counsel, Your Honour.

THE COURT: Your response?

MS. LAPLANTE: Well, I don't believe - I'm asking him if he's acted that way in the past. I mean, don't see how he objects to this.

THE COURT: I don't think it's a leading question. It - she's just saying 'How does this compare in your experience to other threats that you've received?' So I think she's asking for a response which is not 'yes' or 'no' and it's open-ended, so go ahead.

A. As I said, I've - I have received threats from - from people I have arrested before during the course of those arrests, but have never been involved in something where people have submitted letters and distributed them and things along those lines.

MS. LAPLANTE: Q. Do you still have that? That could be marked as the next exhibit, please.

THE COURT: Exhibit Number Three.

EXHIBIT NUMBER THREE: Letter by Mr. Dunlop titled "Please Read" - Produced and marked.

THE COURT: Thank you.

MS. LAPLANTE: Q. With your dealings with Mr. Dunlop on the 25th of August, did you receive any injury?

A. No.

Q. And I think it was the one specific confrontation in the store and then the one outside.

A. Correct.

MS. LAPLANTE: Thank you. Mr. Dunlop will have questions for you.

THE COURT: Okay. Just a second. Mr. Dunlop, this is the point where you are permitted to cross-examine this gentleman. You are under no obligation to do so, but, if you wish, you can. Again, with respect to cross-examination, the - the purpose of cross-examination, of course, is to see whether or not there are any weaknesses or discrepancies in - in this gentleman's memory, appreciation of the facts, his - his - his demeanour and - and purposes of - of testifying here today. So it's a difficult thing to cross-examine someone, so I'll permit some questions, and if, at some point in time, it isn't properly framed, either the Crown will object or I'll - I'll help you out.

MR. DUNLOP: Thank you.

THE COURT: All right? Thank you. Go ahead, sir.

CROSS-EXAMINATION BY MR. DUNLOP:

Q. There are - for - for the record, can you explain how - how long you've been on the North Bay Police Service?

A. Twenty-three years.

Q. Twenty-three years. You've had career advancements in that time, Mr. Hunter?

A. Yes.

time?
Q. How many career advances have you had in that

A. One.

Q. One. And what career advancement is that?

A. I'm a sergeant.

Q. You're currently a sergeant.

A. Yes.

Q. You've dedicated a lot of time to the North
Bay Police Service?

A. I believe I have.

Q. You've dedicated a lot of hours to the North
Bay Police Service.

A. I believe I have.

Q. You have a fairly high, highly credible
reputation in the North Bay area?

A. I think I do.

MS. LAPLANTE: Usually it's other people that
testify, but....

THE COURT: Well, it's his belief, but - okay.

Okay, I'll give you that leeway, sir. Go ahead.

MR. DUNLOP: Q. You have awards, certificates,
training from your time as a police officer, Mr. Hunter?

A. I do.

Q. I'm sure you've compiled numerous awards,
certificates as a police officer in the North Bay area.

A. I have.

Q. Did you attend police college, Mr. Hunter?

A. I did.

Q. Where did you attend police college?

A. The Ontario Police College in Aylmer.

Q. How long ago was that?

A. Nineteen eighty-seven.

Q. I see.

A. And numerous times after that for courses.

Q. They've obviously taught you numerous things
about working in the line of duty.

A. Yes.

Q. Some of those things that they taught you
are...?

A. I would have to spend many hours deciphering
that. They've taught me the Criminal Code, they've taught me the
Provincial Statutes in relation to liquor, Highway Traffic,
Children and Family Aid.

Q. Mhm.

A. I - I'm not quite sure where you'd want me
to....

Q. Did they teach you - they've taught you how to
testify under oath, is what - is where I'm goin' with it.

A. They - they taught me about testifying in
court.

Q. And you realize you're under oath right now,
Mr. Hunter.

A. I do.

Q. Okay. So you realize the seriousness of what
perjuring yourself or lying under oath could possibly entail.

A. Are you asking me if I am perjuring myself?

Q. No, I'm asking you whether you realize the
seriousness of that.

A. I understand the seriousness of lying, yes.

Q. Okay. So you realize the importance of the
truth.

A. I do.

Q. And you realize the importance of being under
oath.

A. I do.

Q. Mr. Hunter, have you ever lied before, in your personal life?

THE COURT: Well, how is that relevant?

MR. DUNLOP: It's relevant to where I will be going with - with my line of questioning, Your Honour.

THE COURT: No. Well, you see, whether someone has lied before - all right? - while not under oath - all right? - is - you know what I mean. Sometimes we lie to our children because we have an interest in - and we decide that maybe they're too young to understand or something like that, and so we don't tell them the truth on that. And that would be too wide a question to ask this gentleman with respect to that. So can you....

MR. DUNLOP: If I may frame it in a different context, Your Honour?

THE COURT: Try, but just don't....

MR. DUNLOP: Q. Mr. Hunter, have you ever lied in your line of work?

THE COURT: Hold on now. You see, there's another thing about that, is - is he may have lied under - and how is that relevant in the sense that if - if there's someone who's distraught and ta-ta-ta-ta-ta and so, you know, he says 'We're taking you home,' but he's not really taking him home, but it's for their better - betterment that they're going to, let's say the North Bay Psychiatric Hospital, that may be considered a lie, but it's the same thing as I'm telling you, it's for the betterment of the situation. So I - I don't know

that that's a relevant question, either.

MR. DUNLOP: Okay. Well, I'll try and frame it in another context.

THE COURT: Go ahead, go ahead.

MR. DUNLOP: ^{LIE #66} Q. Have you ever lied to purposely charge somebody of a crime?

A. No.

LIE #67 Q. You've never lied to charge - or to purposely charge somebody with a crime.

A. No.

LIE #68 Q. Have you ever lied to purposely charge Mr. Dunlop with a crime?

THE COURT: 'Mr. Dunlop' is meaning you?

MR. DUNLOP: Yes.

THE COURT: Okay.

MR. DUNLOP: Mr. Derek...

A. No.

MR. DUNLOP: ...Dunlop.

THE COURT: Yes.

MR. DUNLOP: Q. And you said that you've only had two - you've only met Mr. Dunlop on two occasions in your entire life.

A. In 2005, when I arrested you then, and then in 2009.

Q. No other contact socially or....

A. Not that I'm aware of or recall, no.

Q. And you have spoken to your younger brother, Todd.

A. In relation to this? No.

LIE #69 Q. No, not in rela... - sorry, you've spoken to your younger brother, Todd, about Mr. Dunlop.

A. No.

LIE #66
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #67
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #68
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #69
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #70 Q. You had just said something previously, and correct me if I am wrong, about - something about your brother informing you that you - or that he had a relationship with Mr. Dunlop?

LIE #70
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #71 A. I didn't say that he informed me of that. I said I was aware of that.

LIE #71
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Okay. And how were you aware of that?

A. From another police officer.

Q. From another police officer. Not from your brother.

A. Correct.

Q. Okay. So another police officer informs you that Todd and Mr. Dunlop were friends or acquaintances or something of that nature.

A. 'Todd' meaning my younger brother?

Q. Yes.

A. That Todd knew you.

LIE #72 Q. Okay. Okay. Are you aware that Todd made contact in the summer of 2005 with Mr. Dunlop?

LIE #72
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

Q. Not aware of that. You're obviously aware of this two-page letter that has been entered into an exhibit. I believe it's #2 or B as we are now - it was just entered, eh?

THE COURT: I'm sorry?

A. I'm sorry?

THE COURT: It's Exhibit Number Three, yes.

MR. DUNLOP: Yes, Exhibit Three. If I may just read into the Honourable Record a coupla excerpts from that, Your Honour?

THE COURT: Mhm.

MR. DUNLOP: And I'll just try to relate or try to read the stuff that pertains to Mr. Hunter and Mr.

Warner and the North Bay Police Service. "On the 20th of February of '05...."

THE COURT: Where are you reading? The first page?

MR. DUNLOP: Fourth para... - first page, fourth paragraph.

THE COURT: All right.

MR. DUNLOP: "On the 20th of February '05, I was intentionally assaulted by Constable Mike Hunter and Constable Jeff Warner of the North Bay police. Constable..." - I apologize, Your Honour, my - I have had a cold the past three or four days, so my voice...

THE COURT: Okay.

MR. DUNLOP: ...does go lower.

THE COURT: So it's - do you want - is it the fourth paragraph that you want read in?

MR. DUNLOP: Yes.

THE COURT: I'll read it for you if you want to.

MR. DUNLOP: Okay.

THE COURT: So it says, "On 20 Feb. '05, I was intentionally assaulted by Constable Mike Hunter and Constable Jeff Warner of the North Bay Police Service. Constable Mike Hunter and Constable Jeff Warner repeatedly kicked me, punched me, and used excessive amounts of force. On the 20 Feb. '05, Constable Mike Hunter and Constable Jeff Warner used excessive amounts of pepper spray as well. As a result of the assault, I incurred many external and internal injuries. Constable Mike Hunter and Constable Jeff Warner then tried to corruptly cover up their assault of me by framing

me. They fabricated a story and falsified charges to imply that I caused a disturbance and escaped lawful custody on the 20 Feb. '05. Constable Mike Hunter and Constable Jeff Warner would have had to perjure themselves if the case went to trial. Constable Mike Hunter and Jeff - and Constable Jeff Warner intentionally destroyed the videotaping of my booking at the station on the 20 Feb. '05 and they did not relea... - and did not release their use of excessive use reports." Okay. So that's it. Do you have any questions to him about that?

MR. DUNLOP: I'd just like to read in the second paragraph of page 2 as well. I can read it in.

THE COURT: All right. Go ahead.

MR. DUNLOP: "My defence attorney, Dennis Fenton of North Bay, colluded with Crown attorney, Paul Larsh of North Bay, to try and entrap me and force me to succumb to a guilty plea in relation to the fabricated charges of Constable Mike Hunter and Constable Jeff Warner. Dennis Fenton and Paul Larsh eventually enticed me to agree to a diversion. If I agreed to make a \$300 donation to the North Bay Hospital, then the charges would be withdrawn. There is no coincidence that these charges were withdrawn and did not proceed to trial as Constable Mike Hunter and Constable Jeff Warner had no case against me."

Q. So, in relation to that, Mr. Hunter, you've already testified that you were not aware that those charges were withdrawn by way of diversion until you went back in to look - in to look into that matter as a result of this matter. Is that

correct?

A. As a result of letters that were submitted

to....

Q. Well....

A. This particular letter being to - sent around.

LIE #73 Q. Okay. So, when this letter was sent around, that's when you went back to find out. That's the first time that you were aware that the charges had been withdrawn in 2005. LIE #73 OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. That's correct. I believe so.

LIE #74 Q. Were you aware of how long the court case lasted in 2005? LIE #74 OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. As I said, I wasn't aware of anything that happened in court until I checked the police records in 2008.

LIE #75 Q. Were you aware that there was a trial scheduled in 2005? LIE #75 OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. As I said, I wasn't aware of what happened in court until 2008, when I checked the police records.

LIE #76 Q. Were you aware that Mr. Dunlop, prior to the 12th - well, prior to May 16th '06, that prior to and on the 20th of February '05, worked for the Children's Aid Society of the Simcoe County? LIE #76 OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. Was I aware of that when?

Q. When did you become aware of that? Sorry.

A. I became aware of that as a result of the police investigation in relation to the distribution of the letter.

Q. Okay.

A. I did not know that prior to that.

LIE #77 Q. Did not know that as a result of the 20th of February '05. LIE #77 OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No, I did not.

LIE #78 Q. No knowledge of that. LIE #78 OF MIKE HUNTER'S TESTIMONY UNDER OATH

LIE #78-CONT'D A. No. Not that I recall.

Q. Didn't see his ID on the night - it was in his wallet on the night of the 20th of February '05?

A. I don't recall, no.

MS. LAPLANTE: Your Honour, I just wonder what the relevance of that is.

THE COURT: So what's - where are we going with this?

MR. DUNLOP: I am just trying to establish, Your Honour, what Mr. Hunter's knowledge of Mr. Dunlop was...

THE COURT: Yes.

MR. DUNLOP: ...and what it is.

THE COURT: Mhm.

MR. DUNLOP: That's what I am trying to establish.

THE COURT: Why?

MR. DUNLOP: Well, due - due to a number of factors, as I said, that this is an ongoing - this is not just as simple as February 20th and August 25th...

THE COURT: Mhm.

MR. DUNLOP: ...so I'm trying to establish that and - and present that to the Honourable Court.

THE COURT: Well, you've established that you had met this gentleman before - the witness - that there may be - obviously, there was a charge of public mischief that he laid against you and you have a - you have a different opinion of what occurred that night and you have a different opinion as to how the case proceeded and how and why it was resolved.

MR. DUNLOP: It was causing a disturbance, Your

Honour. Sorry.

THE COURT: Oh, what did I say?

MR. DUNLOP: Public mischief.

THE COURT: Okay. Fair. Okay. Causing a disturbance.

MR. DUNLOP: Yes.

THE COURT: So, okay, so that's on the record. I understand that.

MR. DUNLOP: Okay.

THE COURT: All right?

MR. DUNLOP: Q. Mr. Hunter, you're aware that Mr. Dunlop did have - would have had some sort of credible reputation then himself.

A. I had no knowledge of that.

Q. No knowledge. Okay. No discussions with any other police officers or anything of that nature?

THE COURT: About what?

MR. DUNLOP: About Mr. Dunlop's career or anything.

THE COURT: When?

LIE #79 MR. DUNLOP: Either on the 20th of February '05....

LIE #79
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. On the 20th of February '05, there was no discussions, to my knowledge, in relation to your career.

MR. DUNLOP: Q. And no subsequent discussions about that?

A. To date?

Q. Yes.

A. I learned much later that you were employed - or I believe employed - by the Children's Aid Society. I learned that through the police investigation by other officers.

Q. As a result of these letters, Mr. Hunter,

there's obviously - you say you're upset by them, which people can take into consideration, people can possibly appreciate, but there's also the other - the other - the other side of it. is there - is there any resentment towards Mr. Dunlop as a result of these letters?

LIE #80
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

LIE #81 Q. No dislike towards Mr. Dunlop.

LIE #81
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I have concern for Mr. Dunlop.

Q. Okay. But you're aware that an investigation was conducted in relation to those letters then?

A. Yes.

Q. And who conducted those - that investigation?

A. My understanding, there were - there were several officers involved from Constable Dan Robertson, Constable Martin, Detective/Constable Richard Hampel. My understanding, there was some investigations from the Barrie police. I - I don't know those officers, nor did I have any contact with them. Detective/Constable Cirullo was also involved in the investigation as well.

LIE #82 Q. You don't want to gain any retribution against Mr. Dunlop yourself for those letters?

LIE #82
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. In relation to the letters?

Q. Yes.

A. No.

Q. And you feared for - and, in relation to those letters, you say you had some fear of Mr. Dunlop? I just wanted to - I want to clarify for the record, were you fearful of Mr. Dunlop as a result of those recor... - letters?

A. Yes.

LIE #83 Q. Did he threaten you in any way in those letters?

LIE #83
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. My concern in relation to the letters was they

were threatening in nature, yes. LIE #83 - CONTINUED.

Q. And what were those threats, Mr. Hunter?

A. My concern was that we would meet in a store or a mall and that you would attack me.

Q. So, in August - on August 11th or August the 10th, I believe it is, you wrote a report to Inspector - is it Kirk Kelusky, I believe?

A. Correct.

Q. And you wrote that report stating something to the effect - hm. I don't have it readily available. To the best of my recollection, I think it was the effect that you were concerned that Mr. Dunlop was gonna attack you or possibly attack you in some store.

A. Correct.

Q. And what - what is the basis - or what - what is your basis - how's that, Mr. Hunter?

A. The letter that was distributed and submitted throughout the city.

Q. But you had no contact with Mr. Dunlop yourself.

A. When?

Q. From the 20th of February to August 25th, 2009.

LIE #84 A. On the 20th of February, I engaged in a physical confrontation with you in the downtown area where you fought with both myself and Constable Warner.

LIE #84
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Well - and I'm not gonna get into a debate about that.

THE COURT: No, you're not.

MR. DUNLOP: Q. But my question is, is from the 20th of February '09 to the 25th of August - or 20th of February '05 to the 25th of August '09, you had no contact, no personal

contact, with Mr. Dunlop.

A. On the 20th of February, I did.

Q. After that - or, sorry, after that, we had no contact.

A. No.

Q. So the only - the only thing is, is these letters that is basing your assumption that you were gonna be attacked.

A. No.

10 LIE #85 Q. Okay, what - what else is there?

A. The altercation on the 20th of February, where you fought with both myself and Constable Warner, showed me that you were both aggressive, physical, and assaultive.

LIE #85
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

15 Q. Don't you think that - don't you think that all that evidence and all those - all that evidence should be here today and actually part of this trial? If - if - if you really wanna get to the bottom of the truth.

