

Action No.: A97321140Z
E-File No.: CCP13MCGUIREX
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

XAVIER MCGUIRE

Accused

P R O C E E D I N G S

Airdrie, Alberta
September 10, 2013

Transcript Management Services, Calgary
Suite 1901-N, 601-5th Street SW
Calgary, Alberta T2P 5P7
Phone: (403) 297-7392 Fax: (403) 297-7034

TABLE OF CONTENTS

Description	Page
September 10, 2013 Morning Session	1
Discussion	1
Certificate of Record	5
Certificate of Transcript	6

1 Proceedings taken in the Provincial Court of Alberta, Courthouse, Airdrie, Alberta

2

3 September 10, 2013

Morning Session

4

5 P.T. MacKay

A Justice of the Peace in the Province of
Alberta

6

7

8 T. Melendy

For the Crown

9 G. Levesque

Agent for the Accused

10 L. Blenkinsop

Court Clerk

11

12

13 THE COURT CLERK:

Appearing on page 17, Xavier McGuire for

14 trial.

15

16 MR. MELENDY:

Counsel appears. I believe has an application to

17 make before the Court today.

18

19 MR. LEVESQUE:

My name is Gerard Levesque,

20 L-E-V-E-S-Q-U-E.

21

22 THE COMMISSIONER:

Thank you.

23

24 **Discussion**

25

26 MR. LEVESQUE:

I'm a member of the Law Society of

27 Alberta. I'm representing today a colleague from out of the province who is the lawyer of

28 Xavier McGuire. A letter was sent to the Crown yesterday confirming that the accused

29 was still in Venice, Italy and will be back in Alberta by the end of the month. I'm here to

30 request a date for a French language trial on his behalf.

31

32 THE COMMISSIONER:

Sorry, you're --

33

34 MR. LEVESQUE:

I'm here to request a date for a French language

35 trial on his behalf.

36

37 THE COMMISSIONER:

All right.

38

39 So Crown, what's the procedure then? Mr. Levesque needs to go to the counter and set a

40 date so that we can have a French Justice or interpreter?

41

1 MR. MELENDY: I -- I believe it's not -- it's not a trial that he
2 wants simply with a French interpreter present.

3
4 THE COMMISSIONER: You wish --

5
6 MR. LEVESQUE: No, a French language trial and the judge has to
7 hear the evidence without interpretation. If there is to be interpretation it would be for a
8 witness from (INDISCERNIBLE) who want to testify in English. I believe that when a
9 request -- but I'm not sure because if there's new procedures that have been given lately.
10 Is -- the point is that at the counter they won't know the schedule of bilingual judges.
11 And I'm not sure if it's going to be here or in Calgary.

12
13 MR. MELENDY: Potentially it would be held in Calgary. They
14 have courtrooms essentially set aside that deal with language issues and trials of that
15 nature. So I would submit either we put it to the counter where the staff can possibly
16 select a date, or we can put it over here for a week or two to speak to, and we can then
17 confirm that information and have a date selected for the next -- next time it comes back
18 before this Court.

19
20 THE COMMISSIONER: All right.

21
22 So Mr. Levesque, how do you wish to proceed? Do you want to just stand the matter
23 down until you have spoken with the counter, see if they have any clear idea as far as
24 when a bilingual Justice would be available to hear the matter? Or do you want to set a
25 time to attend here and have it already organized for you as far as a date?

26
27 MR. LEVESQUE: If the Court knows that the trial will be in
28 Calgary, I would prefer to go to the Calgary counter because I believe that's -- it's over
29 there that they know the schedule of the bilingual judges.

30
31 THE COMMISSIONER: All right.

32
33 MR. LEVESQUE: And in fact I'm appearing next week in Calgary
34 in a French language trial, and I could report to the counter over there if the file would be
35 available then.

36
37 MR. MELENDY: Even though it's a part 3 ticket, Ma'am,
38 certainly the Crown would have no objection to having -- having the matter waived. Now
39 the officer on this is a sheriff so he's available to certainly appear in a Calgary courtroom.
40 I don't know if he's here today or not. But that would be the request then. If -- if the
41 counsel here wants to put it over to Calgary to speak to for that date next week we can

1 have the file there for that date.

2

3 THE COMMISSIONER: Okay. And what dates did we have in mind?

4

5 MR. LEVESQUE: September the 19th in the morning. I have a
6 9:00 French language trial in front of Judge Brown so that could be at the counter before
7 or after to have a date with this matter.

8

9 THE COMMISSIONER: All right. So we'll waive the matter to Calgary
10 to speak to -- September 19, 2013. And I would assume it would be the second floor?

11

12 MR. MELENDY: No.

13

14 THE COMMISSIONER: No?

15

16 MR. MELENDY: No, Ma'am. We can either adjourn it to the
17 CMO office --

18

19 THE COMMISSIONER: All right.

20

21 MR. MELENDY: -- or specifically to the courtroom that --

22

23 MR. LEVESQUE: Oh, if you want the courtroom where I'll be in
24 front of Justice Brown, who looks after some -- she's not the only one that -- she's one of
25 the bilingual judges.

26

27 MR. MELENDY: And certainly there'll be a --

28

29 MR. LEVESQUE: It's room 1005 of the Calgary courthouse and
30 schedule -- my -- my other matter is scheduled at 9:00.

31

32 THE COMMISSIONER: All right.

33

34 MR. LEVESQUE: So it can be at the same and --

35

36 THE COMMISSIONER: All right. I think we'll -- we'll -- we'll schedule
37 it for the CMO counter. Then -- and then just explain that you're appearing before Justice
38 Brown that morning. And then they can, you know, see what they can do about putting it
39 before her. But go to the CMO counter first and that will be that morning.

40

41 MR. LEVESQUE: Thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

THE COMMISSIONER:

Thank you.

PROCEEDINGS CONCLUDED

1 **Certificate of Record**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

I, Lori Blenkinsop, certify that this recording is the record made of the evidence in the proceedings in Provincial Court, held in courtroom 1, at Airdrie, Alberta, on the 10th day of September, 2013, and that I was the court official in charge of the sound-recording machine during the proceedings.

1 **Certificate of Transcript**

2

3 I, Charlene Johnson, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the
6 best of my skill and ability and the foregoing pages are a complete and accurate transcript
7 of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record
10 and is transcribed in this transcript.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

Digitally Certified: 2013-10-04 10:29:50
Charlene Johnson, Transcriber
Order No. 9458-13-1

35 Pages: 8

36 Lines: 281

37 Characters: 5518

38

39 File Locator: b912db942d1111e386b70017a4770810

40 Digital Fingerprint: 5449d104c9460b6ccc7191bee216de88f8d63cd1eee0c14532ecf674fa37ac52

41

Detailed Transcript Statistics	
Order No. 9458-13-1	
Page Statistics	
Title Pages:	1
ToC Pages:	1
Transcript Pages:	6
Total Pages:	8
Line Statistics	
Title Page Lines:	50
ToC Lines:	4
Transcript Lines:	227
Total Lines:	281
Visible Character Count Statistics	
Title Page Characters:	482
ToC Characters:	82
Transcript Characters:	4954
Total Billable Characters:	5518
Multi-Take Adjustment: (-) Duplicated Title Page Characters	5036