

Action No.: A97321140Z  
E-File No.: CCP13MCGUIREXAVI1  
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  
October 22, 2013

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

2 \_\_\_\_\_  
3 October 22, 2013 Morning Session

4  
5 J. Taylor A Justice of the Peace in the Provincial Court  
6 of Alberta

7  
8 D. Burroughs For the Crown  
9 G. Levesque For the Accused  
10 J. Chubey Court Clerk  
11 V. Butts Court Clerk

12 \_\_\_\_\_

13

14 MR. BURROUGHS: Ma'am.

15

16 THE COURT CLERK: On page 28, Xavier McGuire.

17

18 MR. BURROUGHS: Mr. Levesque appears as counsel for  
19 Mr. McGuire, Ma'am.

20

21 MS. TAYLOR: Good morning.

22

23 **Submissions by Mr. Burroughs**

24

25 MR. BURROUGHS: I can advise you, Ma'am, this matter was in our  
26 court back on September the 10th, 2013. Mr. Levesque made an application, Ma'am, that  
27 Mr. McGuire requires a trial, however, in the French language only.

28

29 MS. TAYLOR: Okay.

30

31 MR. BURROUGHS: It was sent to Criminal Court; I do have a copy  
32 of the transcript here.

33

34 MS. TAYLOR: All right.

35

36 MR. BURROUGHS: It's back in front of us today. And I can advise  
37 you, Ma'am, I also have copies of an order in council. I will give Mr. Levesque one in  
38 case he doesn't have it.

39

40 MS. TAYLOR: All right.

41

1 MR. BURROUGHS: One for you, Ma'am. And I can advise you the  
2 Crown's position in this matter is to refuse his application to have a trial in French. He  
3 could have one in French if the Crown consented. I don't think Mr. Malendy (phonetic)  
4 did consent to it.

5

6 MS. TAYLOR: Okay.

7

8 MR. BURROUGHS: That's why you have the transcripts.

9

10 MS. TAYLOR: Transcripts? And I -- I -- do you have an extra  
11 copy or don't have a copy of the transcript?

12

13 MR. BURROUGHS: Oh, I'm sorry, Ma'am.

14

15 MS. TAYLOR: That's fine. Thank you.

16

17 MR. BURROUGHS: And I guess part of my reason for objecting to  
18 a trial in French, we do not have any fully bilingual French-speaking commissioners.

19

20 MS. TAYLOR: M-hm.

21

22 MR. BURROUGHS: We would have to still get an interpreter for the  
23 officer involved.

24

25 MS. TAYLOR: M-hm.

26

27 MR. BURROUGHS: And I don't see why we just can't have a trial  
28 with Mr. McGuire having a French-speaking interpreter, Ma'am.

29

30 MS. TAYLOR: Okay. Thank you. Mr. Levesque, do you wish  
31 to make submissions on the matter?

32

33 **Submissions by Mr. Levesque**

34

35 MR. LEVESQUE: Oui, Madam (OTHER LANGUAGE SPOKEN).

36

37 MS. TAYLOR: I don't speak French, so you'll have to try it in  
38 English.

39

40 **UNIDENTIFIED SPEAKER, Unsworn as an Interpreter in the French Language**

41

1 MR. LEVESQUE:  
2 the court provide an interpreter.

I -- I've been informed that the Crown ask -- or

3  
4 MS. TAYLOR:

An interpreter? Yes.

5  
6 MR. LEVESQUE:

Yes.

7  
8 MS. TAYLOR:

We can provide an interpreter.

9  
10 MR. BURROUGHS:

We do have an interpreter --

11  
12 MS. TAYLOR:

Oh.

13  
14 MR. BURROUGHS:

-- present.

15  
16 MS. TAYLOR:

We do have an interpreter --

17  
18 THE INTERPRETER:

Yes, I am here --

19  
20 MR. LEVESQUE:

Yeah.

21  
22 THE INTERPRETER:

-- today --

23  
24 MS. TAYLOR:

-- for Mr. Levesque, I'm sorry.

25  
26 THE INTERPRETER:

-- Your Honour.

27  
28 MS. TAYLOR:

I didn't --

29  
30 MR. LEVESQUE:

Yeah, okay.

31  
32 MS. TAYLOR:

-- realize.

