

No. de l'action: A32393126R
No. Du Dossier-E: CCP15PAQUETTEF-1
Appel No.: _____

LA COUR PROVINCIALE DE L'ALBERTA
DISTRICT JUDICIAIRE DE CANMORE

SA MAJESTÉ LA REINE

c.

FRANÇOIS PAQUETTE

L'accusé

PROCÉDURES

Calgary (Alberta)
12 mars 2015

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TABLE DES MATIÈRES

Description	Page
12 mars 2015	1
Séance de l'avant-midi	1
Discussion	1
Représentations par Me Lévesque (Procès en français)	2
Représentations par Me Trotter (Procès en français)	2
Ordonnance (Procès en français)	3
Représentations par Me Lévesque (Ajournement)	4
Représentations par Me Trotter (Ajournement)	4
Ordonnance (Ajournement)	5
Certificate of Record	6
Certificate of Transcript	6

1 Audience tenue dans la Cour provinciale de l'Alberta, Courthouse, Canmore, Alberta

2

3

4 12 mars 2015

Séance de l'avant-midi

5

6 Commissaire de la circulation Schwager

Cour provinciale de l'Alberta

7

8 G. Lévesque

Pour la Couronne

9 B. Trotter

Pour l'accusé

10 C. West

Greffière

11

12

13

14 Discussion

15

16 Me TROTTER:

Mr. Lévesque, for Paquette; Paquette is the

17 surname.

18

19 LA GREFFIÈRE:

On page 2, François Paquette. The matter is

20 here for plea and to speak to French request.

21

22 **Représentations par Me Lévesque (Procès en français)**

23

24 Me LÉVESQUE:

Bonjour, madame la juge. My name is Gérard

25 Lévesque, L-E-V-E-S-Q-U-E; first name, Gérard, G-É-R-A-R-D. I represent François

26 Paquette, who will be pleading not guilty. He cannot be here today, but he asked me to

27 present, on his behalf, a request to the Court and to the Crown to see if I will be preparing

28 the defence in French or in English.

29

30 It used to be easy up to September 2013, to have a French language hearing. We just had

31 to request it at the counter. But since then, there's a regulation -- and I -- and if you're not

32 familiar with it, I have brought a copy of it for the Crown and for the Court -- there's a

33 requisition that Regulation 158/2013, that makes is mandatory now to make a request to

34 the Court, but it's really the Crown that has the decision because if the Crown don't

35 consent, then we don't get the French language hearing. So here's a copy for the Court if

36 you want.

37

38 COMMISSAIRE SCHWAGER:

All right. Thank you.

39

40 Me LÉVESQUE:

It's a very short regulation and my request

41 today is pertinent to Section 3 of that regulation, paragraph 1:

1
2 A judge may, at the request of a defendant and with the consent
3 of the prosecutor, conduct a proceeding in French.

4
5 So this is the request of Mr. Paquette. So I don't know in what languages -- what language
6 of the Court I will be preparing the defence.

7
8 COMMISSAIRE SCHWAGER: All right. So Section 3(1) says that:

9
10 The judge may, at the request of a defendant, with the consent of
11 the prosecutor, conduct a proceeding in French.

12
13 And I presume that this -- and, Judge, does mean Court of Appeal of Alberta, the Court of
14 Queen's Bench of Alberta. In relation to the Provincial Court of Alberta, a judge defined
15 or a person appointed under the *Justice of the Peace Act* as a justice of the peace. And so
16 this --

17
18 Me LÉVESQUE: This is strictly for traffic court, the regulation.

19
20 COMMISSAIRE SCHWAGER: That is right. And so what we are faced with
21 now, you are making the request on the part of Mr. Paquette --

22
23 Me LÉVESQUE: Yeah.

24
25 COMMISSAIRE SCHWAGER: And so Mr. Trotter, as the prosecutor, do you
26 consent or not consent to this request?