THE COURT: No, I'm - I'm not gonna allow that question.

20 MR. DUNLOP: Okay. Well, then, I don't think that the last - his last couple sentences should be entered onto the record. I mean, he's stating stuff about 2005...

THE COURT: Mhm.

MR. DUNLOP: ...that is - is - his opinion is of his own opinion (sic).

25 THE COURT: No, no. Well, what was your question again?

MR. DUNLOP: I'm saying that it's his own opinion...

THE COURT: Yes.

30 MR. DUNLOP: ...that he is stating in relation to

2005. Now, he's now...

THE COURT: Yes.

MR. DUNLOP: ...stating stuff about 2005...

THE COURT: Yes.

MR. DUNLOP: ...and it - it - it - he - he's trying to con... - convey some relevance...

THE COURT: Right.

MR. DUNLOP: ...to 2009.

THE COURT: Okay. But what I'm saying to you is, if I understand correctly, your line of questioning is - lookit - all right? - something happened in 2005. There is this letter and there is absolutely nothing until years later, and so you are trying to say that there's a disconnect. You're....

MR. DUNLOP: That's what I'm trying to - to say. There is a disconnect and...

THE COURT: Okay.

MR. DUNLOP: ...I am not sure where his fear comes in. That's....

THE COURT: All right. And I can tell you....

MR. DUNLOP: I'm - I'm just trying to....

THE COURT: No. Well, just stop. I can tell you that you've made your point...

MR. DUNLOP: Mhm.

THE COURT: ...and I'd suggest you move on to something else.

LIE #86
Mr. Dunlop, Mr. Hunter?

MR. DUNLOP: Q. Have you made any threats toward

LIE #86
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: When and how?

MR. DUNLOP: Q. On the 25th of August, 2009.

A. I don't think so, no.

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LIE #87 Q. Did you threaten to send him back to jail?
A. I don't believe that's a threat. For starters. And I don't recall saying that specifically, no.
Q. Did you send him to jail in the first place?
LIE #88 A. Did I send you to jail?
Q. Yes.
A. My understanding is you received diversion
and....
10 THE COURT: So the answer's 'no'.
MR. DUNLOP: Q. So, no.
A. Yeah.
LIE #89 Q. And you never stated that, Mr. Hunter.
A. I don't believe so.
Q. And did you state anything to Mr. Dunlop
about mental health issues on the 25th of August, 2009?
15 A. I believe there was some conversation there
where I'd said that you needed to get some help and you needed to
seek help for your condition.
Q. And what's your basis of that?
A. Your behaviour.
Q. Are you qualified to make those assessments,
20 Mr. Hunter?
A. I'm not making a doctor's assumption. You're
asking my opinion.
Q. I am asking you, are you qualified to make
those assessments, Mr. Hunter?
25 A. I am not a doctor.
Q. So are you qualified to make those
assessments?
A. I am not making a clinical assessment.
Q. Okay, thank you. So you're not qualified to
30 make those assessments.

LIE #87
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #88
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #89
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

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THE COURT: Well, no, just a second now. Now I am going to have to stop - excuse me. If you're asking him for a clinical opinion, obviously he is not qualified. He may be qualified as a police officer, a person who's been involved with many people over many years, to come to a conclusion that he has some concerns about an individual. You see? And so there's a difference between whether he's qualified to say somebody has a mental health issue or is he qualified to say that I've got some concerns about someone that - that he might have some mental health concerns. You see the difference?

MR. DUNLOP: I understand, Your Honour...

THE COURT: Okay.

MR. DUNLOP: ...but what I am trying to establish is that, if someone works for Children's Aid, they're not qualified to make necessar... - a police officer is not necessarily in a position to make the final determinations about whether - where the kid is gonna end up. The police officer may assist...

THE COURT: Mhm.

MR. DUNLOP: ...in the protection of the child, the initial protection of the child.

THE COURT: Right.

MR. DUNLOP: But the police officer does not have the training, so on and so forth, to make the final decisions about what's gonna happen to the child...

THE COURT: I agree.

MR. DUNLOP: ...so on and so forth and vice versa.

THE COURT: Mhm.

MR. DUNLOP: If the Children's Aid officer is involved in the matter and there's a criminal aspect of it, well, the Children's Aid officers - and that's - that's where my point lies.

THE COURT: Fine.

MR. DUNLOP: Anybody can say anything about anybody's mental health.

THE COURT: Sure. Okay, but....

MR. DUNLOP: In - in a moment's period of time.

THE COURT: But in the same way, though, if a person who's been working for the Children's Aid for 21 years walks into a situation and sees the child - right? - that person has some knowledge, through experience, wisdom, education, to have some insights. And you might not be able to say 'This child in need of protection,' but you might be able to say 'I have some worries about this child.' Correct?

MR. DUNLOP: Correct.

THE COURT: Okay. So we're - we're - we're agreed, your point's made, you can carry on.

MR. DUNLOP: Q. Did you document that in your notes, Mr. Hunter, about saying anything to Mr. Dunlop in relation to his mental health issues?

A. When?

Q. On the 25th of August, 2009.

THE COURT: Mr. Dunlop, do you know how much time - we've been going for a while now. Do you know how much longer you might be with this gentleman on cross-examination?

MR. DUNLOP: I'd suggest a couple hours, Your

Honour.

THE COURT: All right. So let's just - why don't we take a break now. You check your notes and the question that we're gonna come back to is, did you make any notations in the 2009 incident as to whether there was any mental health issue.

A. Okay.

THE COURT: All right? Okay. Let's take 15. Thank you.

R E C E S S

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

THE COURT: All right. So the question was and the answer is....

A. Yes. On page 127 of my note book in review - it starts actually back at 125 - this is at the car, my vehicle, and we've exited the - the

grocery store. ^{LIE #90} It - Mr. Dunlop had said, "I want to go again." I said to Derek, "No, I don't want to fight." ^{LIE #91} Mr. Dunlop said, "I want you to throw the first punch." I said, "No, I don't want to fight." ^{LIE #92} Mr. Dunlop called me several more names.

"Chicken." "Pussy." "Scared." I told Derek, "You need help. You have gone too far." Mr. Dunlop then engaged me in further conversation about the police, my career, and about Constable Warner.

THE COURT: Okay.

MR. DUNLOP: Q. Did you state to Mr. Dunlop that he had mental health issues, Mr. Hunter? In any - in any - in any of your - regardless of - that's your independent recollection. Regardless of looking at your notes, did you state

LIES #90 #91 + #92
OF MIKE HUNTER'S TESTIMONY UNDER OATH

to Mr. Dunlop that he had mental health issues?

A. I recall that I said you needed to get help and I think I said you needed to see a doctor.

5 LIE #93 Q. On how many occasions throughout the whole entire incident at the Metro grocery store on the 25th of August, 2009, did you state that or something to that effect to Mr. Dunlop?

LIE #93
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. To the best of my recollection, I - I think I may have said that once.

10 Q. Once. And that's not in your notes, though.

A. As I said, to the best of my recollection

Q. Okay. But it's not in your notes.

A. Correct. What's in my notes is what I read.

15 LIE #94 Q. Did you have a lotta dialogue yourself, Mr. Hunter, with Mr. Dunlop during this whole apparent alleged incident?

LIE #94
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't believe so.

Q. You don't believe so. You don't believe so or you don't - you don't know or what - what - what is it?

A. I don't believe so.

20 LIE #95 Q. You don't believe so. When Mr. Dunlop introduced himself, what did you say to him back? Had you said anything back at that time?

LIE #95
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Upon our initial contact, I - I don't believe I said anything. I just turned and went up a different aisle.

25 Q. So some strange - did you know Mr. Dunlop at that time? Did you - do you - could you identify Mr. Dunlop, Mr. Hunter, at that time?

A. Yes. You are Mr. Derek Dunlop.

30 Q. Okay. Could you, at that time, identify Mr. Dunlop?

A. As I had said, when you first came up to me in

the grocery story, approximately one to two seconds, you had
outstretched your hand like for a handshake. At that moment, I
did not know who you are or - or what this was in relation to.
Like, this action. ^{LIE #96} When you said, "Derek Dunlop, your career's
gonna explode." ^{LIE #97} Soon as you mentioned the name, then I
recognized your - who you were and, ^{LIE #97} like I said, I turned and
went up an aisle, different aisle.

LIES #96 & #97
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. The question, Mr. Hunter, though, is, is could
you identify Mr. Dunlop prior to that handshake? Did you know
what Mr. Dunlop looked like prior to that?

A. I knew what Mr. Dunlop looked like, yes.

Q. And - and how - how did you know what Mr.
Dunlop looked like?

A. I arrested him in 2005, the 20th of February.

Q. And, from that incident, that's how you - you
you remembered what he looked like from that incident.

A. I had a - a recollection of what you looked
like, yes.

Q. Had you seen Mr. Dunlop from February 20th,
2005, 'til August 25th, 2009?

A. No.

Q. And you didn't recognize him when he first
came up to you. You didn't recognize the gentleman when he first
came up to you.

A. That's correct. Like I said, one to two
seconds when you stood in front of my cart and outstretched your
hand, I initially and immediately did not know who you are or
what this was about, and, ^{LIE #98} as soon as you said, "Derek Dunlop,
your career's gonna explode," then everything fell into place.
I recognized who you were and knew what the issues were.

LIE #98
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Did Mr. Dunlop say 'I am Derek Dunlop' or was
it 'Derek Dunlop, your career's gonna explode' exactly verbatim

what Mr. Dunlop said?

^{LIE #99} A. You outstretched your hand in the form of a handshake. You said, "Derek Dunlop, your career's gonna explode."

LIE #99
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Mr. Dunlop say to you anything - anything about he was gonna ensure that your career would plummet?

A. Quite possibly, yeah. There was a lot of utterances by yourself throughout. ^{LIE #100} There was probably ten to 15 minutes of me trying to avoid you in the store and you were continually talking, making utterances, swearing, being vulgar.

LIES #100 - #101
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

So it's quite possible, yes.

^{LIE #102} Q. Mr. Dunlop was swearing. Do you swear under oath that that's true? Mr. Dunlop was swearing at you?

LIE #102
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. My impression of what swearing is, is yes, you were.

15 Q. And it's quite possible Mr. Dunlop said something to you to the effect that he was gonna ensure that your career would plummet?

A. I'm sorry, I didn't catch that.

20 Q. It's quite possible that Mr. Dunlop said something to the effect that he was gonna ensure that your career would plummet? Did you - that's your response?

A. Yes, it's quite possible.

Q. Quite possible. That's your response.

A. It's quite possible.

25 Q. Okay. You don't know that for a fact? You don't recollect that for a fact?

A. As I'd said, you made....

THE COURT: It's okay.

A. Oh, sorry.

THE COURT: I'm sorry. 'Quite possible' is good. I'd stop there on that one.

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MR. DUNLOP: Your Honour, the point I'm tryin' to make is he's not sure whether it happened or whether it was said or not.

THE COURT: Right. But I thought you had - do you not....

MR. DUNLOP: That's the best....

THE COURT: Would you want him to say that 'Yes, I remember that he....'

MR. DUNLOP: Yes.

THE COURT: Right. Well, okay.

MR. DUNLOP: It would be very - it would be - it's a very important statement. Do you think that - I mean, it's a very - this is not a - a normal, like, occasion for Mr. Hunter, I would assume.

THE COURT: Okay. Right. Okay, but what I am trying to say is, in the art of cross-examination...

MR. DUNLOP: Mhm.

THE COURT: ...if he says it's possible that he said it - right? - and he says 'I - I don't know for sure, but it's possible,' then I'd check that and I'd move on to something else if I were you. But I don't want to hamper your case. I'm just saying that your point....

MR. DUNLOP: No, that's fine, Your Honour. I respect - I respect your....

THE COURT: Your point's made.

MR. DUNLOP: Yeah. I respect....

THE COURT: I understand what you're saying.

MR. DUNLOP: If you can just give me a second here, Your Honour.

THE COURT: Absolutely.

MR. DUNLOP: I apologize.

THE COURT: No, no. Take your time.

MR. DUNLOP: Trying to keep this in a succinct order for you, Mr. Hunter, and - and Your Honour. I'm....

THE COURT: You're doing - you're doing fine.

MR. DUNLOP: I'm not trying - I'm trying not to jump around too much here...

THE COURT: Sure.

MR. DUNLOP: ...but I know it's....

Q. So you're in the grocery store and this gentleman comes up to you and introduces himself to you, Mr. Hunter. Right out of the blue. And introduces himself and you turn the other way and you don't say anything to him. That's correct?

15 A. You came up to me in the store, outstretched your hand, said, ^{LIE #105} "Derek Dunlop, your career's gonna explode." I ^{LIE #104} recognized who you were at that time and I turned and went up a different aisle. And I didn't say anything at that point.

LIE #103
or #104
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #105 Q. Nothing.

A. Correct.

20 Q. And then you stated something to the effect - and you've testified to - under oath to this, Mr. Hunter, earlier this morning. You said something to the effect, under oath, that almost to the point where he was bumping you, today is what you stated under oath. That - that is what you stated under oath.
25 In your notes....

LIE #105
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: All right, just - just a second.

MR. DUNLOP: Yes.

THE COURT: Just - okay. In your notes....

30 MR. DUNLOP: Q. In your notes, you followed right behind me one foot. Dunlop - this is your statement, page 1.

MR. DUNLOP: Apologize to the court.

THE COURT: Well, first - okay. First of all, I am told there was two statements, so what date is the statement you're referring to? Look...

MR. DUNLOP: Twenty-fifth....

THE COURT: ...at the back....

MR. DUNLOP: Twenty-fifth of August '09. Page 1. Statement of witness.

THE COURT: Okay, I guess that - that's - were the two statements made on the same day?

A. No.

THE COURT: Okay. So the one that's August the 25th, do you have it with you?

A. I don't have it with me.

THE COURT: All right. So what do you say to - first of all....

MR. DUNLOP: This is Mr. Hunter's statement.

THE COURT: I know. Well, normally you should identify it. He should be allowed to identify it and look at a copy.

MR. DUNLOP: Okay.

THE COURT: Does Crown have a copy for your witness? Or the original'd be even better.

MS. LAPLANTE: I have the original.

THE COURT: Okay. Bring it up. Maybe - maybe show it to the accused. Mr. Dunlop, is that - is that the one you're referring to?

MR. DUNLOP: Yes.

THE COURT: Okay.

A. Thank you.

THE COURT: All right. So we're referring to the incident where this gentleman testified in court

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that he felt you coming up behind him, that - you (sic) felt Mr. Dunlop coming up behind him and that, during his testimony, he mentioned something about bumping, and you're referring him to part of his - his first witness statement. And so what part of the witness statement do you want to refer to?

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MR. DUNLOP: It's page 1 of the statement of Sergeant Mike Hunter, the third paragraph down, about - starting about the fifth line, I guess.

THE COURT: All right. And so what's it say?

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MR. DUNLOP: "I immediately turned down an aisle, avoiding further contact with Dunlop. However, he followed right behind me, one foot behind. Dunlop was wearing a white blue-striped golf shirt, white/beige shorts, and running shoes. He had sunglasses on his head. ^{LIE #106} Dunlop started accusing ^{LIE #106} him of being a liar and corrupt police along with ^{LIE #106} Constable Warner. Dunlop continually to talk - ^{LIE #106} continually talked about the corrupt nature of the ^{LIE #106} police force, myself included. I told Dunlop to ^{LIE #107} leave and go away numerous times. However, Dunlop ^{LIE #107} just continually talked over me and accused me of ^{LIE #108} being chicken and afraid. Dunlop pushed his chest ^{LIE #108} into my shoulder and back several times, although ^{LIE #108} not hard."

LIE #106
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIES #107
#108
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

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Q. And you've testified, Mr. Hunter, '...almost to the point where he was bumping into you,' earlier this morning. So did Mr. Dunlop bump into you or did he not bump into you?

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A. My recollection of my testimony earlier is that you followed me throughout the store for several minutes

LIE #109

down four to five different aisles. At the onset of that, you followed directly close behind me, almost to the point of pushing me and making contact. This continued and, at one point, you did, in fact, push your chest into my shoulder and back several times throughout that incident.

LIES #109

or #110

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: I think his evidence was - the notes that I took - 'I felt his chest bumping me.'

So....

MR. DUNLOP: He just finished saying, though, 'At one point,' and then he s... - he relation - relates to several times.

THE COURT: Right.

MR. DUNLOP: Q. So what is it? One poi... - one time, several times? What is it, Mr. Hunter?

LIE #111 A. As I said, the incident occurred over ten to 15 minutes throughout the store. You followed me throughout that entire time. At the onset, you were right close behind me, almost to the point of touching me. As this continued, then you did get close enough where I felt your chest against mine. You were pushing against, as I said here, my shoulder and back.

LIE #111

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #112
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. My chest...

LIE #113 A. And this occurred on more than one occasion.