33  
34 THE INTERPRETER:

Oh, no, I'm here today but I guess I --

35  
36 MS. TAYLOR:

Okay. So that's fine?

37  
38 MR. LEVESQUE:

I don't mind that.

39  
40 MS. TAYLOR:

So what would you prefer to -- can you

41 communication with me in English effectively or --

1  
2 MR. LEVESQUE: No --  
3  
4 MS. TAYLOR: -- would you prefer to use an interpreter?  
5  
6 MR. LEVESQUE: No problem. But --  
7  
8 MS. TAYLOR: My French is from elementary school, it won't  
9 get very far.  
10  
11 MR. LEVESQUE: Yeah. No, the last time I present the request in  
12 English.  
13  
14 MS. TAYLOR: Okay.  
15  
16 MR. LEVESQUE: And it was granted both by the Crown and the  
17 court --  
18  
19 MS. TAYLOR: All right.  
20  
21 MR. LEVESQUE: -- as per the transcript. I believe you -- you --  
22 you said that you --  
23  
24 MS. TAYLOR: And that's the --  
25  
26 MR. LEVESQUE: -- had a copy of the transcript?  
27  
28 MS. TAYLOR: -- transcript in regard to Miss -- or Mr. Xavier  
29 McGuire?  
30  
31 MR. LEVESQUE: Yes.  
32  
33 MS. TAYLOR: Is that correct?  
34  
35 MR. LEVESQUE: Yeah.  
36  
37 MS. TAYLOR: Airdrie, Alberta, September 10, 2013?  
38  
39 MR. LEVESQUE: Okay.  
40  
41 MS. TAYLOR: Okay?

1  
2 MR. LEVESQUE: So if you see on page 1 at the number 34: (as  
3 read)  
4  
5 I'm here to request a date for a French-language trial.  
6  
7 MS. TAYLOR: Yes.  
8  
9 MR. LEVESQUE: And then on page 2, the court -- the Crown  
10 says: (as read)  
11  
12 I believe it's not a sort of trial that he wants simply with a French  
13 interpreter present.  
14  
15 And number 13 says, Potentially, it would be held in Calgary." So that's why it was  
16 transferred --  
17  
18 MS. TAYLOR: Oh.  
19  
20 MR. LEVESQUE: -- to Calgary.  
21  
22 MS. TAYLOR: Okay.  
23  
24 MR. LEVESQUE: -- for a date of the trial in French --  
25  
26 MR. BURROUGHS: And I can advise you --  
27  
28 MR. LEVESQUE: -- over there.  
29  
30 MR. BURROUGHS: -- Ma'am, but I don't think Mr. Malendy knew  
31 the Crown's position --  
32  
33 MS. TAYLOR: Okay.  
34  
35 MR. BURROUGHS: -- at --  
36  
37 MS. TAYLOR: And --  
38  
39 MR. BURROUGHS: -- that date.  
40  
41 MS. TAYLOR: And I'll -- I'll -- I'll definitely read it with --

1 I'll give you an opportunity to respond. How's that? It's hard for me to make notes on  
2 two things at once.

3

4 MR. LEVESQUE: So, Mr. Malendy confirm in the section 938,  
5 the Crown would have no objection to having the matter waive and it -- I was given the  
6 option to go here at the counter or to the counter at Calgary. I said, Well, if you're sure  
7 that the matter will be in Calgary, it -- I -- I will go up to the counter over there.

8

9 And then the commissioner waived the matter to Calgary on page 3, number 9. So the  
10 new regulation 158, 2013 says that we have to present a request, which was done, and  
11 obtain the consent of the Crown, which was consent.

12

13 MS. TAYLOR: So was the --

14

15 MR. LEVESQUE: There's --

16

17 MS. TAYLOR: -- consent just to transfer the -- to -- to waive  
18 the matter to another --

19

20 MR. LEVESQUE: Well, the reason to --

21

22 MS. TAYLOR: -- jurisdiction?

23

24 MR. LEVESQUE: -- have the transfer was to have a  
25 French-language trial. I was here last time to fix a date for a French-language trial.

