

Action No.: A35680131R
E-File No.: RCP16COUTUREJ
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF RED DEER

HER MAJESTY THE QUEEN

v.

JOEY J.C.G. COUTURE

Accused

P R O C E E D I N G S

Red Deer, Alberta
February 22, 2016

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1 Proceedings taken in the Provincial Court of Alberta, Courthouse, Red Deer, Alberta

2

3 February 22, 2016

Morning Session

4

5 Commissioner

Justice of the Peace in the

6 Gorzaliz

Provincial Court of Alberta

7

8 R. Gregory

For the Crown

9 G. Levesque

For the Accused

10 C. MacDonald

Court Clerk

11

12

13 **Discussion**

14

15 THE COURT CLERK:

Counsel matter, we have Joey Couture.

16

17 MR. LEVESQUE:

Good morning, Your Honour. My name is

18 Gerard Levesque, L-E-V-E-S-Q-U-E.

I am representing Joey Couture, and I am here

19 today to answer any questions the Crown or the Court would have on the two written

20 requests that have been sent to the Court. The first one is to allow the proceeding in

21 the French language according to section three of the Alberta regulation 158.

22

23 THE COMMISSIONER:

I haven't received any of this.

24

25 MR. LEVESQUE:

It has been delivered last week.

26

27 THE COMMISSIONER:

Do you have anything on this?

28

29 MR. GREGORY:

Is there a copy on file, Madam Clerk?

30

31 THE COURT CLERK:

No.

32

33 THE COMMISSIONER:

Did you file anything with the Court?

34

35 MR. LEVESQUE:

Yes, it was delivered Tuesday, I believe.

36

37 THE COMMISSIONER:

Did you filed with the Court, or did you just

38 send it to the Crown prosecutor?

39

40 MR. LEVESQUE:

Both, to the Crown and to the Court.

41

- 1 THE COMMISSIONER: Because there's nothing on the file here.
2
- 3 MR. LEVESQUE: I could provide you with my copy.
4
- 5 MR. GREGORY: I seem to have an extra copy, sir.
6
- 7 MR. LEVESQUE: That's the first one, yeah.
8
- 9 THE COMMISSIONER: Do you have the ticket?
10
- 11 THE COURT CLERK: I do, sir.
12
- 13 MR. LEVESQUE: I have a copy of the -- an extra copy of the
14 letter sent to your attention and to the text of the -- sent to the Chief Justices.
15
- 16 THE COMMISSIONER: Well, where did you send it because I haven't
17 received any of this.
18
- 19 MR. LEVESQUE: At the regular court address. It was hand
20 delivered by Marie Lynn Garneau (phonetic) from Red Deer because Monday was a
21 holiday, and --
22
- 23 THE COMMISSIONER: I don't even think we have a French speaking
24 commissioner.
25
- 26 MR. GREGORY: No, sir. And I can advise the Court, sir, my
27 brief read of the regulation, there was an indication regarding the Crown consenting, and I
28 had awaited -- I spoke with my friend when the matter was still before the courts, but the
29 *Caron* decision has come down, and clearly the Supreme Court has ruled that the French
30 language legislation, and French language trials are not -- not a right in the Province of
31 Alberta, sir. So we are not --
32
- 33 THE COMMISSIONER: We can provide you with a French interpreter.
34
- 35 MR. LEVESQUE: Well, that's the regular thing when the Crown
36 don't consent to the regulation, that's why the second request is to adjourn until the Court
37 of Queen's Bench be allowed to decide on the validity of that regulation because the
38 regulation is taking off the -- taking out the authority of the judge.
39
- 40 THE COMMISSIONER: I think what we are going to do, sir, is we are
41 going to set a trial date for it. We will request a French interpreter. You can

1 make whatever appeal after that decision is made on whatever basis you want but the trial
2 will proceed. This matter was offence date of June 10th, 2015. It's getting long in
3 the tooth. I want this thing to proceed. So I will order a French interpreter and we
4 will set a trial date for you.

5

6 MR. LEVESQUE: But it's the right of any Albertan to challenge
7 the validity of the regulation, and the --

8

9 THE COMMISSIONER: You can make your argument, sir, after you've
10 had your trial. I'm not granting your application.

11

12 MR. LEVESQUE: Well, the Court of Queen's Bench is seized of
13 this Court. Joey Couture already filed in Queen's Bench.

14

15 THE COMMISSIONER: I'm looking at May 24th if that works for
16 everyone.

17

18 MR. LEVESQUE: I will be out of the province.

19

20 THE COMMISSIONER: Well, when are you available, sir?

21

22 MR. LEVESQUE: In June, June the 3rd.

23

24 THE COMMISSIONER: We don't sit on June 3rd. June 6th is the first
25 available date.

26

27 MR. LEVESQUE: I am presiding in Toronto --

28

29 THE COMMISSIONER: June 7th.

30

31 MR. LEVESQUE: -- judicial hearing all that week. Let's see. I
32 can make a special trip before maybe.

33

34 THE COMMISSIONER: I don't want to go past the 10th of June, sir.
35 That will be an entire year since the offence occurred.

36

37 MR. LEVESQUE: I will also have to check the -- when
38 Mr. Couture will be back. He's for a few months out of country.

39

40 THE COMMISSIONER: Well, what I will do is I will book it for June
41 7th then.

1
2 MR. LEVESQUE: I am chairing -- I can advance more --
3
4 THE COMMISSIONER: Give me other dates, sir.
5
6 MR. LEVESQUE: In the week of 23rd, 23rd is a holiday, in that
7 week.
8
9 THE COMMISSIONER: Which month are you talking?
10
11 MR. LEVESQUE: May.
12
13 THE COMMISSIONER: May. We can do it -- we don't sit on May
14 23rd for some reason.
15
16 MR. LEVESQUE: 26th.
17
18 THE COMMISSIONER: No, we sit on Mondays and Tuesdays here, sir.
19
20 MR. LEVESQUE: Monday, 24th.
21
22 THE COMMISSIONER: Yes, we can do it on May 24th at 1:30 in the
23 afternoon.
24
25 MR. LEVESQUE: 1:30.
26
27 THE COMMISSIONER: We will order a French interpreter for that date.
28
29 MR. LEVESQUE: Will it be over here.
30
31 THE COMMISSIONER: Here, yes.
32
33 MR. LEVESQUE: In this building, okay.
34
35 THE COMMISSIONER: Here at the hotel.
36
37 I'm sorry, Madam Clerk.
38
39 It's scheduled 30 minutes for that one.
40
41 THE COURT CLERK: Thank you.

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MR. LEVESQUE:

Thank you, Your Honour.

PROCEEDINGS ADJOURNED UNTIL 1:30 PM, MAY 24, 2016

1 **Certificate of Record**

2

3 I, Corrie MacDonald, certify that this recording is the record made of the evidence in the
4 proceedings held in Red Deer Traffic Court held in Red Deer, Alberta, on the 22nd day of
5 February, 2016, at the Baymont Inn and Suites; and that I was the Court official in charge
6 of the sound-recording equipment at all times during the proceedings.

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4

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6 of my skill and ability and the foregoing pages are a complete and accurate transcript of
7 the contents of the record, and

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10 is transcribed in the transcript.

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