LIES #113

#114 or #115

Q. ...against your chest, Mr. Hunter.

LIE #114 A. Yeah.

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. My chest against your chest?

LIE #115 A. That's what I felt, yeah.

Q. My chest against your chest.

A. No, no.

Q. Not behind you.

THE COURT: Against your chest?

LIE #116 A. Sorry. Your chest against my back and shoulder.

LIES #116

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #117 MR. DUNLOP: Q. It'd be pretty hard to have my chest against your chest, do you not think?

LIE #117
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. As I said, your chest against my back and shoulder.

Q. That's not what you first stated, Mr. Hunter.

THE COURT: When was that?

MR. DUNLOP: He - just now.

THE COURT: Ah. He's corrected himself. I think it's consistent with what the statement says and what he's testified so far was that it was your chest to his back. But the issue....

MR. DUNLOP: He's already had three different varia... - variations on what he said, Your Honour.

THE COURT: Okay.

LIE #118
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
MR. DUNLOP: Q. "Dunlop said I was an asshole and everything was my fault and that I was a joke and the North Bay police were a joke." That's the next - the next sentence. That's exactly verbatim what Mr. Dunlop said to you? To the best of your independent recollection?

A. That (sic) were some of the words that you said to me, yes.

LIE #119
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
LIE #119 Q. Mr. Hunter, you said that you turned - you had turned and gone down - you testified to this under oath - you'd turned and gone down a pop and chip aisle of the store. At one point, turned....

A. Yes.

LIE #120
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
LIE #120 Q. And that Derek Dunlop had allegedly pushed your cart into what you believe was the chips or crackers.

A. I believe so.

Q. And any crackers or chips fall on the ground?

A. I don't recall.

Q. You don't recall. Woulda made some sort of noise, though, don't you think?

A. Quite possibly, yes.

Q. There would've been something on the ground?

A. As I said, I don't recall.

Q. You also testified that Mr. Dunlop fell into the opposite aisle. I'm not exag... - exactly sure of your exact testimony, but Mr. Dunlop fell into the opposite aisle.

A. What I testified to is that - and again, I'm not quoting, but you had come up from behind me, you had punched me, striking me in the shoulder, at me at that time. back away from me, the shelving on the opposite side of the aisle.

LIES #121, #122, #123, #124, #125

OF MIKE HUNTER'S TESTIMONY UNDER OATH

Q. Anything fall over from that?

A. I don't know. I didn't pay attention to if anything...

Q. You weren't sure.

A. ...fell on the ground.

Q. But it would - again, it would've made some noise and there woulda been stuff, some stuff on the floor.

Correct?

A. I don't know if anything fell on the floor.

Q. Any witnesses down at....

A. I don't recall.

Q. You don't recall.

MR. DUNLOP: Just tryin' to find something, Your Honour. I apologize. Statement of witness, page 2.

THE COURT: Is that the same statement?

MR. DUNLOP: Same statement, yes.

THE COURT: All right.

MR. DUNLOP: Page #2, top line. If I can enter
this into the record, Your Honour. ^{LIE #126} Dunlop
ignored me and continued - continually talked over
and above me. I proceeded to walk away from
Dunlop, hoping that he would eventually leave the
store on his own accord. ^{LIE #127} Dunlop refused and
followed me throughout the store. I walked down
four or five different aisles, turning and going
in opposite directions, trying to shake him off
me. ^{LIE #128} However, he followed me everywhere I went in
the store, constantly talking and accusing me of
being a dirty cop and a liar and an asshole..." -
and asshole, sorry - "...in front of numerous
other shoppers, to the point that many turned
their heads and watched his behaviour. I told him
numerous times to go and leave me alone and I just
stopped engaging him, hoping that he would decide
to qu..." - it says 'quite', but I'm assuming that
that means 'quit' - "...to quit and go away.
^{LIE #130} This, however, had the opposite effect and he
became even more angry and enraged and, while I
was proceeding down the pop aisle, ^{LIE #131} Dunlop pushed
my cart into the shelf, ^{LIE #132} then took a step toward me
with a raised fist, and punched me in the right
shoulder."

LIE #126
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #127
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #128
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #129
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIES #130,
#131 & #132
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. So there were witnesses, though, at that
point, though. Obviously from your notes, there were people that
were aware of something going on in the store.

A. What I said is, there were other people in the
store and that, ^{LIE #133} as you were walking up and down the aisles,
several of them were turning and looking when you were verbally
engaging me and that. ^{LIE #134} At the point where you pushed my cart and

LIES #133
& #134
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

punched me, I don't know if there was anybody there at that time.
And that's what I said. LIE #134 - CONTINUED

Q. Did you obtain any statements from any of those people?

A. No, I did not.

Q. Did anybody from the North Bay Police Service try to attempt to obtain any statements from any of those people?

A. I do not know. I didn't investigate the incident from that end. I was the victim in that instance.

Q. Are you aware of the North Bay Police Service obtaining any statements from anybody in the store?

A. I don't know if there were statements taken from anybody in the store.

Q. Do you aware - are you aware of any staff employees that were working that day? Are you aware of any statements taken from any of them?

A. I don't know if there were statements taken from any staff employees.

Q. Are you aware that most stores like that would have surveillance, videotape surveillance, on a pretty well 24-hour-seven basis, you would think?

A. A lot of stores do have surveillance, yes.

Q. Any surveillance of - from the store obtained by you?

A. As I say, I didn't investigate it...

Q. Okay.

A. ...so I didn't go and - and ask if they have surveillance or video.

Q. You didn't.

A. I didn't.

Q. Are you aware of the North Bay Police Service asking for any videotape surveillance?

A. I do not know if they did ask or not. I cannot recall. They may have, they may not have.

Q. Are you aware of them trying to obtain any videotape surveillance outside the store?

A. I don't know if they did or not. I didn't investigate that incident. I didn't go and - and seek out statements. I didn't go and seek out evidence. I provided my statement in relation to what happened to the best of my recollection and that was the end of my involvement in that.

Q. That's some pretty serious stuff that happened inside the store, don't you think, Mr. Hunter?

A. I do.

Q. It's pretty serious. Right?

A. I do.

Q. Do you not think to contact the police at that moment?

A. As I had said previously, I didn't have my cell phone with me. It was left in the car. So I didn't have the opportunity to do that. My intention was, when I got back out to my car, that I was gonna call and report the incident to police.

Q. Did you not think to possibly ask some of their staff for assistance at that point?

A. No.

Q. No? Didn't think to possibly ask for - to use the phone or something of that nature?

A. As I said, my intention was to go use the phone that I had in my car to report the incident.

Q. But you're pretty fearful of Mr. Dunlop. Is that not correct, Mr. Hunter?

A. I am concerned, yes.

LIE #135 Q. And Mr. Dunlop apparently punches you in the

LIE #135
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

pop aisle...

A. Yes. LIE #135 - CONTINUED

LIE #136 Q. ...at the Metro grocery store.

LIE #136
OF MIKE HUNTER'S
TESTIMONY UNDER OATH

A. Yes.

Q. There's no videotape surveillance, there's no witnesses, and you don't do anything about it at the time.

That's - is that correct?

A. Yes, I do do something about it.

Q. Okay, and what - what - what is that, Mr.

Hunter?

A. At that point, I try and avoid, disengage. If you're asking my opinion - if that's what you're asking? Is that...

Q. Yes.

A. Are you asking my opinion on it?

Q. Yes.

LIE #137 A. My opinion at that time was that I didn't wanna get anybody else involved because I believed you were violent, you were aggressive and physical, and I didn't wanna endanger anybody else. I knew that your focus was on me. I could deal with that focus and move on from there.

LIE #137
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. But you had - apparently, as police standards would say, you, at that point, would have enough evidence to charge Mr. Dunlop. Correct?

A. I don't understand. What standard are you talkin' about? LIE #138
You had created an offence at that point. You had assaulted me.

LIE #138
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #139 Q. Well, apparently, from what you're saying - from what you are saying, and testifying under oath, you're saying that an assault occurred at that time.

LIE #139
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

Q. And you, at that time, didn't take the

necessary steps and measures, as a police officer, to report that as immediately as you could.

A. I did report it immediately as I could.

LIE #140

5 LIE #140 Q. Do you not think, though, that there coulda been the possibility of a better way for you at that time? Like, in hindsight now? Do you not think that there possibly could be a better way?

OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No. No.

10 LIE #141 Q. That's your answer. So you don't think that you could've asked their staff for assistance to use a telephone to report this serious incident of Mr. - about Mr. Dunlop, and you're so fearful of Mr. Dunlop - if you're so fearful of Mr. Dunlop, then you'd pretty well be fearful to leave the store at that point, would you not?

LIE #141
OF MIKE HUNTER'S TESTIMONY UNDER OATH

15 A. I felt that your anger, your physical violence, was directed towards me. I didn't wanna get another store person involved in fear that your anger and violence would be towards them, and then I would be in a position where I'd have to try and protect them from you. I was comfortable in the sense that I can look after myself. As I said, I immediately tried to leave the store. You had left and I thought you had left and
20 gone on your way, and then I would have the opportunity, as I say, when I went out, obtain my phone, call and report the incident and have it dealt with.

25 Q. If we could backtrack a little bit there, Mr. Hunter, back to the initial meeting or apparent handshake or - between you and Mr. Dunlop. Are you saying that....

THE COURT: There was no handshake, I am told. Was there? Are you saying there was a handshake?

MR. DUNLOP: I am just saying there was an apparent handshake, from what he is stating.

30 LIE #142 THE COURT: Are you testifying that you shook his

LIE #142
OF MIKE HUNTER'S TESTIMONY UNDER OATH

hand?

A. No. LIE #142 - CONTINUED

THE COURT: No. So - so it's not an apparent handshake.

MR. DUNLOP: Okay. I apologize then, Your Honour, for the lack of a handshake, but apparently Mr. Dunlop....

THE COURT: No, at that - you're going back to the point where you want to - you want to refocus him to a situation.

MR. DUNLOP: Yes.

THE COURT: Okay. So you're saying 'Let's go back a bit to the point where you, Mr. Hunter, say that Mr. Dunlop held out his hand in the form of a handshake. Okay.

MR. DUNLOP: And the initial verbal or contact with Mr. Dunlop.

Q. And you say that, at that time, Mr. Dunlop - you've stated what he had said to you and then you turned and you proceeded down the aisle. And did you stop down that first aisle?

LIE #143
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. I don't believe so. I think I - I kept moving and continually moved throughout the store because you were constantly following me.

Q. Do you know what aisle that was?

A. I can't recall.

LIE #144 Q. The frozen food aisle?

LIE #144
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. I can't recall.

Q. You can't recall.

A. My focus, at that point, was a lot on yourself and my safety.

Q. Was it at the end of the store, at the far end

of the store? You're - you - I'm assum... - assuming that you shop there regularly. Do you shop there regularly?

A. On our initial contact, when you came up to my shopping cart, that was in front of the flowers, where the flowers are sold, that area. ^{LIE #145} I turned up the first aisle from there. If that was frozen foods or if it was canned goods, I don't know.

LIE #145
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

^{LIE #146} Q. Did you - and you didn't stop down that first aisle.

LIE #146
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't believe so. I - you know.

Q. Did you....

^{LIE #147} A. Like I say, this - this incident occurred over ten to 15 minutes. I didn't record and - and commit to memory every exact word, every exact pause or stop or turn. You know. I can only go by what I recall.

LIE #147
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Is that not what you're supposed to do as a trained police officer? It's highly very vitally important to your notes and to what the public interest is about and the public safety and your safety to contemporaneously document your notes to the most accurate - accurate details as possible. Is that not correct, Mr. Hunter?

A. I made my notes as accurately and complete as I did - as I could.

Q. Well, you just testified that you don't - you didn't - you - you didn't bother to, like, worry about all the details and - and all that when....

THE COURT: No, no....

A. That's not what I said, I'm sorry.

THE COURT: Just a second. The purpose of writing notes are to assist in recalling events. I don't know that it's up to the police officer to - or to any witness, for that matter - to write down every

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single thing - nor do I think it's possible for anybody to write down every single thing that would have happened within a 15-minute period. Every single little thing. And that's why, at the beginning of the trial, I asked him 'Do you remember this incident?' 'Yeah.' Or the Crown did. And then we asked 'Well, will these notes help your memory about things?' And so they're an aid memoir (ph), they're a way of him looking at something and then going into his memory bank, I suppose, and elaborating on it. And so now, if you're going to say that a police officer has to remember everything - or any witness - about every second, I - I'm - I am going to advise you of that. There is no witness that can do that.

MR. DUNLOP: That's not what I am trying to say, Your Honour.

THE COURT: Okay, what are you trying to say?

MR. DUNLOP: There's just - like, one - I'm trying to establish - and when I go through some of his - his - the rest of his notes, there's like many times or instances, several times, or there - there's - you know, he continues with the same language but doesn't identify what those statements are. It - there's just a lot of ambiguity, for better lack of word (sic), in some of his - his statements where he doesn't identify certain things. And then, when I get to that in relation to the alleged grocery cart incident...

THE COURT: Mhm.

MR. DUNLOP: ...some of that will be revealed. I understand. I'm not - you know, I'm not saying

that anybody has to - nobody's gonna recollect everything. I mean, obviously Mr. Hunter has a career, he's probably dealt with I don't know how many incidents since that time. I mean, obviously he - you know.

THE COURT: Okay. So what I am saying to you, though, is 'Let's get on with it,' in a sense.

MR. DUNLOP: Yes.

THE COURT: Focus, ask the question...

MR. DUNLOP: Mhm.

THE COURT: ...keep going.

MR. DUNLOP: Sure.

LIE #148 Q. Did you initiate contact with Mr. Dunlop?

A. No.

Q. You did not initiate contact with Mr. Dunlop.

A. When are you talking about?

Q. Down the first aisle, about halfway down the first aisle, did you push Mr. Dunlop in the chest?

LIE #149 A. The only time I had physical contact was when you came out and pushed my cart. This would've been in the pop and - or not pop and chip - chips and crackers area. And then you struck me in the shoulder and then I pushed you in the chest.

LIE #152 That's the only time that we had physical contact in the store, other than, like I say, you following behind me, bumping your chest into...

THE COURT: Okay, okay.

A. ...my back shoulder.

THE COURT: Okay, okay. No, no, no. Let's go back to the basics. Cross-examination was, you're saying I put it to you, sir, that you bumped me first in the middle of that aisle when we first came together.

LIE #148
OF MIKE HUNTER'S TESTIMONY UNDER OATH

LIES #149, 150, 151, 152
OF MIKE HUNTER'S TESTIMONY UNDER OATH

LIE #153
OF MIKE HUNTER'S TESTIMONY UNDER OATH

MR. DUNLOP: Yes.

THE COURT: Is that what you're saying?

MR. DUNLOP: That's what I'm saying, Your Honour.

THE COURT: And what do you say to that?

A. No. LIE #153 - CONTINUED

THE COURT: Okay. Next question.

MR. DUNLOP: Q. So you're saying that the - the initial contact or physical contact was Mr. Dunlop punching you in the shoulder.

A. No.

Q. Sorry?

A. No.

Q. Sorry?

LIE #154 A. The initial contact would've been you following close behind me and your chest bumping into the back of my shoulder and - and back area. That was the initial physical contact. If that's what you're referring to, and I'm not sure.

LIE #154
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #155 Q. Okay. And how many times did that happen?

LIE #155
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't know the exact number. I know it would've been two, maybe three times.

LIE #156 Q. And your notes say, "Although that's not..." or, "Although not hard."

LIE #156
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

LIE #157 Q. So then the next - your next alleged contact is apparently down the pop aisle when Mr. Dunlop apparently pushes your grocery cart into the chips.

LIE #157
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

LIE #158 Q. And then Mr. Dunlop apparently comes at you with a closed fist.

LIE #158
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

LIE #159 Q. And where does Mr. Dunlop hit you? Sorry?

LIE #159
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. In the shoulder area.

Q. Shoulder area.

LIE #160 THE COURT: Indicating the left shoulder? LIES #160 - #161
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #161 MR. DUNLOP: Q. So that's the left shoulder.

A. Yes.

Q. You sustained no injury from that?

A. No.

Q. No injury at all.

A. Correct.

Q. No bruising?

A. Not that I'm aware of, no.

Q. You obviously checked for bruising.

A. I never saw any bruises.

Q. No, but you obviously woulda - you would -
did you check for bruising?

A. I never saw any bruising on my shoulder.

Q. But, if there was bruising, then you coulda
charged Mr. Dunlop with assault causing bodily harm.

A. Ma, I don't believe so.

LIE #162 Q. So he punches you - Mr. Dunlop punches you in OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

the left shoulder. With a closed fist.

A. Yes.

Q. You incur no injury as a result of that.

A. Correct.

LIE #163 Q. Then what? What happens? LIE #163
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. At that point, then, like I said, you're
25 attackin' me, so I step into you with two hands, push against
your chest and push you back away from me.