26

27 MS. TAYLOR: All right.

28

29 MR. LEVESQUE: So what's happening now is that my client is  
30 paying me more than if he had been found --

31

32 MS. TAYLOR: Right.

33

34 MR. LEVESQUE: -- guilty of the charge.

35

36 MS. TAYLOR: Yeah.

37

38 MR. LEVESQUE: And I'm sure that the interpretation of the new  
39 regulation cannot be that one who choose to use one of the two languages of the court has  
40 to be penalized --

41



- 1 MS. TAYLOR: M-hm.  
2
- 3 MR. LEVESQUE: -- like a ping-pong -- pong -- ping-pong ball  
4 between the -- the Crown in Airdrie and the Crown in -- in Calgary.  
5
- 6 MS. TAYLOR: So there --  
7
- 8 MR. LEVESQUE: So my --  
9
- 10 MS. TAYLOR: Oh, so --  
11
- 12 MR. LEVESQUE: -- request today to the court would be to  
13 dismiss the charge because of violation of language rights under the *Languages Act* of  
14 Alberta.  
15
- 16 MS. TAYLOR: Okay.  
17
- 18 MR. LEVESQUE: In the alternative, if the court is not prepared to  
19 do that, I am seeking that the matter be put to be spoken to in a few months when I will  
20 be able to report to the court the statutes of the application that my clients wants me to  
21 present in Queen's Bench --  
22
- 23 MS. TAYLOR: Okay.  
24
- 25 MR. LEVESQUE: -- to have that clarified. And if it's --  
26
- 27 MS. TAYLOR: Sure.  
28
- 29 MR. LEVESQUE: -- that it's that the Crown in Calgary, and I  
30 have now the transcript for you and for the --  
31
- 32 MS. TAYLOR: From Calgary?  
33
- 34 MR. LEVESQUE: From Calgary.  
35
- 36 MS. TAYLOR: Okay, good. Have you given a copy to --  
37
- 38 MR. LEVESQUE: Yes.  
39
- 40 MS. TAYLOR: -- the Crown?  
41

1 MR. LEVESQUE: Okay. The Crown invite me to proceed to  
2 Queen's Bench if my client is not satisfied about the interpretation that would be given to  
3 the new regulation.  
4

5 MS. TAYLOR: And that would be the appropriate. So do we  
6 have a translated version of this --  
7

8 MR. LEVESQUE: It --  
9

10 MS. TAYLOR: -- transcript? No?  
11

12 MR. LEVESQUE: It -- it has been transcribed in the language  
13 used, so you have --  
14

15 MS. TAYLOR: We have --  
16

17 MR. LEVESQUE: -- in English --  
18

19 MS. TAYLOR: -- the French langu --  
20

21 MR. LEVESQUE: -- what the judge --  
22

23 MS. TAYLOR: Oh, it's --  
24

25 MR. LEVESQUE: -- said in English or in French and --  
26

27 MS. TAYLOR: Okay.  
28

29 MR. LEVESQUE: -- the Crown over there objected to receive it.  
30

31 MS. TAYLOR: All right.  
32

33 MR. LEVESQUE: And even the judge said, Well, we don't know  
34 why it has been sent to Calgary because that judge is bilingual and comes here --  
35

36 MS. TAYLOR: And was -- that was --  
37

38 MR. LEVESQUE: -- for --  
39

40 MS. TAYLOR: -- Judge Brown?  
41

1 MR. LEVESQUE:

Yes, Judge Brown.

2

3 MS. TAYLOR:

Okay. So there's two cases that are relevant to the French language, I understand. One -- I can't remember the names of the cases, although I have notations -- Justice Eidsvik, who, my understanding said -- in Court of Queen's Bench -- said there's no obligation on Provincial Court traffic matters for language -- for trials to be held in French, and then a sort of conflicting decision of Judge Brown. Have you reviewed those, by any chance? Are you prepared to make --

9

10 MR. LEVESQUE:

They -- if they --

11

12 MS. TAYLOR:

-- submissions --

13

14 MR. LEVESQUE:

-- refer to --

15

16 MS. TAYLOR:

-- on those?

17

18 MR. LEVESQUE:

-- Judge Eidsvik in a case of *Calhoun*, that was --

19

20

21 MS. TAYLOR:

That's maybe it.

22

23 MR. LEVESQUE:

-- that was under section 3 of the *Languages Act* and it's -- it pertains only on the right to have the *Act* in French. Actually, no, the *Languages Act* is the only --

24

25

26

27 MS. TAYLOR:

M-hm.