27
28 **Représentations par Me Trotter (Procès en français)**

29
30 Me TROTTER: The Crown does not consent to this, Your
31 Worship.

32
33 COMMISSAIRE SCHWAGER: All right.

34
35 Me TROTTER: The Crown will be willing to provide a French
36 interpreter for Mr. Paquette, but we do not consent to the trial -- conduct -- the whole trial
37 being done in French.

38
39 **Ordonnance (Procès en français)**

40
41 COMMISSAIRE SCHWAGER: All right. So Mr. Lévesque, thank you for your

1 application today. The Crown is withholding their consent to this matter and so they are
2 willing to provide an interpreter.

3

4 Me LÉVESQUE: Okay.

5

6 COMMISSAIRE SCHWAGER: And is there a proposed date for the trial to
7 proceed?

8

9 **Représentations par Me Lévesque (Ajournement)**

10

11 Me LÉVESQUE: What I suggest is that we adjourn to a date in
12 August, to allow Mr. Paquette to challenge the validity of the regulation.

13

14 COMMISSAIRE SCHWAGER: All right.

15

16 Me LÉVESQUE: It has already been started. I met the with the
17 Constitutional Law Office personnel, in Edmonton, of the -- of Justice Alberta --

18

19 COMMISSAIRE SCHWAGER: Mm-hm.

20

21 Me LÉVESQUE: -- and it a little bit more complete because
22 when there's a constitutional challenge, you have also to deal with the Federal Crown. So
23 we're looking at dates for a preliminary hearing in Queen's Bench.

24

25 COMMISSAIRE SCHWAGER: All right.

26

27 Me LÉVESQUE: I already gave to the provincial Crown a draft
28 of the text of that. So if it's acceptable for the Crown and for the Court, we could adjourn
29 just -- and, again, to be spoken to --

30

31 COMMISSAIRE SCHWAGER: You'll need enough time for it.

32

33 Me LÉVESQUE: -- because I'm not sure at what point will be in
34 August --

35

36 COMMISSAIRE SCHWAGER: All right. So --

37

38 Me LÉVESQUE: -- or any other months that --

39

40 COMMISSAIRE SCHWAGER: All right.

41

1 Me LÉVESQUE: -- we can agree on.

2

3 COMMISSAIRE SCHWAGER: All right. And I take it that is agreeable to the

4 Crown?

5

6 **Représentations by Me Trotter (Ajournement)**

7

8 Me TROTTER: Your -- it is, Your Worship. And we could

9 look at, say, August 13th.

10

11 **Ordonnance (Ajournement)**

12

13 COMMISSAIRE SCHWAGER: All right. We will adjourn this matter to

14 August 13th, 2015 --

15

16 Me LÉVESQUE: Yeah.

17

18 COMMISSAIRE SCHWAGER: -- this courtroom, at 9:30 --

19

20 Me LÉVESQUE: 9:30. Okay.

21

22 COMMISSAIRE SCHWAGER: -- to give Mr. Paquette and his counsel a

23 chance to pursue other avenues for the challenging of this particular regulation.

24

25 Me LÉVESQUE: Thank you. Thank you.

26

27 COMMISSAIRE SCHWAGER: Monsieur Lévesque, je vous remercie pour vos

28 soumissions aujourd'hui.

29

30 Me LÉVESQUE: Merci beaucoup, madame la juge.

31

32 COMMISSAIRE SCHWAGER: De rien.

33

34

35

36 L'AUDIENCE EST AJOURNÉE

37

38

39

40

41

1 Certificate of Record

2 I, Caitlain West, certify that this recording is the record made of the evidence in the
3 proceedings in the Provincial Court, held in Courtroom 1, in Canmore, Alberta, on the 12th
4 day of March, 2015, and that I was the court official in charge of the sound-recording
5 machine during the proceedings.

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1 Certificate of Transcript

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3 I, Susie Murphy, 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 true and faithful transcript of the
7 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.

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