LIE #164 Q. And what hap... - what else happened? LIE #164
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. You - you fall backwards towards the shelf on
the far side and stop.

Q. Any other physical contact at that time?

A. At that time, no. I don't believe so.

Q. How would you assess the punch, Mr. Hunter?

THE COURT: The punch to the shoul... - that ended up on his shoulder?

MR. DUNLOP: Yeah.

Q. Can you assess the punch?

A. Assess in what sense? What do you mean? I'm sorry, I don't understand.

THE COURT: With the force, you mean?

LIE #165 MR. DUNLOP: Q. What - what - what was the extent of the force of the punch?

LIE #165
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't think it was very strong. Like I say, it was - I would assess a glancing blow off my shoulder.

LIE #166 Q. And Mr. Dunlop was pretty angry at this point. Is that correct?

LIE #166
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

Q. So you have a fairly angry man who's fairly - what - what's Mr. Dunlop's physical character? I mean, obviously I'm standing right here, but, you know, I'm trying to represent myself, so I don't know whether to use the third person, whatever it is, but anyway...

A. Okay.

Q. ...obviously - can you identify Mr. Dunlop's physical characteristics for us, please, Mr. Hunter?

A. I would say he would be exactly the same as yourself.

Q. Okay. So not small but not large but a fairly average sized male. Correct?

A. I - I would describe you as - as average to heavy.

LIE #167 Q. Okay. So, if somebody of that na... - of that size punches you, you'd think that there would be a little bit

LIE #167
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

more - there might be more of an injury or....

A. No, I don't think so. LIE #167 - CONTINUED

Q. No?

LIE #168

MR. DUNLOP: Can we focus on the statements, "I'll get you, I owe you a beating, I'll get you," if you would, Your Honour?

LIE #168
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: All right.

MR. DUNLOP: Q. Do you recollect Mr. Dunlop saying that to you, Mr. Hunter?

A. Yes.

Q. You recollect him saying those exact words.

A. In quote (sic), "I'll get you, I owe you a beating, I'll get you."

Q. Can you say 'Owe you a beating' to me? Can you say that phrase for me?

A. Owe you a beating.

Q. Owe you a beating. Has anyone ever said that to you before, Mr. Hunter?

A. I can't recall everyone that I've come in contact with. It's possible somebody may have.

Q. Anybody else you've been around ever say that to you?

A. What do you mean by 'anybody else'?

Q. Has anybody else ever....

THE COURT: Well, he says he doesn't recall. It's possible, but he doesn't recall. So - so has anybody else - he doesn't recall.

MR. DUNLOP: Q. Have you ever seen that documented in any police notes you - or anything of that nature? 'I owe you a beating'?

A. In my entire career?

Q. Yes.

A. I don't recall. I can't say specifically, no.
Q. Is it something that normally hear - you would normally hear?

A. I - I don't normally hear that, no.
Q. No. It's not - it's not a phrase that you normally hear, eh? Correct?

A. No, I don't normally hear that.
Q. No. Have you ever told anybody else that yourself, Mr. Hunter? Have you ever said that to anybody else, 'I owe you a beating'?

A. No.
Q. No. It's not a phrase that really is very often, I even think, put together, is it?

A. I don't know.
Q. You don't know. So you state this in your statement, Mr. Hunter.

THE COURT: State what? I'm....

MR. DUNLOP: Hm? This - this - this phrase, "I'll get you, I owe you a beating..."

THE COURT: That I owe you a beating? Mhm.

MR. DUNLOP: "...I'll get you." This is stated in....

THE COURT: Mhm. And he's testified to that.

LIE #169 MR. DUNLOP: Q. You testified to that. And stated in your statement, you stated that this was stated to you by Mr. Dunlop inside the store.

LIE #169
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #170 Q. Okay.

A. No, it's - I don't think those exact words were stated outside.

LIE #170
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. You don't think or you don't know?

A. I don't think. Like I said, there was a

continual conversation throughout the instance. LIE #170 - CONTINUED

MR. DUNLOP: There's case law synopsis pages in here I'd like to make reference to. If I can find them.

THE COURT: So we'll cover this point and then we'll take lunch.

MR. DUNLOP: Okay. This is in relation to the Crown brief confidential Crown brief cover....

MS. LAPLANTE: The only thing is, this officer has nothing to do with the synopsis. It's the investigating officer...

THE COURT: Yes.

MS. LAPLANTE: ...that does the synopsis.

THE COURT: So - okay, so I'll let you - tell me what you're doing.

MR. DUNLOP: Yes.

THE COURT: Don't answer the question and we'll - yet - and we'll see where we go.

MR. DUNLOP: Count number - count #2, threatening...

THE COURT: Mhm.

MR. DUNLOP: ...in the Crown brief, on August 29th, 2009, the accused threatened to cause bodily harm to the victim in the parking lot of 390 Lakeshore Drive, North Bay, Ontario.

THE COURT: Right.

MR. DUNLOP: I just wanted to identify that.

THE COURT: Well, see, a Crown brief is prepared by an investigating officer. The investigating officer is not this gentleman. Okay?

MR. DUNLOP: Sure.

THE COURT: So - and the - normally, you can't

cross-examine on those things, even if it was -
well, you could maybe if it was the investigating
officer 'cause that is just like a will-say. It's
just to help the Crown and you understand what's
going on, but it may be contradicted, it - or it
might be the truth. I don't know. But it's not
to this gentleman that you put that question to.

MR. DUNLOP: Okay.

THE COURT: All right?

MR. DUNLOP: Okay.

THE COURT: Let's take lunch, come back at 2:00.

R E C E S S

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

THE COURT: Thank you. Good afternoon, all. Yes,
sir, you understand you're still under oath?

MR. HUNTER: Yes.

THE COURT: Thank you. Mr. Dunlop.

MR. DUNLOP: Yes. Hold on one second, Your
Honour. I apologize.

THE COURT: Take your time.

MR. DUNLOP: We were discussing the statement of
'I'll get you, I owe you a beating, I'll get you.'

THE COURT: All right.

MR. DUNLOP: May I continue with that, Your
Honour?

THE COURT: (* No audible response *)

CROSS-EXAMINATION CONTINUES BY MR. DUNLOP:

Q. So this is not a phrase or statement that is
commonly used, to your knowledge, Mr. Hunter.

A. I don't use it.

LIE #171 Q. Okay. Is it not true, Mr. Hunter, that Mr. Dunlop did not, in fact, actually say that statement? LIE #171
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. Mr. Dunlop did do that statement.

LIE #172 Q. He said that statement. Verbatim. LIE #172
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. That's what I heard, yes.

LIE #173 Q. And 'owe you a beating,' Mr. Hunter. What - what does that mean? LIE #173
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. You'd have to ask him what he meant by that.

What I take that is he wants to beat me up.

Q. But it could mean one of several things. A beating and something - and anything. Right?

A. You asked me...

Q. Not....

A. ...what I - that's what I perceive it as, as that you wanted to beat me up.

Q. That's what you perceived it as.

A. Yes.

LIE #174 Q. But it could mean a beating in - in cards or it could mean a beating in football or hockey or - or some other game or - or event. LIE #174
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. I can only take it the way it was said to me, and I took it as that you wanted to physically fight me and beat me up.

LIE #175 Q. So you're saying that Mr. Dunlop did say this to you. LIE #175
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. Yes.

LIE #176 Q. Okay. Now, that would also constitute maybe someone there lying, admission to your - to the fact that you assaulted Mr. Dunlop in two thousand... - I'm sorry, on the 20th of February, 2005. LIE #176
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. I don't think so.

LIE #177 Q. You don't think so.

A. What it says is, "I'll get you, I owe you a beating, I'll get you." To me, that means that you want to beat me up.

LIE #177
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #178 Q. Did you assault Mr. Dunlop on the 20th of February, 2005?

A. I did not assault you, no.

LIE #179 Q. Did Mr. Warner assault Mr. Dunlop?

A. No.

LIE #180 Q. Nobody did.

A. No.

Q. Once again, though, there was no - no witnesses against - no witness statements on the 20th of February, 2005, attesting to any of the events that occurred downtown.

LIE #178
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIES #179 - #180
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: The problem - see, one of the things about cross-examination is, we can't go over and over and over, so no, there are no witnesses to that. There are no witness statements.

MR. DUNLOP: Well, we weren't talking about the 25th of August '09, Your Honour.

THE COURT: Perhaps. Okay. Go ahead. Any witness statements to the 2005 incident?

A. Just going by memory, I believe it was just the involvement with Constable Warner ourselves. I don't think there were any outside witnesses.

MR. DUNLOP: Q. However, there was apparently a huge crowd outside 2-4-1 on the 20th of February '05.

A. You're asking me if there was a crowd?

Q. Yes.

A. Yes, there was a large crowd.

Q. No witness statements obtained from - from any

of those people.

A. No, no witness statements.

Q. Are you aware that Mr. Dunlop was involved in a motor vehicle accident - well, the exact date was October 22nd, 2006. I don't know the - that's...

THE COURT: Were you aware of that?

LIE #181 MR. DUNLOP: Q. ...no knowledge to that, but are you aware that there was - he was involved in a motor vehicle accident back in October, 2006?

LIE #181
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I am aware that there was a motor vehicle accident you were involved in. The dates and the circumstances I have no knowledge of.

LIE #182 Q. You have no knowledge of?

LIE #182
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

LIE #183 Q. Are you aware that Mr. Dunlop was released to surety in Bon... - his father's place in Bonfield, Ontario in - in around that - that time frame?

LIE #183
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

LIE #184 Q. No. But you were aware that Mr. Dunlop was residing in North Bay. In 2008, I guess.

LIE #184
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I wasn't aware of - of your address until much later after the investigation.

Q. Which investigation, I'm sorry, Mr. Hunter?

A. In relation to the letters that had gone around.

Q. Okay. But you were aware, made aware, at that point that Mr. Dunlop was residing in North Bay at that time.

A. Yes.

LIE #185 Q. You weren't aware of any police surveillance or any other OPP investigations or RCMP investigations of Mr. Dunlop?

LIE #185
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

5 LIE #186 Q. You're not aware of that to this day? Are you aware of any police surveillance of Mr. Dunlop, 2006, 2007, 2008, 2009, prior to the 25th of August, 2009, prior to being arrested?

LIE #186
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No, I'm not aware of any.

10 LIE #187 Q. Are you aware of your police service in 2006, 2007, upon Mr. Dunlop coming in from the Town of Bonfield into the City of North Bay? Are you aware of your police service monitoring his transportation in from Bonfield to North Bay?

LIE #187
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No, I'm not aware of that.

15 LIE #188 Q. Not on the roadways, not in any school parking lots or anything of that nature?

LIE #188
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No, I'm not aware of that.

LIE #189 Q. You're not aware of any of that. You've already said that you don't seek any retribution against Mr. Dunlop for any of these letters that he's distributed.

LIE #189
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. In relation to the letters? Retribution? No.

20 Q. Of any police meetings in relation to those letters?

A. I'm sorry, I don't understand.

25 Q. Has there been any meetings amongst police officers in relation to any of those letters?

A. When I found out about the letters and that, there were several meetings and several interviews.

30 Q. So it took a lot of your time. Not only your time, but I would assume Chief Cook's time and - and other officers' time.

A. I can't speak for them...

Q. Yes.

A. ...but I can say for myself, didn't take a lot of my time.

35 Q. No, but more time than probably necessarily - more time that you would have hoped, I would assume.

A. Took the appropriate amount of time. I don't think it was any more or any less than what I expected.

Q. But it took your time.

A. It took some of my time, yes.

Q. Took some other officers' time.

A. That's correct.

Q. Including Detective Cirullo and Detective Reg Perry Robertson and Detective Martin and so on and so forth.

A. They were all involved, yes.

Q. So I'm assuming that members of your police force were upset about this.

A. I can't speak for them, I can only speak for myself, and I was concerned.

Q. Okay. Were you upset about the nature of the content of these letters?

A. The manner in which the letters were distributed and the content of the letter concerned me.

LIE #190 Q. Could affect your reputation. Correct, Mr. Hunter?

LIE #190
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. It made reference to my reputation. I didn't really think that it would affect my reputation. People that know me and have had dealings with me have their own opinion. I don't think that letter would sway those people.

Q. No, not sway those people necessarily per se, but it might sway others.

A. It's quite possible, if somebody didn't know me and just read that, they would have an opinion based on that letter.

Q. So that would affect your reputation to some degree.

A. It's quite possible.

LIE #191 Q. No resentment towards Mr. Dunlop, though.

LIE #191
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No. LIE #191 - CONTINUED

Q. You aware of the letter dated August 18th, 2009? Twenty-three pages in - in - in length?

A. I would have to see it to make comment on it.

Q. Are you aware of that? Is the Crown aware of that letter?

A. I - I don't know. You're asking me to say if I know of 18 pages of documents.

THE COURT: Twenty-three, and no, he doesn't.

And, if the Crown had it, I take it you would have disclosed it?

MS. LAPLANTE: Yes.

THE COURT: So Crown doesn't have it.

MR. DUNLOP: Q. So you've never read a letter in relation to the 18th of August, 2009.

THE COURT: Well, no. What he said is - well, do you recall seeing - seeing a letter dated - well, see, we don't know who it's addressed to, who it's from.

MR. DUNLOP: Yeah. Well, I know that it's one of the things that I've tried to enter into evidence, Your Honour, as I mentioned to you before these proceedings started. That's - that's - there is a lot of evidence here, Your Honour, that is not here today that I have tried to submit into evidence because it is - it's....

THE COURT: Well, first of all...

MR. DUNLOP: Yes.

THE COURT: ...the only place you can submit things in evidence is at a hearing. This is a hearing. This is a trial.

MR. DUNLOP: Sure.

THE COURT: So are you saying you have - do you have this letter?

MR. DUNLOP: Oh, yes.

THE COURT: Where is it?

MR. DUNLOP: Well, there's - there's many copies of it. I - I - I'm in custody, so it's not - as I've explained to you earlier, it's not - the resources to me are not easily available to do these things.

THE COURT: Mhm.

MR. DUNLOP: To - to file notice of applications, to enter stuff....

THE COURT: No, no, no, no, no, no, no. Let's not go back to the...

MR. DUNLOP: Okay.

THE COURT: ...notices of application.

MR. DUNLOP: Yes.

THE COURT: All right. So what's this letter about and who is it from? To whom?

MR. DUNLOP: It's - it's addressed to the community members.

THE COURT: All right.

MR. DUNLOP: It's a 23-page letter.

THE COURT: Right.

MR. DUNLOP: And once again - it once again outlines some of the concerns of Mr. Hunter's and Mr. Warner's and the North Bay police's involvement on the 20th of February '05.

THE COURT: All right. And so this is dated....

LIE #192 MR. DUNLOP: The 18th of August '09, which is seven days prior to these charges.

THE COURT: Are you aware of that kind of

LIE #192
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

document?

A. I don't believe so. LIE #192 - CONTINUED

LIE #193 MR. DUNLOP: Q. Okay. Do you - is your police service aware of that document?

LIE #193
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't know.

Q. Do you have any other comments about this two-page letter - sorry?

THE COURT: No, you can't - comments - you can't ask him for comments. You can ask him specific questions, but....

MR. DUNLOP: Q. Do you have any concerns, other concerns, about the two-page letter?

A. Other concerns?

Q. To the one that I was speaking to you about previously. Sorry, I apologize for jumping back and forth. Do you have any other concerns about the letter?

A. I'm not quite sure what you mean by other - other concerns.

LIE #194 Q. Well, you've expressed your - your fear. I think here, under oath, you've expressed your fear and your safety - your own personal safety and your own family's safety.

LIE #194
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

You submitted a letter to the inspector, Mr. Kirk - or, sorry, Inspector Kirk Kelusky refer - making reference to the fact that, if you're in a store or a restaurant, that you feel that Mr. Dunlop may attack you or there's a possibility of that. And that's - is there any other concerns that you have in relation to that letter?

A. If I understand the question correctly, I think the only other concern that I have was that the same type of incident could happen to Constable Warner and/or his family.

LIE #195 Q. What incident are you referring to, sorry?

LIE #195
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. The incident where you attacked me at the

grocery store. LIE #195 - CONTINUED

Q. Okay. But you made this - you made this report a year previous. Correct? In August of 2008?

A. I believe that's the date.

Q. August 11th, I believe it is.

A. Yes, August 11th.

THE COURT: And you said 2008?

A. Yes.

LIE #196 MR. DUNLOP: Q. So you, on the 11th of August, 2008, submitted a report to Inspector Kirk Kelusky stating that you were possibly fearful for your safety.

LIE #196
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

Q. And, once again, there's no real basis for that, other than these letters.

THE COURT: That's not quite what he said. He said there was a letter and your actions when he arrested you on - in '05. Is that correct, sir?

MR. DUNLOP: Yeah, and I'd ask....