28

29 MR. LEVESQUE:

-- one that is bilingual --

30

31 MS. TAYLOR:

Yeah.

32

33 MR. LEVESQUE:

-- equally authoritative in both languages. And this -- her decision is -- has been heard under appeal and we're waiting for a spe -- an --

34

35

36 MS. TAYLOR:

Oh, okay.

37

38 MR. LEVESQUE:

-- a decision from the --

39

40 MS. TAYLOR:

So we don't know the result --

41

1 MR. LEVESQUE: -- Court of Appeal.  
2  
3 MS. TAYLOR: -- of that yet.  
4  
5 MR. LEVESQUE: But it doesn't relate to the use of French in the  
6 court --  
7  
8 MS. TAYLOR: Only with the --  
9  
10 MR. LEVESQUE: -- at section 8 --  
11  
12 MS. TAYLOR: Okay.  
13  
14 MR. LEVESQUE: -- that's se -- section 4 of the *Languages Act*.  
15 And I have a copy of the decision that you're referring to. It's decision of Judge Brown,  
16 in -- incidentally.  
17  
18 MS. TAYLOR: Yes.  
19  
20 MR. LEVESQUE: Okay. And --  
21  
22 MS. TAYLOR: And I -- I've read both of them but it's some  
23 time ago, so.  
24  
25 MR. LEVESQUE: And --  
26  
27 MS. TAYLOR: Is that an extra --  
28  
29 MR. LEVESQUE: -- she's the --  
30  
31 MS. TAYLOR: -- copy?  
32  
33 MR. LEVESQUE: -- one who confirmed that the -- I -- I'll leave  
34 you this --  
35  
36 MS. TAYLOR: Okay.  
37  
38 MR. LEVESQUE: -- my copy.  
39  
40 MS. TAYLOR: Because I can, like, get it off the computer.  
41

- 1 MR. LEVESQUE: Yeah.
- 2
- 3 MS. TAYLOR: It's not hard.
- 4
- 5 MR. LEVESQUE: It confirms that the *Languages Act* authorize a  
6 trial in French or in English in Traffic Court and it really (INDISCERNIBLE) about the  
7 interpretation by the Crown of language rights, and that's, I suspect, is why the Crown did  
8 an appeal.
- 9
- 10 MS. TAYLOR: M-hm.
- 11
- 12 MR. LEVESQUE: They tried to go via a -- a regulation to --
- 13
- 14 MS. TAYLOR: Okay.
- 15
- 16 MR. LEVESQUE: -- trying to limit what she has decided. It says  
17 that: (as read)
- 18
- 19 Language rights are to be given a liberal and purposive  
20 interpretation.
- 21
- 22 That's come from the Supreme Court decision of *Beaulac* which I --
- 23
- 24 MS. TAYLOR: M-hm.
- 25
- 26 MR. LEVESQUE: -- have here too.
- 27
- 28 MS. TAYLOR: Which referenced *Criminal Code* matters, did it  
29 not, for the Supreme Court?
- 30
- 31 MR. LEVESQUE: Pardon me?
- 32
- 33 MS. TAYLOR: The Supreme Court decision related to --
- 34
- 35 MR. LEVESQUE: Both -- both --
- 36
- 37 MS. TAYLOR: -- criminal or provincial statues? I -- it's --
- 38
- 39 MR. LEVESQUE: It's a --
- 40
- 41 MS. TAYLOR: -- been a while.

1  
2 MR. LEVESQUE: -- criminal case.

3  
4 MS. TAYLOR: Yes.

5  
6 MR. LEVESQUE: But it confirmed that in all cases the  
7 interpretation that has to be given now by the court --

8  
9 MS. TAYLOR: Okay.

10  
11 MR. LEVESQUE: -- must have -- must be generous to meet the  
12 objective of the *Act*. So if the *Act* says everybody can use French or English --

13  
14 MS. TAYLOR: M-hm.

15  
16 MR. LEVESQUE: -- well, it would be contrary to that if there was  
17 a regulation for which the Ministry would boast itself that thanks to this regulation you  
18 won't have more requests for French-language trial or bilingual trial.

19  
20 MS. TAYLOR: Okay.

21  
22 MR. LEVESQUE: So this is another reason why the Superior  
23 Court and where Court of Queen's Bench would be asked to look into this matter.