A. That's correct, yes.

MR. DUNLOP: Yes. But I'd ask the court, Your Honour, when Mr. Hunter had stated that, to disregard those comments as Mr. Hunter is referring back to an incident where there's also a lotta animosity and there's no evidence here today. He doesn't even have his black book notes from 2005.

THE COURT: Well, whoa, just a second. Just a second. First of all, I'm not gonna disregard anything that was said here.

MR. DUNLOP: Yeah.

THE COURT: How much weight I put to it is another matter. All right? But I don't disregard things.

Number two, did you ask for his 2005 notes?

MR. DUNLOP: I've asked - recently asked that as a - that's another notice - you know, one of my notice of applications would have contained to submit that into evidence in this matter.

THE COURT: His 2005 notes.

MR. DUNLOP: I would have wanted that into the evidence, yes. For this matter. Because it's directly related to everything that's occurred from the - Mr. Hunter and I have only had two - two - we've only met twice in our lives.

THE COURT: Right.

MR. DUNLOP: February the 20th '05, 25th of August '09.

THE COURT: Right.

MR. DUNLOP: There's a lot of history in that four year - four and a half year span.

THE COURT: Mhm.

MR. DUNLOP: But there's not a - there's not a lot of history, if you know what I mean. There's a lot of history in relation to the letters and so on and so forth, but there's only really those two incidents and the investigation of this two-page letter in August of 2008.

THE COURT: Right.

MR. DUNLOP: So there's - I'm trying to establish the fact that there's a reason why things happened on the 25th of August...

THE COURT: Right.

MR. DUNLOP: ...and I'm also trying to establish other things in relation to the 25th of August.

THE COURT: Okay. Well, from what I understand,

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what you're saying - and - and I'm not agreeing or disagreeing, I'm just trying to make sure I understand what you're trying to say. See, lookit, back in '05 - right? - you're saying 'I got beat up by two officers. They charged me with causing a disturbance to cover that up. I got a lawyer and the lawyer and Crown got together and they gave me an out to pay \$300 by way of diversion and the reason why they did that is because they knew that these fellows had done that to you and they didn't want a trial because it would all come out at the trial.' Is that about right?

MR. DUNLOP: Basically about right, Your Honour.

THE COURT: Okay. So I know your theory, I know what you're trying to say. Okay. So what you're saying essentially - and I don't know about the letter he says that - Mr. Hunter says he did not know about the letter of August 18th, 2009. So what we've got is, in August - in 2008, there's this letter that goes around.

MR. DUNLOP: Mhm.

THE COURT: This gentleman finds it, writes a letter to a supervisor and says 'Lookit, I'm a little concerned about this because this guy, if I meet him in a public place, he's gonna cause a problem.' Okay. So now we've got it to the point where we're getting to the 2009 incident and what you're saying is that this man has a reason to want to get you because of these letters that are circling around town.

MR. DUNLOP: Mhm.

THE COURT: Okay. I understand that.

MR. DUNLOP: Okay.

THE COURT: And....

MR. DUNLOP: Back to the two-page letter, there was an investigation conducted by Detective Cirullo, I believe. And, from his notes, there was information about Mr. Gary Purdue of the Simcoe CAS, director of human resources and personnel, and the Barrie police were contacted, I believe.

MS. LAPLANTE: And again, we're going into something that this officer has no dealing with.

THE COURT: He doesn't know about that. He wasn't involved in that investigation, sir.

MR. DUNLOP: Q. My point is, is that were you aware that your agency tried to possibly charge with - charge Mr. Dunlop or sue Mr. Dunlop for defamation, slander, and libel in relation to those doc... - that two-page document?

A. Does this relate to the - to the Barrie incident or....

Q. No, in relation to....

THE COURT: No. This letter....

A. Is this the one for here?

THE COURT: I don't know.

Q. In relation to those two-pages.

THE COURT: This letter here...

A. Yes.

THE COURT: ...are you aware - there was an investigation. Right?

A. Yes, there was...

THE COURT: Okay.

A. ...an investigation.

THE COURT: Were any charges laid?

A. No.

THE COURT: All right. Sir, there were no charges laid.

MR. DUNLOP: Q. Okay. Were you aware that there was a possible discussion about possibly suing Mr. Dunlop for defamation, slander, and libel or one of those three or two of those three or all of those three in relation to that letter?

A. All I can say is that I made the complaint in relation to the letters, that it was assigned to officers to investigate. They had discussions with the Crown and our service, which I wasn't a part of, and I was told, at the end of the day, that there weren't going to be charges laid. That's - that's all I know.

Q. Okay. Are you aware, Mr. Hunter, that complaints since the 25th of August, 2009, have been filed against you by Mr. Dunlop?

A. Yes.

Q. You're aware of that.

A. Yes. I have received notice in relation to the public complaints by yourself.

Q. Have you read the documentation or letters by myself?

A. I believe I was given copies of the complaint and I've read those.

Q. And are you aware that Mr. Dunlop identifies that you pushed him inside the store?

MS. LAPLANTE: I don't think that's an issue there is a....

THE COURT: Pardon me?

MS. LAPLANTE: I don't think that's an issue there is a push after the punch.

THE COURT: That Mr. - who pushed who?

MR. DUNLOP: That Mr. Hunter pushed Mr. Dunlop inside the store.

THE COURT: That's what he's testified to already.

MR. DUNLOP: Q. Are you aware that Mr. Dunlop did not include you punching him in the stomach outside of the store?

THE COURT: Punching who in the stomach?

MR. DUNLOP: Mr. Hunter punching Mr. Dunlop...

THE COURT: Okay.

MR. DUNLOP: ...in the stomach outside of the store.

THE COURT: Okay. Okay, first of all, let's - let's just - I've given you a lot of leeway, sir.

MR. DUNLOP: Sure.

THE COURT: Okay.

MR. DUNLOP: I appreciate that, Your Honour.

THE COURT: So let - I don't know if that's the way to put the question. To put the question is 'I put it to you, sir, that you punched Mr. Dunlop in the stomach outside the store.' And then he can say what he wants to say about that.

LIE #197 MR. DUNLOP: Q. Did you punch Mr. Dunlop in the stomach outside the store?

A. Yes.

LIE #198 Q. How many times did you punch Mr. Dunlop?

A. Twice, I believe.

LIE #199 Q. Did you knee Mr. Dunlop...

A. Yes.

LIE #200 Q. ...in the stomach outside the store? How many times did you do that?

A. Once.

Q. Are you aware of the contents of his letter?

LIE #197
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #198
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

LIES #199
OR #200

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. What letter?

Q. The letter and his complaint - in relation to his complaint.

THE COURT: I don't see how that's relevant here.

MR. DUNLOP: It's relevant in the sense, Your Honour, that there's no contents referenced by Mr. Dunlop of any punching or...

THE COURT: Now - okay.

MR. DUNLOP: ...kneeing by Mr. Dunlop.

THE COURT: You can't bring in through the back door what has to come in through the front door. By that I mean is you can't testify or bring in your evidence - all right? - through a letter like that. If you want to bring in evidence, unless I am forgetting something, you'd have to come and testify on that point. Those are the kinds of things I'm gonna have to stop you on.

MR. DUNLOP: Sure.

THE COURT: So the bottom line is - you know, like I said, you put it to him. 'I put it to you that Mr. Dunlop never touched you. I put it to you that Mr. Dunlop didn't scrape your car. I put it to you.' That kind of thing.

MR. DUNLOP: Yes. That's fine.

THE COURT: Okay?

MR. DUNLOP: Yes.

LIE #201 Q. So you are saying that you - you punched Mr. Dunlop twice in the stomach and you kneed him once in the stomach outside in the parking lot.

LIE #201
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #202 THE COURT: So was it - this was in the parking lot?

LIE #202
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes, this was in the parkin' lot at the rear of...

THE COURT: Okay.

A. ...my vehicle. LIE #202 - CONTINUED

THE COURT: Mhm.

MR. DUNLOP: Q. Are you aware of any injuries sustained by Mr. Dunlop as a - in relation to those physical contacts by yourself?

A. No, I am not.

Q. Are you aware if Mr. Dunlop made any complaints of any injuries sustained by that?

A. I am not aware. There was a public complaint, but I don't....

THE COURT: No, I don't - never mind the public complaint. Back at the...

A. At the time?

THE COURT: ...at the cell - at the cell. Right.

A. Oh, at the cell. Okay.

THE COURT: You know if anything like that - were you aware that Mr. Dunlop may have complained about some injuries, some aches and pains, things like that?

A. I am not aware of that.

THE COURT: Okay.

LIE #203 MR. DUNLOP: Q. What was the force that you used when you contacted Mr. Dunlop?

LIE #203
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Punched you twice in the stomach, I kneed you.
I - are you - are you lookin' for a scale?

Q. Mhm.

A. Like from one to ten?

LIE #204 Q. One to ten, yeah.

LIE #204
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I'd say probably seven or eight.

LIE #205 Q. So a fairly high use of force. High level of force used.

LIE #205
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I would say seven or eight on a scale of one to ten.

Q. And it appears that Mr. Dunlop has some sort of - he's trying to vindicate himself in some sort of way in relation to these events. Correct, Mr. Hunter?

THE COURT: To what events?

MR. DUNLOP: The events of the 25th of August '09.

THE COURT: You want to vindicate yourself? I understand.

MR. DUNLOP: Q. Is there any reason to believe that Mr. Dunlop could have not informed somebody about being hit twice in the stomach by a punch?

THE COURT: First of all, I don't quite understand that. Are you saying that - well, what are you trying to say? Just....

LIE #206 MR. DUNLOP: Q. Is it not true, Mr. Hunter, that you did not punch Mr. Dunlop in the stomach and that you did not knee Mr. Dunlop in the stomach?

LIE #206
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I did punch you twice in the stomach and I kneed you in the stomach.

LIE #207 Q. You use a closed fist, Mr. Hunt (sic)?

LIE #207
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #208 Q. Mr. Dunlop try and block the punches?

LIE #208
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I - my opinion is I don't think you were capable 'cause you were holding onto me with both your arms onto my shoulder/chest area, grabbing my shirt. To say whether you tried or not, I don't know. I can't comment on that.

Q. Okay, we'll move on to the van, if we could. The van. The issues about the van.

THE COURT: The issues about the van?

MR. DUNLOP: Where the - Mr. Hunter is claiming that there were scratches on his van.

THE COURT: Oh, I'm sorry, is it a van?

A. No, it's a - it's a Nissan Rogue, which is an SUV.

THE COURT: Right.

MR. DUNLOP: I apologize.

THE COURT: That's okay.

LIE #209 MR. DUNLOP: Q. Mr. Hunter, do you know who took the pictures of your van?

LIE #209
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I want to say Detective/Constable Hampel...

Q. Hampel?

A. ...I believe, did.

Q. So you're not sure?

A. It may have been Constable Cirullo. I'm not -
I'm not a hundred per cent.

Q. Is that - is that prees - police protocol, to take pictures?

A. For damage? Yeah, it is.

Q. Where were these pictures taken?

A. Sorry?

Q. Where were they taken?

A. At the North Bay Police Station.

Q. They were taken at the police station.

A. Yes.

Q. Not at the scene.

A. Correct.

Q. And it appears that they were taken at 11:14 from the time on the pictures?

A. Yes. That's what the time is. I can only agree with that.

Q. And there was only two...

A. Yes.

Q. ...pictures taken?

A. I didn't take the pictures, so I - I don't know.

Q. But all the - all that is in the disclosure is sufficient so that....

A. Yes. That's all that's been....

Q. Anybody witness the pictures being taken?

A. I was there. And the photographer was there.

Q. You aware of any reason why they weren't taken at the scene?

A. You'd have to ask those officers. There was no request to do it at the scene.

Q. How come it took six hours from - this alleged incident occurred around the five o'clock hour at the Metro grocery store. Is that correct, Mr. Hunter?

A. Yes.

Q. And we're at eleven o'clock when the pictures of the - of your van are bein' taken?

A. Correct.

Q. Fairly lengthy period of time, I think, Mr. Hunter.

A. Yes.

Q. Any reason for such a delay?

A. The only thing, was doing statements, doing my notes, providing details to the officers. They were also involved in lodging you into cells and doing their paper from their end. By the time that was done, the pictures were one of the process of that investigation and that was the time that it took.

Q. Pictures taken of the grocery cart, Mr. Hunter?

30

A. I didn't take any, no.

Q. How come? How come?

THE COURT: He's not the investigating officer.

5 LIE #210 MR. DUNLOP: Q. Yeah, but how come there aren't
any pictures taken? They're your....

LIE #210
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't know.

Q. Don't know.

A. I guess they didn't feel it was necessary.

Q. You ever worked on traffic accidents, Mr.

10 Hunter?

A. Yes.

Q. Do a lotta traffic accidents in your career?

A. You'd have to define 'a lot'?

Q. How many? How many traffic accidents in your

15 career?

THE COURT: Just put the question to him, sir.
You're getting to....

MR. DUNLOP: Q. How many traffic....

THE COURT: You're getting to a point. Right?

MR. DUNLOP: Yes.

THE COURT: And what's the point?

MR. DUNLOP: The point is, I am trying to
establish that there was no pictures of the cart
taken.

THE COURT: Right.

MR. DUNLOP: But, if you were doing traffic
accidents, you'd be taking pictures of two cars or
a car and a bicycle or three cars and a bicycle or
four cars or whatever it was there.

THE COURT: Mhm.

MR. DUNLOP: And you would also be cordoning off
the accident scene.

30

Q. Correct, Mr. Hunter? You'd be doing....

A. At a motor vehicle collision, that does happen, yes.

Q. You'd be cordoning off the - the accident scene so they'd have to take pictures of all - whether it's three or four vehicles or there was two vehicles and a cyclist or whatever it is, you - you'd need to take all those pictures. Correct?

A. Sometimes I have been at accidents and taking pictures of one vehicle, sometimes I've been at accident scenes taking pictures of both vehicles, sometimes I've been at accident scenes and taking no pictures.

Q. In what instances would you not take - would it be a hit and run or something that you wouldn't take the pictures of all the vehicles?

A. It would be case specific in relation to whether pictures were required or not required.

LIE #211 THE COURT: The point he is trying to make, I think, is this, is that if there was contact between the cart and your car, wouldn't it be normal procedure for police to take a picture of your car to make - to see if there was any residue from the car paint left on the cart. Is that basically it?

MR. DUNLOP: Yes.

THE COURT: So why wouldn't they have done that? Not why they wouldn't have done that, but do you think that that would have been appropriate in this circumstance?

A. I don't think it was appropriate. There didn't seem to be a dispute that the car was damaged. There didn't seem to be a dispute in the

LIE #211
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

5 nature of how it got damaged. So it didn't seem
appropriate to take pictures of - of both. And,
as I said, we were also in a situation as well
that, as I said before, there was another
emergency call which delayed officers coming to
assist and stuff, so - so manpower was an issue at
that time. Trying to cordon off a parking lot at
the grocery store wouldn't be, in my respectful
submission, feasible under the circumstances and
the nature of the incident involved. If I was
investigating an incident as an outsider, I
probably would not have taken pictures of the
cart, either. LIE # 211 - CONTINUED

LIE # 212 MR. DUNLOP: Q. But it didn't seem from whose
perspective to be a dispute in what had happened? Yours? You -
15 you just stated under oath, Mr. Hunter, that there didn't seem to
be a dispute in what happened, but from whose perspective is that
comin' from?

LIE # 212
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I think it's certainly in mine. That's all I
can really testify to.

LIE # 213 Q. Sure.

20 A. There was no question of me as to the fact
that it didn't happen.

LIE # 213
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. Any witnesses around?

A. There were other people around.

25 Q. You obtain any witness statements from any of
those people?

A. I didn't do the investigation, sir.

Q. Were there any witness statements obtained by
your police force from any of those people that may have seen
that?

A. I don't know. I wasn't the investigating

30

officer.

Q. Well, according to the - according to the disclosure, Mr. Hunter, just so that you are aware, there are no witness statements in relation to that.

A. Okay.

MR. DUNLOP: If I may make reference to the first picture, Your Honour?

THE COURT: Yes.

MR. DUNLOP: I don't know, they're - I guess, give Mr. Hunter one copy of that. There's a copy of it, I guess.

Q. Does it appear that there are any scratches on your car in - in relation to this picture?

A. There are some at the - where the door meets the quarter panel just back from the handle. There are some scrapes there.

Q. Mhm.

A. And then the scrapes are a little more visible in the second picture from a different angle.

Q. Mhm. But it doesn't appear that there's very much on this picture as far as scrapes are concerned.

A. I - are you asking me?

Q. Yes.

A. Is there - no, there's not a lot of scratches, no.

Q. Okay.

MR. DUNLOP: If we can refer to the second picture, Your Honour?

THE COURT: Mhm.

MR. DUNLOP: Q. There's obviously - now there's more scrapes or scratches or something on this photograph, Mr. Hunter. Correct?

A. It's more visible from this angle, yes.

LIE #214 Q. And it appears to almost be a totally different - they almost appear to be totally different in their nature.

LIE #214
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't think so.

Q. No? They look totally different to me.

THE COURT: It should be. That - in his - he has his.

MR. DUNLOP: Q. Is there a light here? Is this a light up here in the top left here?

A. You're talkin' - they're - yeah.

Q. There's a light?

A. Here?

Q. There's a little reflect - the reflector, yeah.

A. Yeah, at the back corner. It looks like the piece of a tail light, yeah.

Q. That looks like a piece of tail light to you? It looks like another - it looks like another light to me.

A. Are you talkin' where your...

Q. Not even a part of...

A. ...where...

Q. ...your vehicle.

A. ...your finger is?

Q. Yeah.

A. Right here? This little red glassy portion?

THE COURT: Indicating the top right-hand portion of photo #2.

A. Is that what he's referring to, Your Honour?

THE COURT: I don't know.

A. I - I would say that's - that's part of the tail light of the vehicle right there.

LIE #215 MR. DUNLOP: Q. Okay. Can you explain to the Honourable Court, for the Honourable Court record, what actually happened with the grocery cart?

LIE #215
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. You pushed the grocery cart - sorry, cart - into the rear quarter panel, upsetting it so that it fell into my car, striking that area, causing some scratches. And that's what happened in relation to the shopping cart.

Q. Make reference to Mr. Hunter's statement, please...

THE COURT: Which one?

MR. DUNLOP: Q. ...once again. It's the one from the 25th of August, page 4.

Q. Do you have that, sir?

THE COURT: Yes.

MR. DUNLOP: Q. All right. Last three sentences.

THE COURT: Okay. You have to read them out to me, then.

MR. DUNLOP: "I, myself..." - oh, sorry.

Actually, I'll just skip - it's - I'll start with, "In viewing."

THE COURT: All right.

LIE #216 MR. DUNLOP: Q. "In viewing my car, there was a scratch - is a scratch - by the rear passenger door and a dent in the quarter panel where Dunlop pushed cart into my car and pushed me into the car." The pictures, Mr. Hunter. What side of the vehicle are they on?

LIE #216
CONTAINED
IN MIKE
HUNTER'S
STATEMENT

A. That's the left-hand side of the vehicle. Which is....

THE COURT: Driver's side?

A. Yes.

MR. DUNLOP: Q. Which is the driver's side. Driver's side of the vehicle. The statement, there's a scratch

LIE #217
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

by the rear passenger door. And dent to the quarter panel.

A. That's the rear passenger door on the driver's side. It's a four-door vehicle.

Q. Rear passenger door on the driver's side.

A. Yes. LIE #217 - CONTINUED

Q. Can we go to your black book now, Mr. Hunter.

Page 125.

THE COURT: Are you there, sir?

A. Yes.

THE COURT: All right. Question.

MR. DUNLOP: Ah, just one second, Your Honour. Sorry.

THE COURT: Mhm.

MR. DUNLOP: Page 120 and 121, I'm sorry.

THE COURT: No, that's fine.

MR. DUNLOP: Q. The bottom of page 120. "As I tried to just ignore him and not engage, he became enraged. My cart was on the driver's side of my vehicle. Dunlop grabbed the cart in both hands and pushed it over and into the rear passenger door rear quarter panel, knocking the contents all over the parking lot." So what is it, Mr. Hunter? Did he push it over? Did he push it into your car? Where - where - whereabouts? What is it?

THE COURT: Well, that's a lot of questions. So, first of all, it says the rear passenger - what did it say? Rear passen....

MR. DUNLOP: Rear passenger door.

LIE #218 THE COURT: Right. Which side of the car was that on?

A. Driver's side.

LIE #219 THE COURT: Okay. So now the next question was, did you push the cart - did he push the cart into

LIE #218
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #219
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

the car or did the cart roll over and hit the car?

A. He pushed it into the car, upsetting the contents on the ground. LIE #219 - CONTINUED

LIE #220 THE COURT: Okay. So the cart itself stayed up.

A. No, it - it fell down.

THE COURT: It fell...

A. Yeah.

THE COURT: ...to the ground. Okay.

A. Yeah. It was pushed into the car and fell over.

THE COURT: Okay. Carry on, sir.

MR. DUNLOP: Q. So there was a strike. One

strike.

A. I'm sorry, to which?

LIE #221 Q. One - one strike of the cart into the car.

A. Yes.

LIE #222 Q. One strike.

A. I believe so, yeah.

Q. Okay. That looks like one strike to you?

THE COURT: I'm sorry, you're indicating photo number....

MR. DUNLOP: Q. It - there's - there's - there's numerous scratches here, Mr. Hunter.

A. Mhm. As I said.

LIE #223 Q. And that's caused from one strike.

A. As I said, the cart was pushed into the car and then fell down on the ground, so yes.

LIE #224 Q. Earlier, you testified this morning that the cart was at the back of your car.

A. I said that, when I walked up to the back of my car and was gonna put the groceries in the back, yes, I walked - the car was parked forward and I came up from the rear and then

LIE #220
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #221
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

LIE #222
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

LIE #223
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #224
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

parked the - the grocery cart at the sorta quarter panel when you came up to me. LIE #224 - CONTINUED

Q. Do you have a hatch back on your vehicle?

A. Yes.

Q. Do you put the groceries into the hatch back of your vehicle, Mr. Hunter?

A. Yeah, I open up the hatch back and they go into the trunk area.

LIE #225 Q. Was it open that day when Mr. Dunlop approached you?

LIE #225
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. No, not at the time.

LIE #226 Q. It was not open at that time.

LIE #226
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

LIE #227 Q. That - you're under oath, Mr. Hunter. You realize that.

LIE #227
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. If you're asking me if I ever opened up the hatch back that day, yes I did, because I had to put the groceries in after you left. When I first walked up to the car, it was closed. And it had not opened prior to us meeting.

LIE #228 Q. Is it not true, Mr. Hunter, that the grocery cart was at the back of your vehicle at the hatch back opening?

LIE #228
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: When?

MR. DUNLOP: On the 25th of August, 2009.

THE COURT: When Mr. Dunlop approached the car?

MR. DUNLOP: When Mr. Dunlop approached.

A. No, to the best of my recollection, came to the back of the car, I was in the process of gonna be putting the groceries in there when you approached. And then our conflict started from that point.

LIE #229 MR. DUNLOP: Q. So you're in the process of putting groceries in the back of your car.

LIE #229
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I hadn't gotten that far yet.

LIE #230 Q. You hadn't gotten that far. Yet you're saying that the grocery cart, in one instance, was knocked over. And then, in the next instance, you're saying also pushed into the car.

LIE #230
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes. It was knocked over into the car.

Q. If I can make reference back to the statement, Mr. Hunter's statement, page 2, about six sentences or eight sentences up.

THE COURT: Eight lines or eight sentences?

MR. DUNLOP: Eight lines. Eight lines up, sorry.

THE COURT: All right. From the bottom or....

MR. DUNLOP: Yes.

THE COURT: Up from the bottom. Okay. Can you read it to me?

MR. DUNLOP: Yuh. "Dunlop grabbed hold of my cart and pushed it and overturned it, hitting the rear door and rear quarter panel with the cart, dumping all the contents onto the ground. Dunlop was extremely upset and angry at this point."

LIE #231

LIE #231
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. So what you're saying, Mr. Hunter, is, he pushed it into your vehicle and it was one strike. Is that correct?

A. Yes. Pushed the cart into my vehicle, spilling the contents on the ground.

LIE #232 Q. How did all these scratches occur from one strike?

LIE #232
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. As I said, the cart was pushed into the vehicle and it fell down, overturning. That's how the scratches happened to the car.

Q. You've also said, as I stated earlier, that there's a scratch by the rear passenger door, in your statement on page 4, and, if you make reference to page 125 of your black

book notes - if I may?

THE COURT: Mhm.

LIE #233 MR. DUNLOP: Q. "At which time, I observed a dent and scratch on my car by the rear driver's side door, handle, and rear quarter panel." Mr. Hunter, there's a lotta confusion here. I'm not sure where this is all coming from.

LIE #233
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: That's not a question.

MR. DUNLOP: Q. Mr. Dunlop did all this to your vehicle.

A. Yes.

LIE #234 Q. These are from the grocery cart.

LIE #234
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #235 Q. These are from Mr. Dunlop pushing your grocery cart into your vehicle.

LIE #235
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #236 Q. These are from one strike of a grocery cart being pushed into your vehicle.

LIE #236
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. And overturning and falling onto the ground, yes.

Q. Overturning. This looks like - this - there's lines here, Mr. Hunter. Long, extended lines.

THE COURT: Lines. You mean scratches?

MR. DUNLOP: Scratches. Long scratches.

THE COURT: Exhibit Number....

MR. DUNLOP: This is - I don't know. There's two pictures. I'm not sure which one.

THE COURT: No, no. Okay. It's Exhibit Number Two and it's photograph #2. Now, just to get this - these - these up here, are there scratches as well?

A. I believe that's a light shadow.

THE COURT: That's a light.

A. Yeah.

THE COURT: So what we're really talking about are the scratches that run near - behind the door handle but on the door and then continuing a little further back to the quarter panel.

A. Correct.

THE COURT: Is that right? And there's another one further between the door handle and the window and it starts on the door and continues slightly onto the rear quarter panel.

A. Yeah. I believe that might be part light as well. Not the top portion, just the bottom part.

THE COURT: Just this part here?

A. Yeah. And there's some scratches that aren't very visible...

THE COURT: Right.

A. ...in the - the dented area. They don't show up very well.

THE COURT: Okay.

LIE #237 MR. DUNLOP: Q. Does this not appear, these scratches, as if someone dragged a cart across there or somebody dragged something across there?

LIE #237
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No.

LIE #238 Q. No? It's from one strike.

LIE #238
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. Correct.

LIE #239 Q. You did not do this?

LIES #239, #240 & #241

A. No, I did not.

LIE #240 Q. You did not do this after the incident?

OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No, I did not.

LIE #241 Q. These marks were not there prior to the 25th of August '09?

A. No, they were not.

IT MUST BE NOTED THAT MR. MIKE HUNTER'S LIES #239, #240 & #241 ARE IN REFERENCE TO THE FACT THAT MIKE HUNTER KNEW THAT DEREK DUNLOP DID NOT CAUSE THE MARKS ON MIKE HUNTER'S VEHICLE.

LIE #242 Q. Your family would not be able to testify to that? Your family would not be able to testify...

LIE #242
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. My family would not say that those scratches were there before.

5 Q. Your work companions would - would not say that those scratches were there before?

A. I don't know how many work companions pay attention to my vehicle. I - I can't speak for them.

LIE #243 Q. But you did not put these there.

LIE #243
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. I did not put those there.

10 LIE #244 Q. In order to trump up charges against Mr. Dunlop.

LIE #244
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. I did not put those scratches there and I did not trump up charges.

15 Q. And where was the cart again?

THE COURT: We've gone through that again, but one last time. Where was the cart when?

LIE #245 MR. DUNLOP: Q. When Mr. Dunlop approached you.

LIE #245
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. I was at the rear quarter panel of the vehicle on an angle sort of parallel to the car.

20 LIE #246 Q. Is it not true, Mr. Hunter, that the grocery cart was just dumped and the groceries fell out and there was no contact with your vehicle?

LIE #246
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. That's not correct.

LIE #247 Q. That's not correct?

LIE #247
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. That's not correct.

25 LIE #248 Q. Is it not true that your hatch back was open and you were putting the groceries into the back of your vehicle?

LIE #248
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

A. I don't believe the hatch back was open. I hadn't gotten to the point of putting the groceries in the cart. I had to pick them up off the ground.

30 Q. You're aware of the discrepancies in your

notes.

THE COURT: That's for me.

MR. DUNLOP: Q. Okay. How many groceries were in your shopping cart, Mr. Hunter, do you recollect?

A. I don't recollect. There was at least three bags, maybe four.

Q. So a fair amount of groceries. Correct?

A. Yes.

Q. Where do you normally put the groceries into your - your vehicle, Mr. Hunter?

A. Depends. Sometimes I put them in the back seat, sometimes I put them in the back trunk. On that date, my intention was to put them in the trunk.

Q. Which is the hatch back.

A. Yes.

Q. Is there documentation about picking the cart back up as you arri... - is there any documentation about you picking the cart back up?

A. Like - like, you mean in my notes, that sort of thing?

Q. Yes.

THE COURT: Did you right up the cart? Did you pick up the cart at one point?

A. I did pick up the cart and - because there were still some groceries inside the - the container. I'd have to refer to my notes if I actually made a specific remark about picking it up off the ground.

MR. DUNLOP: Q. So you're not aware of any paint chips or any type - any paint residue being on the cart.

A. I'm not aware of any, no.

Q. No.

A. As I say, it was very minor scratches.

Q. Pardon?

A. I said it was very minor scratches.

Q. Very minor.

A. Yes.

MR. DUNLOP: If I can just sort of switch here,
Your Honour...

THE COURT: Mhm.

MR. DUNLOP: ...for now.

Q. So, on the 11th of August, Mr. Hunter, you
submitted a letter to Mr. Kelusky or Inspector Kelusky....

THE COURT: Two thousand and eight?

MR. DUNLOP: Two thousand and eight.

Q. And you don't have any of - that's not here
today or anything. Information - information to that letter
or....

A. I have - that memo's here.

Q. You have that memo?

A. Yes.

Q. Do you mind reading that to the Honourable
Court record and putting....

THE COURT: Well, have you seen this?

MR. DUNLOP: No, I haven't.

THE COURT: Maybe you should show it to Madame
Crown. Madame Crown, do you have a copy of that?

MS. LAPLANTE: I - I thought we were talking about
the same thing and, if that's the case, then it
was disclosed.

THE COURT: Let's make sure.

MR. DUNLOP: I have a synopsis sort of thing,
sorry.

THE COURT: Well, no, let's just make sure.

MS. LAPLANTE: At least the information on that was put in a statement of witness and that Mr. Dunlop has, so....

5 THE COURT: Photocopy it and give it to him. We'll take the afternoon break now. How long do you think you're going to be, sir?

MR. DUNLOP: I - probably the rest of the afternoon, Your Honour, I'd have to say.

MS. LAPLANTE: I've got several civilian witnesses that had to take the day off. If I....

10 THE COURT: And are you saying - hold on a minute now. Are you saying that we should curb his cross-examination?

MS. LAPLANTE: No.

15 THE COURT: Are you saying that his cross-examination in any way has been improper?

MS. LAPLANTE: Not improper, but sometimes things are question and answer and come back over and over, over the same thing. It's question and answer....

20 THE COURT: And you don't know any lawyers who have done that in the past?

MS. LAPLANTE: It depends on the lawyer. Some are very....

25 THE COURT: Yes. All right. Sir, I am giving you some leeway. I guess what we're saying is, I don't in any way want to curb your cross-examination, but we're going to have to focus more clearly on the questions and get to the point a little quicker.

30 MR. DUNLOP: Sure. And I do respect that and I do apologize to the Honourable Court. I mean, my....

THE COURT: Oh...

MR. DUNLOP: You know, this is....

THE COURT: ...no, no, no, no, no.

MR. DUNLOP: But....

THE COURT: You need not apologize. You have done absolutely nothing wrong. It's a case of an unrepresented person and I am trying to give you as much leeway as possible within the time limits of the day because we do have other witnesses and I guess they're going to have to come back tomorrow, but that's nothing we can do very much about. Three-fifteen, please.

R E C E S S

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

THE COURT: All right. So you've had an opportunity to read the document?

MR. DUNLOP: Yes.

THE COURT: All right. Thank you.

LIE #249 MR. DUNLOP: Q. Mr. Hunter, I guess first of all about the document and even some of the notes and then so on and so forth, I want to point out that you spelled Mr. Dunlop's name with an 'e' on the end. I'm not sure whether you're aware of that or whether you're aware that's a misspelling of his last name or....

LIE #249
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: Okay, so why - how is that relevant?

MR. DUNLOP: I'm just - I am just wondering if there's any reason for that or....

THE COURT: Okay. Well, now I start setting limits. Are you saying he's trying to insult you by putting an 'e' to it?

MR. DUNLOP: No, I'm not saying that at all. I am

just saying that there's a possible reason. I'm asking him a direct question of what he's - well, he spelled my name - whether he realizes he misspelled my name.

A. I did not realize that. LIE #249 - CONTINUED

MR. DUNLOP: Q. No. Okay. In this letter....

THE COURT: What letter? See, it's being recorded so we need to what letter.

MR. DUNLOP: The 11th of August, 2008, confidential report....

THE COURT: To...?

MR. DUNLOP: North Bay Police Service, to Inspector Kelusky from Sergeant Hunter.

THE COURT: Yes.

MR. DUNLOP: Re: investigation of Dunlop.

THE COURT: Mhm.