24  
25 MS. TAYLOR: All right.

26  
27 MR. LEVESQUE: But the important part of Judge Brown's  
28 decision, I think still stands, because it -- it is supported by Supreme Court of Canada.  
29 The regulation can limit a decision of the Provincial Court but cannot reverse the Supreme  
30 Court of Canada. And at paragraph 21 and 22 of the *Pooran* case, which I'll give you  
31 my -- my copy, it says: (as read)

32  
33 If litigants are entitled to use either English or French in oral  
34 representations before the courts yet are not entitled to be  
35 understood except through an interpreter . . .

36  
37 And that's what the Crown today would like my client to do --

38  
39 MS. TAYLOR: Yeah.

40  
41 MR. LEVESQUE: -- to go through interpreter: (as read)

1  
2 . . . their language rights are hollow indeed. Such a narrow  
3 interpretation of the right to use English -- either English or  
4 French is illogical, akin to the sound of one hand clapping, and  
5 has been emphatically overruled by *Beaulac*.

6  
7 The Crown Respondent assertion that the rights in the *Languages*  
8 *Act* are met by the provision of an interpreter amounts to a  
9 sloughing of the language rights of the litigant to the *Charter* legal  
10 right to due process, natural justice and a fair trial.

11  
12 So I'll -- I'll leave you these case for the provision and this is . . .

13  
14 MS. TAYLOR: Thank you. Mr. Burroughs, any response?

15  
16 MR. BURROUGHS: Well, Ma'am, I -- I have passed you an order in  
17 council signed by the Lieutenant Governor General stating our -- the Crown's position on  
18 French-language trials.

19  
20 MS. TAYLOR: And I don't think I have that. And madam  
21 clerk, do you have that -- the OC? You gave it --

22  
23 MR. LEVESQUE: I have extra copies if you --

24  
25 MR. BURROUGHS: I -- oh, you've got another copy here, Ma'am.

26  
27 MS. TAYLOR: Thanks. Thank you. I don't have a --

28  
29 MR. BURROUGHS: And obviously, it --

30  
31 MS. TAYLOR: Oh, I do.

32  
33 MR. BURROUGHS: -- it appears we're in somewhat of a stalemate  
34 situation where these things are still being appealed through the Supreme Court.

35  
36 MS. TAYLOR: M-hm.

37  
38 MR. BURROUGHS: What -- what I can suggest, Ma'am, is  
39 obviously you're basically seized with it now. If you --

40  
41 MS. TAYLOR: I'll have to read this.

1

2 MR. BURROUGHS: -- wish to review the materials and come back  
3 at a later date and give your decision, that would be fine with the Crown. But the  
4 Crown's position is, no, we are not giving consent.

5

6 MS. TAYLOR: Okay.

7

8 MR. BURROUGHS: I don't think Mr. Malendy gave consent. You  
9 have the copy of --

10

11 MS. TAYLOR: All right.

12

13 MR. BURROUGHS: -- his transcripts which you may read. I don't  
14 think he understood the Crown's position --

15

16 MS. TAYLOR: Okay.

17

18 MR. BURROUGHS: -- when he did send it into Calgary. And I  
19 know that Ms. Juzwiak, the prosecutor in Calgary and the Provincial Court judge has sent  
20 it back out here to -- to this court in Airdrie, Ma'am.

21

22 MS. TAYLOR: This is essentially an application to dismiss the  
23 charge on the basis that the client's -- that the accused person's language rights have not  
24 been honoured. Is that what you're saying?

25

26 MR. BURROUGHS: That I would certainly submit, Ma'am, that his  
27 rights have been honoured. If this matter was to go to trial the Crown would provide a  
28 French-speaking interpreter.

29

30 MS. TAYLOR: Okay. It -- it is a lot of reading, Mr. Levesque.  
31 I can take a few minutes and review this in preliminary. Or in the alternative, I can ask  
32 for these materials to be copied and then I'm back -- I know I'm back here January. I --  
33 is that too far in the future for you? Well, when is this Supreme Court decision expected?  
34 Do you know? Do you have -- have they said?