MR. DUNLOP: Q. It stated you - you're very concerned regarding its contents and accusations and I feel that it's strong enough for harassment, slander, and false accusations submitted publicly." And the next line says, "In addition, there are some other accusations which have been alleged regarding about others which I am sure would be of great concern where they are." Or where they - were they aware. I apologize. So are you saying that you're concerned for others as well, Mr. Hunter, in relation to that letter?

A. I am saying that there were some other accusations in the letter where allegations regarding them are made and that they may have some concerns in relation to those.

Q. So is it - obviously, you didn't want to identify who those people were in your report or....

A. This is just a confidential report to Inspector Kelusky from myself. It's not a police report. I am

not investigating anything.

THE COURT: No, but are you referring to the people that were in - in...

A. Yes. That is....

THE COURT: ...for example, in that letter?

A. That is the one we returned to....

THE COURT: So the other people who may be concerned with is people referred to in Exhibit Number Three, which is a document that was entitled, "Please read," and - okay.

MR. DUNLOP: Q. Is there anybody that you can specifically think of in - in - that was identified in that letter that you're concerned about, Mr. Hunter?

A. Well, I'd have to read through the letter and I can identify as I go.

Q. If you wouldn't mind doing that, that would be appreciated, Mr. Hunter.

A. The person referred to as Maria Malvaso. Maureen Carrel. Brian Tattersall. Randy and Nancy Whaley, W-H-A-L-E-Y.

Q. That's - unless you want to continue, Mr. Hunter, that's fine. I - my point I'm trying to make is, is that, as a result of this letter, you're concerned not only for yourself and Mr. Hunter and the North Bay Police Service, but you're concerned for many other people as a result of the distribution or dissemination of this letter.

A. I'm saying those people may have concerns for the presence of this letter.

LIE #250 Q. You also make reference in this letter dated August 11, 2008 to Inspector Kelusky, that you're concerned about your family members, about the safety of your family members. Is that correct, Mr. Hunter?

LIE #250
OF MIKE
HUNTER'S
TESTIMONY
UNDER
OATH

A. I'm also concerned about other actions Mr. Dunlop may be considering should either myself or one of my family members run into him in the area.

5 Q. Do you know that Mr. Dunlop knows your family members?

A. At that time, I wasn't aware that you knew any of the family members. I did not know that you did or did not. I - I didn't have that knowledge. LIE #250 - CONTINUED

Q. Do you have that knowledge now?

10 A. I don't - I don't know if you know them. I have never introduced them to you. That's all I can say.

Q. So you still don't know whether I know them or not.

A. That's correct.

15 Q. You still don't know whether I know whether you - where you live or not.

A. I do not know that.

Q. You still don't know whether I know whether (sic) Constable Warner lives or not.

A. I don't know that.

20 Q. You still don't know whether I even knew you prior - you - what you looked like prior to the 25th of August, 2009.

A. No, I do not know that.

25 Q. So you're making inferences about your - your family's safety and you don't even know whether Mr. Dunlop knows your family or not.

A. I'm expressing concern in relation to my family.

30 Q. If I draw to your attention to the second page of the letter, the first sentence - oh, sorry, bottom of page - the first page where it starts that I don't know, sorry, to the

second page. "I don't know the state or the depth of Mr. Dunlop's mental state, but it appears that he has specific dislike for Constable Warner and myself and this should be assessed at the very least." So, once again, you're re... -
5 you're making a reference to Mr. Dunlop's mental state.

A. Yes.

Q. Qualified to make that statement, Mr. Hunter?

A. If you read the statement, it says, "I don't know the state or depth of Mr. Dunlop's mental state." So I am
10 saying I don't know it. I'm not, as you said, qualified. As a doctor.

Q. But you've identified that you believe that Mr. Dunlop has a specific dislike for you and Mr. Hunter (sic) in this letter.

A. Yes. Constable Warner.

15 Q. Is it not true that somebody can have a specific for somebody without having mental health issues?

A. Yes.

Q. So it is true that somebody could not like somebody and not have any mental health issues.

A. Yes.

20 Q. Is it not true that members of the North Bay Police Service are trying to make it appear that Mr. Dunlop has mental issues?

A. I - I can't speak for other members of the police service.

25 LIE #251 Q. Is it....

A. For myself, I have concerns that - for your -
some of your mental capabilities.

LIE #251
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #252 Q. What are those concerns, Mr. Hunter?

A. I feel that you have a tendency towards
violence and you act out aggressively and you're assaultive and

LIE #252
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

that you have manifested a specific dislike for myself and
Constable Warner and I don't know how deep that runs or to what
extent that may manifest itself in future outbursts. LIE #252 - CONTINUED

5 LIE #253 Q. You aware of my criminal record, Mr. Hunter? LIE #253
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
A. Um, I have seen it. I don't - I could not
tell you exactly what it is right now.

LIE #254 Q. You aware that there's no assaults on that
criminal record? LIE #254
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
A. As I said, I am aware you have a criminal
10 record. I don't know the details of it without having to refer
to it. I don't have it memorized.

Q. Well, I'll let you know that there are no
assaults.

A. Okay.

Q. You aware of my age?

15 A. Believe 39 now.

Q. Thirty-nine years of age, yes. But no
assaults.

THE COURT: Okay. Yes, yes.

MR. DUNLOP: Q. If I can refer to the last
20 paragraph in - on page 2. LIE #255 "In addition, I have some concern as
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH
to why this individual was provided diversion under the
circumstances of the incident and the nature of the charges. I
don't know that I was never contacted nor questioned as to my
input regarding the withdrawing of these charges." I am not sure
whether that's supposed to be the word 'ever' there or what, but
25 "I don't know that I was ever contacted." I am not sure
whether - I am not sure whether that's what you intended there,
Mr. Hunter, or do you know?

A. My intent in relation to the statement was, I
was never contacted or spoken to in relation to the sentencing or
the outcome of that case. So I would say yes, I was - I don't
30

believe I was ever contacted. LIE #255 - CONTINUED

LIE #256 Q. So this would indicate that you would have wanted to be contacted in relation to the charges in two thousand and - or from the 20th of February, 2005?

LIE #256
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #257 Q. And you never were.

A. Correct.

LIE #257
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

THE COURT: Is there a practice in North Bay that Crown attorneys would consult with investigating officers as to disposition of a case before it's disposed of?

A. I don't think there's hard and fast rule. I have been contacted several times and there has been other instances where I have not.

THE COURT: Okay.

A. I'm not sure exactly what the - the practice is. Sometimes they may contact somebody else if I'm not there.

MR. DUNLOP: Q. So does that not show that you had an interest in this case, Mr. Hunter?

A. Yes, I had an interest in that case.

Q. You have an interest in this case.

THE COURT: That's what he said.

MR. DUNLOP: Q. So you had an interest in what was gonna - what - the final outcome of this case.

A. Yes.

LIE #258 Q. When did you find out that a diversion was implemented in this case?

LIE #258
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. It wasn't 'til I looked into it in August of 2008 when the letters started to surface.

LIE #259 Q. So you had an interest in this case back in 2005.

LIE #259
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

Q. Two thousand and eight charges (ph) and only because of some letters that are disseminated in the public you find out that there was a diversion implemented. Otherwise, you wouldn't've even found out that that diversion was implemented.

A. Correct. LIE #259 - CONTINUED

LIE #260 Q. Then you submit a letter in addition. "I have some concern as to why this individual was provided diversion under circumstances of the incident and nature of the charges. I don't know that I was never contacted nor questioned as to my input regarding the trial on these charges." Would you not have followed up back in 2005, even 2006, to find out what was goin' on about these charges if you were so interested in the outcome of it?

LIE #260
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I'm not obligated to follow up on them. We have court officers and that, that are assigned to them.

Q. That's not the question, Mr. Hunter.

A. I am sorry, what's your question?

Q. My question is, would you have not followed up if you were not interested - if you - ^{LIE #261} if you had that big of interest in this case, why - why would you not follow it up at that time?

LIE #261
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I didn't have that big of an interest. I had an interest in the case, but I did not have that big of an interest at that time. I probably processed anywhere from two to five - or two to two hundred and fifty charges between then and now, and that was two of those charges.

LIE #262 Q. And you stated for the record that, at the time, you did not know that Mr. Dunlop worked for the Children's Aid Society in Simcoe County.

LIE #262
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I didn't have that note.

THE COURT: At what time?

30

MR. DUNLOP: At the time of the 20th of February, 2005.

A. Correct. LIE #262 - CONTINUED

5
MR. DUNLOP: Q. Do you, yourself, Mr. Hunter, have anything to add about this letter of August 11, 2008...

THE COURT: No.

MR. DUNLOP: Q. ...to Inspector Kelusky?

THE COURT: Not a proper question.

MR. DUNLOP: That's it for the letter, Your Honour.

10
LIE #263 Q. Does the fact, Mr. Hunter, that Mr. Dunlop's trying to uncover the truth upset you?

LIE #263
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No.

Q. Doesn't upset you.

MS. LAPLANTE: Uncover the truth about what?

MR. DUNLOP: Uncover the truth....

15
THE COURT: I'm sorry, I can't hear you when you're not standing up.

LIE #264 MS. LAPLANTE: Yes, sorry. Uncover the truth about what?

LIE #264
OF MIKE HUNTER'S TESTIMONY UNDER OATH

20
MR. DUNLOP: About the incident in 2005, the 20th of February, 2005.

A. I believe the truth is stated in the court

synopsis.

25
LIE #265 MR. DUNLOP: Q. You believe the truth was stated then.

LIE #265
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. I believe the truth is stated in the court

synopsis.

30
LIE #266 Q. You - are you upset with Mr. Dunlop's tactics at all?

LIE #266
OF MIKE HUNTER'S TESTIMONY UNDER OATH

A. No.

LIE #267 Q. Are you upset with Mr. Dunlop's knowledge,

LIE #267
OF MIKE HUNTER'S TESTIMONY UNDER OATH

though?

A. No. LIE #267 - CONTINUED

LIE #268 Q. Doesn't upset you at all.

A. No.

5 Q. Do you believe that Mr. Dunlop's wasting the court's time, the government's time?

THE COURT: No, don't answer that question. Mr. Dunlop, whether he thinks or not that we're wasting time is completely irrelevant. What I'd like you to do now is focus on the charges before us. I think - I think we've whipped the 2005 incident pretty good. I have a very good idea of what your position is and what your submission is with respect to his motive with respect to any of the incident that occurred on August 25th in 2009.

10 MR. DUNLOP: Just give - just - if I may have a moment, Your Honour. I apologize.

15 Q. In your notes, Mr. Hunter, in relation to your statement the day of the 25th of August '09, just want to refer to some - some of the things that you said that you stated to Mr. Dunlop. Top of page 3.

20 THE COURT: You're mentioning what now? In the statement?

MR. DUNLOP: Yes.

A. I think so, yes.

25 MR. DUNLOP: And the statement's on the 25th of....

THE COURT: Statement #2?

A. Yes. The one of the 25th of August.

THE COURT: All right. Go ahead.

LIE #269 MR. DUNLOP: Q. I'll just start from the top of the page. "Dunlop then grabbed onto me, tried to punch me with

LIE #268
OF MIKE HUNTER'S
TESTIMONY
UNDER OATH

LIE #269
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

his right fist. I blocked it with my left arm, then pushed Dunlop in the chest away from me approximately three to five..." - or three to five - I'm assuming that probably means 'feet' back. Just the 3, 5 back. "Dunlop seemed stunned for a moment. I stepped back and bladed (sic) myself for a further attack. I told Dunlop that was enough, no more, go home. No more, go home, no more fighting. Dunlop reached down and picked up his glasses and a white plastic bag. Dunlop said 'I'll get you next time,' then he turned and walked away toward the store. I gathered the groceries after and put them in my car." These are verbatim or to the best recollection what Mr. Dunlop said?

A. Yes.

Q. Or what he said.

A. Yes. LIE #269 - CONTINUED

LIE #270 Q. There's no error, no nothing? You didn't make this up, Mr. Hunter?

LIE #270
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I did not make this up.

LIE #271 Q. You did not make any of these statements up in any of these documents?

LIE #271
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I did not make any of these statements up.

LIE #272 Q. Is there no reason - is there any reason for you to make any statements up against Mr. Dunlop?

LIE #272
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. There is no reason to make up statements.

LIE #273 Q. None?

LIES #273
+ #274

A. None.

LIE #274 Q. You wouldn't make up statements for any reason against Mr. Dunlop.

OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

LIE #275 Q. And you haven't suffered any damages as a result of Mr. Dunlop?

LIE #275
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Only to my vehicle.

LIE #276 Q. And nobody in the public or nobody else has

LIE #276
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

suffered - suffered any damages in relation to the letters or anything that Mr. Dunlop has done?

A. I can't speak for other people. Again, I haven't suffered any damages that way. LIE #276 - CONTINUED

LIE #277 Q. If I could further proceed down this statement on page 3. "Approximately 5:24, I called the dispatcher and reported that Derek Dunlop had attacked me. I gave a description of him and then informed - and they informed they would send a car. I got out of my car and looked at the damage to my car and waited for police to arrive. After approximately two minutes, Dunlop returned and started to yell at me again, saying I was corrupt and a liar and asked if I wanted to go again." Is that true, Mr. Hunter?

LIE #277
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #278 Q. "Told Dunlop that I did not want to fight. Dunlop said he wanted me to throw the first punch this time. I said I did not want to fight him. Dunlop continued to call me names and yell at me." Is this true, Mr. Hunter?

LIE #278
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

LIE #279 Q. What names did Mr. Dunlop yell at you at that point? Do you know, or....

LIE #279
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I believe those were more of the same from before. Refer to my notes. "Chicken." "Pussy." "Scared." Were some of the names.

LIE #280 Q. And you just let him go on, never said anything back.

LIE #280
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Correct.

Q. If I could just, for the court record again, continue on. "At approximately 5:28, Dinsmore arrived in the parkin' lot and Dunlop saw the cruiser approach and turn and started to walk away. Dinsmore stopped. When I pointed out Dunlop, he (sic) said he had assaulted me and threatened me."

So, at that point, you'd never indicated that there was any mischief to your vehicle, any harassment, or anything of that nature.

A. Not at that time.

Q. "Dinsmore indicated no other cruisers would be attending due to another emergency call. I proceeded to assist in arresting Dunlop with Dinsmore." Mr. Hunter, you - you realize that there's a lotta animosity - or there appeared to be a lotta animosity between yourself and Mr. Dunlop.

A. It's my - sorry.

THE COURT: Go ahead.

A. It's my belief that you have a lot of animosity towards myself and Constable Warner.

LIE #281 MR. DUNLOP: Q. And you're not admitting to any animosity towards Mr. Dunlop.

LIE #281
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I had no animosity towards you after the incident of 2005 was over. That was the end of our contact.

Q. And you're aware of no investigations by any OPP or RCMP that may involve your brother or anybody else.

THE COURT: Whoa. Where does that come from? I mean, there are - there's no basis for that question unless you want to relay a basis.

MR. DUNLOP: Well, I'm - I'm putting it out there to him.

THE COURT: Yeah. You can't do that. You can't just throw out a question like that. Are you saying that there's - what's the point you're trying to establish? That not only - aside from all of this, that he should have animosity against you because you've started an investigation or you've prompted an investigation against his brother?

MR. DUNLOP: Oh, no. That's in relation - I am trying to find out if there's any information that's related to any of these incidents that may be related to his brother.

THE COURT: What incidents?

MR. DUNLOP: I'm not sure.

THE COURT: Well, no, no. Sometimes we call them fishing expeditions. We're not going to go there.

MR. DUNLOP: Q. Mr. Hunter, are you not taught, as a police officer, to consider all hypotheses?

A. In - I'm not understanding. In relation to what, like?

Q. Do you have ISOC training? Inter... - investigative sexual offences against children training?

A. Yes.

MS. LAPLANTE: I don't see how it's relevant for this.

MR. DUNLOP: It's relevant to the point I want to make about alternative hypotheses.

THE COURT: Alternate hypotheses about what?

MR. DUNLOP: About his profession.

THE COURT: Pardon me?

MR. DUNLOP: About his profession and his work.

THE COURT: His work?

MR. DUNLOP: Yeah.

THE COURT: Okay.

MR. DUNLOP: Q. Is it not common for police officers, as yourself, to consider all hypotheses....

THE COURT: No. No, no. Okay, we've gone far enough. What - I don't understand what you're getting at. What we have here is, this gentleman is saying he was assaulted in August of 2009.

MR. DUNLOP: Mhm.

THE COURT: Right? He's not - that's a civilian complaint kind of thing, although he's a police officer. So he didn't investigate this case.

MR. DUNLOP: But he was a civilian at the time.

THE COURT: Yeah, so? Carry on. Go on to some other topic.

MR. DUNLOP: Q. Do you not consider every hypothesis....

THE COURT: No. No, no, no. You don't understand. Go on to another topic. I don't want to go through this.

MR. DUNLOP: All right.