35

36 MR. LEVESQUE: No, the Court --

37

38 MS. TAYLOR: You don't know?

39

40 MR. LEVESQUE: -- of Appeal, then, doesn't.

41



1 MS. TAYLOR: No?  
2

3 MR. LEVESQUE: So but the -- that decision won't have an  
4 impact --  
5

6 MS. TAYLOR: It won't have an impact?  
7

8 MR. LEVESQUE: -- on section 4 --  
9

10 MS. TAYLOR: Okay.  
11

12 MR. LEVESQUE: -- on the use of English or French in another  
13 court.  
14

15 MS. TAYLOR: All right.  
16

17 MR. LEVESQUE: It was decided only on whether the province  
18 was right to take away the right to have French-language legislation in Alberta in --  
19

20 MS. TAYLOR: Right.  
21

22 MR. LEVESQUE: -- 1988.  
23

24 MS. TAYLOR: Right. Okay.  
25

26 MR. LEVESQUE: And this is of the --  
27

28 MS. TAYLOR: Which is more of --  
29

30 MR. LEVESQUE: -- instance --  
31

32 MS. TAYLOR: -- Eidsvik decision --  
33

34 MR. LEVESQUE: Yeah. Yes.  
35

36 MS. TAYLOR: -- issue. Okay.  
37

38 MR. LEVESQUE: This is at the request of the Crown, because at  
39 first Mr. Calhoun was asking that the both sections of the *Act* be considered.  
40

41 MS. TAYLOR: All right. And just by way of background,

1 what is the underlying charge? Just -- not that it's --  
2  
3 MR. LEVESQUE: Oh, I --  
4  
5 MS. TAYLOR: -- material, I'm just curious.  
6  
7 MR. LEVESQUE: I believe it's speeding, just si --  
8  
9 MR. BURROUGHS: It's a simple speeding charge.  
10  
11 MS. TAYLOR: Speeding?  
12  
13 MR. BURROUGHS: Yeah.  
14  
15 MS. TAYLOR: Okay.  
16  
17 MR. LEVESQUE: Yes.  
18  
19 MS. TAYLOR: All right. So I'm going to take a brief  
20 adjournment, look over this, and then I'll let you know whether I'm going to need more  
21 time or if there's a decision I can make --  
22  
23 MR. BURROUGHS: Very good, Ma'am.  
24  
25 MS. TAYLOR: -- now. Is that acceptable?  
26  
27 MR. LEVESQUE: Okay.  
28  
29 MS. TAYLOR: Thank you.  
30  
31 (ADJOURNMENT)  
32  
33 MR. BURROUGHS: Ma'am.  
34  
35 MS. TAYLOR: All right. Now, I -- I did take some time to  
36 review the -- oh, sorry, madam clerk, did you need to recall this matter on the record?  
37  
38 THE COURT CLERK: I will recall it.  
39  
40 MS. TAYLOR: Go ahead.  
41

1 THE COURT CLERK: On page 28, recalling Xavier McGuire.

2

3 **Discussion**

4

5 MS. TAYLOR: Thank you. So I did review some materials.  
6 My problem is, of course, that the proceedings before Judge Brown were in French. And  
7 so I need to have this translated to make a decision.

8

9 So just to clarif -- I want to clarify my purpose here is to determine whether or not I  
10 should grant the application for dismissal. Is that -- that your application is that this ticket  
11 be dismissed because of the language issues or not honouring the request for the  
12 language?

13

14 And Crown's position is it should not be dismissed because Crown did not consent. The  
15 trial should proceed with an interpreter. Is that accurate?

16

17 MR. BURROUGHS: That's correct, yeah.

18

19 MS. TAYLOR: Okay. I just wanted to make sure I had the  
20 issues. So I was actually able to secure a date for me to return to Airdrie earlier, which  
21 will be December 3rd. Are you available then? No. And then I'm away between the 3rd  
22 and the 14th.

23

24 MR. LEVESQUE: Yes. Unfortunately or fortunately, I'm in court  
25 in Toronto the first week of --

26

27 MS. TAYLOR: Okay.

28

29 MR. LEVESQUE: -- December and January. But --

30

31 MS. TAYLOR: Are you available January 14, which is the  
32 second week in January? Second --

33

34 MR. LEVESQUE: I could -- I could --

35

36 MS. TAYLOR: -- full week.

37

38 MR. LEVESQUE: I could be back. Or the following week would  
39 be better for me but --

40

41 MS. TAYLOR: I'm -- I know that I'm here on the 14th for sure

1 because I'm seized with two other matters.

2

3 MR. LEVESQUE: I'll --

4

5 MS. TAYLOR: If you could possibly accommodate that I  
6 would very --

7

8 MR. LEVESQUE: Yeah.

9

10 MS. TAYLOR: -- much appreciate it. I will take a look, I --  
11 I'll have the transcript transcri -- interpreted. I'll send a copy -- I'll make a copy  
12 available to you. I guess you could pick it up from --

13

14 MR. LEVESQUE: Or is it possible to email it to me?

15

16 MS. TAYLOR: Madam clerk, is that -- or maybe the Crown  
17 could. I -- I'll make it available to the --

18

19 MR. BURROUGHS: If --

20

21 MS. TAYLOR: -- Crown.

22

23 MR. BURROUGHS: -- you make it available to me I'll make --

24

25 MS. TAYLOR: And then --

26

27 MR. BURROUGHS: -- sure --

28

29 MS. TAYLOR: -- you can make sure that it's emailed, and so  
30 that you can confirm that the translation is accurate. That --

31

32 MR. LEVESQUE: That's very good.

33

34 MS. TAYLOR: Would that be okay?

35

36 I think this is a fundamental issue and it does need to be addressed in a proper way, but I  
37 don't know why Judge Brown sent it back to us because I can't read the transcript. And  
38 until I have a good understanding of what exactly occurred in front of Judge Brown, I  
39 think it's difficult for me to make a decision as to whether or not there's been any  
40 problem or whether we should proceed, whether there's been consent or no consent. So  
41 those are the things that I'll be taking a --

1  
2 MR. BURROUGHS: Very good, Ma'am.  
3  
4 MS. TAYLOR: -- look at.  
5  
6 MR. LEVESQUE: So it will be 9:30 on the 14?  
7  
8 MS. TAYLOR: We could make it a later time if that would  
9 be --  
10  
11 MR. LEVESQUE: Yeah.  
12  
13 MS. TAYLOR: -- better for you. We can certainly deal with  
14 preliminary matters prior to that. We're here right through until 1.  
15  
16 MR. BURROUGHS: We're here until 1:00 anyway, Ma'am.  
17  
18 MS. TAYLOR: So really, anytime between 9:30 and 1. We'll  
19 do best to accommodate you. What would work for you?  
20  
21 MR. LEVESQUE: Okay.  
22  
23 MS. TAYLOR: What -- is there a time that is better?  
24  
25 MR. LEVESQUE: Ten-thirty.  
26  
27 MS. TAYLOR: Ten-thirty is fine? All right.  
28  
29 MR. BURROUGHS: We can do that, Ma'am.  
30  
31 MS. TAYLOR: We'll note that. Then we'll deal with this on  
32 10:30 in the morning, January 14. All right. So I'll review when I get the tran --  
33 transcripts translated. Thank you very much for the application, that's interesting. And  
34 I'll give it my consideration.  
35  
36 MR. BURROUGHS: Thank you, Ma'am.  
37  
38 MS. TAYLOR: Thank you.  
39  
40 MR. LEVESQUE: Thank you, Ma'am.  
41

1 MS. TAYLOR:

Thank you, madam interpreter.

2

3 THE INTERPRETER:

Yeah.

4

5

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6 PROCEEDINGS ADJOURNED UNTIL 10:30 AM, JANUARY 14, 2014

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**1 Certificate of Record**

2

3 I, Jackie Chubey, certify that this recording is the record made of the evidence in the  
4 proceedings in Provincial Traffic Court, held in courtroom 1, at Airdrie, Alberta, on the  
5 22nd day of October, 2013, and that I was the court official in charge of the  
6 sound-recording machine during these proceedings.

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1 **Certificate of Transcript**

2

3 I, Angie A. Baier, 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 the transcript.

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36 Lines: 972  
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Order No. 10597-13-1	
Page Statistics	
Title Pages:	1
ToC Pages:	1
Transcript Pages:	22
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Line Statistics	
Title Page Lines:	50
ToC Lines:	7
Transcript Lines:	915
Total Lines:	972
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Title Page Characters:	491
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Multi-Take Adjustment: (-) <a href="#">Duplicated Title Page Characters</a>	19267