Q. Mr. Hunter, is there not a reasonable doubt in any of this....

THE COURT: Whoa, whoa. First of all, she's going to object. Reasonable doubt is something you and I talk about and the Crown talks about. He has nothing to do with reasonable doubt.

MR. DUNLOP: Q. Mr. Hunter, are you aware that Mr. Dunlop requested that an outside police agency investigate the matter of the 25th of August, 2009?

THE COURT: Irrelevant. No, no, you won't answer that question. He doesn't have to.

LIE #282 MR. DUNLOP: Q. Mr. Hunter, are you still fearful of Mr. Dunlop?

LIE #282
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. In some respects, yes.

LIE #283 Q. And in what respect?

A. Again, I don't know the depth of the mental state and I don't know what will happen if you and I are to meet in a grocery store tomorrow. There is an unknown there. And that unknown has me in concern.

LIE #283
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

Q. You're aware of Mr. Dunlop's complaints.
Correct, Mr. Hunter?

THE COURT: Irrelevant.

MR. DUNLOP: Q. Have you ever been investigated
before, Mr. Hunter?

THE COURT: Irrelevant.

MR. DUNLOP: Why is it irrelevant, Your Honour?
Sorry.

THE COURT: Because the com... - if you have a
complaint against him, that's for some other
border (sic) to determine. All right? We had
established that you had made some complaints
against him to the police force, to the poli... -
on the Police Act charges or whatever.

MR. DUNLOP: Mhm.

THE COURT: All right? So yes, you can tell me at
the end of the case 'You shouldn't believe him
because he is charged - I - I have made complaints
against him and he is going to try to embellish
his testimony here so that he can get off at the
police complaints position. That you can say by
way of submission. Okay?

MR. DUNLOP: Appreciate that, Your Honour.

THE COURT: Mhm.

MR. DUNLOP: Q. Are you a soccer coach in North
Bay?

THE COURT: Okay, what's the relevance of that?

MR. DUNLOP: It's just to say that there's some
sort of contact between him and I or connection
between him and I.

THE COURT: Okay. Are you a hockey coa... - a
soccer coach?

A. Yes.

MR. DUNLOP: According to Mr. Hunter.

THE COURT: But - no, no. Sure. No, no. Okay, enough. Tell me - tell me what the - are you - do you play soccer? Or are you a soccer coach?

MR. DUNLOP: No.

THE COURT: Are you involved in soccer?

MR. DUNLOP: No.

THE COURT: Did your children - were your children involved?

MR. DUNLOP: I'm a basketball coach.

THE COURT: Okay.

MR. DUNLOP: Or was previously a...

THE COURT: So what's the....

MR. DUNLOP: ...basketball coach.

THE COURT: What's the connection?

MR. DUNLOP: Same school.

THE COURT: You two went to the same school?

MR. DUNLOP: No, no, the same high school we volunteered at.

THE COURT: Okay. So, assuming that this gentleman volunteered at the same high - did you volunteer at a high school?

A. Yes.

THE COURT: Okay. Have you ever seen him in - in - as a coach in basketball or around the school property?

A. I - I don't involve myself with the basketball program.

THE COURT: Mhm.

A. And I - I honestly have not seen him at the school.

THE COURT: Mhm.

MR. DUNLOP: Q. Were you aware of that in years past that that was the case?

A. That you volunteered as a basketball coach?

Q. Yeah.

A. I was not aware of that, no.

Q. But you're aware that there's some overlap between people that you would know and I would know. Correct?

A. There's some people I think we know that are in common, yes.

Q. Yeah. So if I can just backtrack. You didn't obtain any statements from anybody inside the grocery store and you're not aware of the North Bay Police Service....

THE COURT: You've already asked that question.

MR. DUNLOP: Q. Are you aware that Mr. Dunlop has tried to make contact with lawyers in the community to represent him in this case?

THE COURT: What's the rel... - no, no. What's the relevance of that? Are you saying now that the police - he has poisoned all of the lawyers against you?

MR. DUNLOP: I'm not sayin' that, Your Honour.

THE COURT: Okay.

MR. DUNLOP: I'm just tryin' to make a point.

THE COURT: Well, what's your point?

MR. DUNLOP: That I'm asking him a question.

THE COURT: No, no, no. What's your point?

MR. DUNLOP: Well, I want to make the point of whether he knows that information or not.

THE COURT: How is it relevant to this case?

MR. DUNLOP: It should be relevant.

THE COURT: How?

MR. DUNLOP: Very relevant.

THE COURT: How?

MR. DUNLOP: Could be - well, it could be very relevant in the fact that, I mean, North Bay's a small community.

THE COURT: Yes.

MR. DUNLOP: Everybody knows everybody, Your Honour.

THE COURT: So?

MR. DUNLOP: Well, it makes a difference.

THE COURT: No, no. No, no, no, no, no, no. What are you getting at? What do you want? What's your point?

MR. DUNLOP: Q. Are you aware that Mr. Dunlop has made attempts to obtain legal defence in this matter?

THE COURT: And so let's assume he says 'Yes, I'm aware that you had several lawyers or you choo... - saw several lawyers.' What's the point?

MR. DUNLOP: Well, that would continue my series of questioning after that.

THE COURT: No, but - okay, synopsise for me. Tell me what the point is.

MR. DUNLOP: Q. Are you aware that, right now, the reasons that I'm defending myself are not necessarily my own, all of my own choice?

THE COURT: But how is that relevant to this trial?

MR. DUNLOP: It's relevant in the sense that I'm an inexperienced def... - you know what I mean?

THE COURT: What has that got to do with him? You can tell me that...

MR. DUNLOP: Sure.

THE COURT: ...but you - whether he knows it or not, that's - unless there's a connection that it would provide more motive for him or maybe you're alleging that he went out and seen all the lawyers and said 'Don't represent this guy', then it's irrelevant.

MR. DUNLOP: Well, I'm not - I'm not discounting that possibility, Your Honour.

THE COURT: Well, I am. No, I'm not. I just - that's called 'fishing'. Unless you've got some direct questions to put to him about that, and which so far you haven't, I'd say you move on to another subject.

LIE # 284 MR. DUNLOP: Q. Are you aware of any key informants being used against Mr. Dunlop?

LIE # 284
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

Q. None.

A. None.

Q. None in the past four or five, six years.

MS. LAPLANTE: I don't think how it would be relevant to this case.

MR. DUNLOP: Q. Are you aware of that Modern Auto Body estimate? Fifteen hundred dollars or whatever the estimate is. Are you aware of that?

A. Yeah, I'm aware of it, yes.

Q. You aware that Anthony Cirullo, I believe, has signed off on that estimate?

A. I believe he is the one who signed off on it, yes.

Q. Are you aware that he is related to Fernando Cirullo?

A. Yes.

know?

LIE #285 Q. And they're - what's their relation, do you

LIE #285
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I believe they're brothers.

Q. They're brothers, eh?

THE COURT: And who's Fernando Cirullo?

A. Detective/Constable Fernando Cirullo.

THE COURT: Oh, okay.

MR. DUNLOP: Q. No place else you could have talked or is that the North Bay Police Service's - you guys use Modern Auto Body all the time.

A. I use Modern Auto Body. On several occasions, they've done work on previous vehicles of mine and I find them to be very qualified and do a good job.

Q. So, Mr. Hunter, you've charged Mr. Dunlop with five charges here.

THE COURT: No, he hasn't.

MR. DUNLOP: Q. Or North Bay Police Service has charged...

THE COURT: All right, mhm.

LIE #286 Q. ...Mr. Dunlop with actually six charges, but five are predominantly in relation to contact between you and Mr. Dunlop. Is that correct?

LIE #286
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I believe so, yes.

Q. Do you have any witnesses of any of those five charges?

A. It's not my charges. I am the witness. So you'd have to talk to the investigating officer in relation to witnesses.

Q. But the five charges that involve you and Mr. Dunlop, there are no witnesses.

A. Other than - I'm sorry.

THE COURT: Well, there's a resist arrest thing.

There might be witnesses there. I don't know what the Crown...

MR. DUNLOP: Yeah, that's the sixth charge.

THE COURT: Okay. Go ahead.

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LIE # 287 MR. DUNLOP: Q. The first five charges, though, are basically between you and Mr. Dunlop, your word against Mr. Dunlop's word. Is that correct, Mr. Hunter?

LIE # 287
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I believe so.

10 Q. So it's one person's word against another person's word.

THE COURT: Well, that's for me to decide. So you can make those submissions to me after we're finished the case. He doesn't have to answer that question.

15 MR. DUNLOP: Q. There are no witnesses in relation to those charges.

THE COURT: He's already answered that question, sir.

MS. LAPLANTE: I am sorry, so it's just - just that Mr. Dunlop is under the misconception that there is no other witnesses, this witness is not aware of any other witnesses...

20 THE COURT: Okay.

MS. LAPLANTE: ...but there are other witnesses.

25 THE COURT: All right. Well, there you go. And you have a list of all the other witnesses that the Crown intends to call with their will-states. Does he not?

MS. LAPLANTE: Yes.

THE COURT: There you go.

30 MS. LAPLANTE: Yeah. Some of them, it's a will-state in the police officer's note book, but...

THE COURT: Right. Okay.

MS. LAPLANTE: ...there is....

THE COURT: Whatever. You've got a general idea of what the other witnesses are going to say.

MR. DUNLOP: Yeah, but my point is, is in relation to those first five charges, but....

THE COURT: That you tell me...

MR. DUNLOP: Yeah.

THE COURT: ...in submissions.

MR. DUNLOP: Yes.

THE COURT: I think what you're mixing up a little bit, sir...

MR. DUNLOP: Yuh.

THE COURT: ...is what you're going to ask him and what submissions you have to give me. You see, after we've finished all of the witnesses and whether you call a defence or not - we'll cross that bridge - at the end of the matter, it's called submissions. The Crown's gonna get up and say 'By golly, I've proven this case beyond reasonable doubt for these reasons.' And you're gonna get up and you're gonna say 'Your Honour, he hasn't - she hasn't proven this case beyond reasonable doubt and this is why.' Okay?

MR. DUNLOP: Mhm.

THE COURT: And in those, this is why you're gonna say, if that's the way it is, 'It's just his word against mine and you don't...' - and there's a case called W.D. which means that if I don't believe you - if I believe you and I believe him and I don't know who to believe, you get the acquittal. That's what the law states.

MR. DUNLOP: Mhm.

THE COURT: It depends on if I believe somebody, if I don't believe somebody, if I can't determine who that is, but those are what we call 'submissions'.

MR. DUNLOP: Mhm.

THE COURT: So you're gonna have an opportunity to tell me that. But he's - he's just a witness. He's here to tell us what happened.

MR. DUNLOP: That - I understand that, Your Honour. I do apologize for...

THE COURT: No, don't...

MR. DUNLOP: ...jumpin' around.

THE COURT: ...don't apologize. It's just - I'm just trying to - I think you're wandering off a little bit now and so I'm trying to refocus you onto the questions at hand.

MR. DUNLOP: Yes. I guess if I may have five minutes or - five minutes. I don't know whether I can, to just tidy up things so that I can...

THE COURT: Sure.

MR. DUNLOP: ...come back and sort of....

THE COURT: Okay. So can you keep him here and just stay here and - five minutes.

MR. DUNLOP: Yes.

MS. LAPLANTE: Your Honour, I was wondering until what time you...

THE COURT: Four-thirty.

MS. LAPLANTE: Four-thirty. So the chances of calling another witness is...

THE COURT: Zero.

MS. LAPLANTE: ...zero.

THE COURT: Do you want me - do you want to call the witnesses in so I bind them over?

MS. LAPLANTE: If you could, please.

THE COURT: Okay. Have a seat, sir. Is it - is it me or is it warm in here?

MS. LAPLANTE: It is warm.

A. It's warm, yes.

THE COURT: And have we - the air conditioner, is - is that - do those things work here?

COURTROOM CLERK: The government has decided they're keeping it at 26 this summer.

MS. LAPLANTE: Yeah, but I - I think that usually they keep it differently inside the courtroom because there are some attire decorum that we have to abide with.

THE COURT: Unless you ask permission.

MS. LAPLANTE: But usually courtrooms are a little cooler than the rest of the building. But sometimes it's an issue because it's one system. But we can certainly make inquiries for tomorrow.

THE COURT: So how many witnesses have we got? There's three there.

MS. LAPLANTE: And I can indicate that one is not present because he had something else this afternoon. I told them they have to call.

THE COURT: All right. Gentlemen, we are in the midst of this trial and I am leaving at 4:30 and we're starting back at ten o'clock tomorrow morning, so we've been busy all day going through this and hopefully we can complete this by tomorrow. So you're bound over to return here tomorrow morning.

COURTROOM CLERK: Courtroom 201.

THE COURT: Courtroom 201.

MR. DUNLOP: Courtroom 201.

MS. LAPLANTE: Ten o'clock or nine-thirty?

THE COURT: No, no. My time? Ten o'clock. We never ask an out-of-town judge to come in on a Monday morning at 9:30. But there you go. All right? So I apologize, but we're getting down to the bottom of this thing, so it might take some time. All right? We'll see you then. Thank you very much. Okay, let's take five.

R E C E S S

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

15 CROSS-EXAMINATION CONTINUES BY MR. DUNLOP:

LIE #288 Q. Everything you informed the court today, Mr. Hunter, is true.

LIE #288
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. Yes.

20 LIE #289 Q. Is it not true, Mr. Hunter, that you have prejudices and biases and discriminations to Mr. Dunlop that you're not able to remove?

LIE #289
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. No.

25 LIE #290 Q. No? You have no biases towards Mr. Dunlop. I wouldn't call it a bias. I have a concern reference to my safety and I have a concern in relation to your mental health.

LIE #290
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

30 Q. If I just may make reference to the - to your statement of witness one more time. Page 2, about two-thirds of the way down, I guess. "Started to put items on the counter." I'm in the middle of the - middle of the line. "Started to put items on the counter and, after a moment or two, he walked away

toward the front or - front of the store and what I assumed was home." Any reason why you would assume that he was going home,

Mr. Hunter?

5 A. Only in the sense that you left the store. My assumption is you're going home. No, I don't have any specific reason or details, just when most people leave the store, they generally head home.

Q. Police make assumptions of that in their notes, Mr. Hunter?

10 A. Assumptions?

Q. Yes. Police permitted to make assumptions in their notes?

A. Sometimes.

Q. Yes? Thought it was supposed to be more factual.

15 A. Sometimes.

MS. LAPLANTE: Just to be clear, that's not his notes, that's his statement and his impression at the time that he's testifying on.

20 LIE #292 MR. DUNLOP: Q. And - sorry, for the court record, was there any - there was conversation while you were at the check-out with Mr. Dunlop?

A. No, I don't believe so.

LIE #293 Q. There was no conversation.

25 A. There was no conversation. There were - I recall you saying a few things, but, for the most part, being quiet.

LIE #294 Q. Mr. Dunlop say something to you about Aylmer at the check-out?

A. I don't recall.

30 LIE #295 Q. Mr. Dunlop say something that they did not teach you respect Your Honour (ph) at Aylmer at the check-out?

LIE #291
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #292
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #293
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #294
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

LIE #295
OF MIKE
HUNTER'S
TESTIMONY
UNDER OATH

A. I don't recall if you...

Q. You don't.

A. ...if you did or did not. LIE #295 - CONTINUED

MR. DUNLOP: Basically about it, Your Honour.

THE COURT: Thank you. You may sit down. Any re-examination?

MS. LAPLANTE: Just quickly.

RE-EXAMINATION BY MS. LAPLANTE:

10 Q. There was issues about the scratches on the car with the cart. Can you just describe what type of cart it is.

A. A shopping cart. Metal. Average size and height.

Q. With little squares of metal and....

15 A. Yes. Yes.

Q. Okay. And it would be the portion where you can sit the child?

A. Yes. An upright spot with a spot for the feet if a child was sitting in it.

20 Q. Okay. So it's not something that is smooth and square. There's a lot of jagged edge.

A. Correct, yes.

MS. LAPLANTE: Thank you.

THE COURT: No, no. Oh, no. Nothing.

MR. DUNLOP: Can't re-examine on that question?

25 THE COURT: No.

MR. DUNLOP: Okay.

THE COURT: Thank you. Besides, I know what - I know what carts look like and I can take judicial notice of that.

30 MR. DUNLOP: There's plastic protection on some

corners.

THE COURT: Yeah, sure. All right. So ends a good day. Sir, thank you very much for your evidence. We'll continue tomorrow morning at ten o'clock. All right?

R E C E S S

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FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

I, Gayle Gilmore, certify that this document is a true and accurate transcript of the recording of R. v. Derek Dunlop in the Ontario Court of Justice held at 360 Plouffe Street, North Bay, Ontario, taken from Recording Nos. 301-52-53-54/2010, which have been certified in Form 1.

Copy Provided
Sept 29/10

(Date)

Gayle Gilmore

Gayle Gilmore, Certified Court Reporter