

Action No.: A20987901R
E-File No.: ECP15PAQUETTEF
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF EDMONTON

HER MAJESTY THE QUEEN

v.

FRANCOIS PAQUETTE

Accused

P R O C E E D I N G S

Edmonton, Alberta
February 12, 2015

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1 Proceedings taken in the Provincial Court of Alberta, Law Courts, Edmonton, Alberta

2 _____
3 February 12, 2015 Afternoon Session

4
5 Traffic Commissioner Moher Justice of the Peace in the Provincial Court of
6 Alberta

7
8 K. McDonald For the Crown
9 G. Levesque For the Accused
10 T. Poirier Court Clerk

11 _____
12
13 MR. MCDONALD: Thank you. If we could speak to the matter of
14 Francois Paquette?

15
16 **Discussion**

17
18 COMMISSIONER MOHER: All right. Sir, your name?

19
20 MR. LEVESQUE: Gerard Levesque, L-E-V-E-S-Q-U-E.

21
22 COMMISSIONER MOHER: And you are --

23
24 MR. LEVESQUE: I am on the record for Francois Paquette.

25
26 COMMISSIONER MOHER: Thank you.

27
28 MR. LEVESQUE: This matter has been scheduled only for a
29 matter to be spoken to. I need to know in which languages I will be preparing the
30 defence of Mr. Paquette. It used to be that there was no regulation and nobody knew how
31 to proceed under the *Language Act*, which recognized the right to use French in all courts
32 of the province. So in -- in 2009 and '10, there was a clarification case in traffic court, in
33 Provincial Court in Calgary, and in March 2011, Judge Brown rendered a decision, and I
34 have brought the one copy that I may share with my colleague and lay with the Court.

35
36 COMMISSIONER MOHER: Okay.

37
38 MR. LEVESQUE: And she recognized that the rights enunciated in
39 Section 4 of the language are not eroded by the failure of the provincial government to
40 enact regulation to hone their late delivery.

41

1 COMMISSIONER MOHER: Okay.

2
3 MR. LEVESQUE: So following that --

4
5 COMMISSIONER MOHER: So, Mr. Levesque, if I can just interrupt, sir?
6 Looking at the court docket, the matter was last in court October 16, 2014. You appeared
7 at that time, and you set today's date and time for trial of the speeding ticket. And I
8 understood at that time you were going to apply -- it says here that you were applying for
9 a Queen's Bench order to have the trial in French. Did you do that in the intervening five
10 months?

11
12 MR. LEVESQUE: My meeting is tomorrow with the constitutional
13 law section. They have been delaying the meeting.

14
15 COMMISSIONER MOHER: All right. So you are just looking for an
16 adjournment of the trial and a new trial date?

17
18 MR. LEVESQUE: Yes, but I have under the new regulation to ask
19 permission -- so I know the next time I will have a date in which language I will prepare
20 the case, in English and French. The new regulation that has been enacted is 188 -- 158,
21 2013.

22
23 COMMISSIONER MOHER: All right.

24
25 MR. LEVESQUE: And it says that where the defendant wished to
26 have their proceeding held in French and provided the prosecutor consents, the Judge may
27 conduct the proceeding in French. So in order to arrive in Edmonton prepared, either in
28 English or French, I have to make the request in advance. This is not -- this is just an
29 extract of the summary from the Ministry's letter to the Chief Justices. I can leave it with
30 you.

31
32 COMMISSIONER MOHER: That's fine, sir.

33
34 MR. LEVESQUE: I don't have the exact text of the ruling.

35
36 COMMISSIONER MOHER: All right. So your meeting with the
37 constitutional law branch is tomorrow?

38
39 MR. LEVESQUE: Tomorrow, yeah.

40
41 COMMISSIONER MOHER: All right. So have you made your application

1 to the Court of Queen's Bench to have the trial in French?

2

3 MR. LEVESQUE: No, the motion has to be made in traffic court,
4 according to the --

5

6 COMMISSIONER MOHER: All right.

7

8 MR. LEVESQUE: -- the -- my discussion is how to proceed in
9 Queen's Bench because there's some questions that are needed.

10

11 COMMISSIONER MOHER: Well, I am not prepared to deal with that this
12 afternoon.

13

14 MR. LEVESQUE: Okay.

15

16 COMMISSIONER MOHER: You can see this is a docket courtroom.

17

18 MR. LEVESQUE: Okay.

19

20 COMMISSIONER MOHER: All right. So --

21

22 MR. LEVESQUE: So you just want to adjourn to --

23

24 COMMISSIONER MOHER: Well, we will schedule a new trial date. We do
25 have a francophone, a bilingual commissioner, who can conduct the trial, but it's up to
26 you, sir, to make those arrangements.

27

28 MR. LEVESQUE: Well, that's why the motion says to ask first --
29 request the use of French, and if the Crown consent, then --

30

31 COMMISSIONER MOHER: Do we have a French-speaking provincial
32 prosecutor?

33

34 MR. MCDONALD: Not that I'm aware of, Ma'am.

35

36 COMMISSIONER MOHER: All right. So arrangements would have to be
37 made, all right? And I understood from looking at the court file that between October 16
38 of last year and today's date, you were going to make those arrangements, sir.

39

40 MR. LEVESQUE: Yes, but it depends on the constitutional
41 branch. I need their cooperation, and they couldn't meet me before tomorrow. I have a

1 specific meeting --

2

3 COMMISSIONER MOHER: All right.

4

5 MR. LEVESQUE: -- with Donald Padget, and I've been trying --

6

7 COMMISSIONER MOHER: For six -- for five months?

8

9 MR. LEVESQUE: -- since I came here to have that meeting.

10 And --

11

12 COMMISSIONER MOHER: So, Mr. McDonald, is the Crown consenting to
13 the defence request for an adjournment of the trial?

14

15 MR. MCDONALD: For the adjournment, yes; not consenting to a
16 French trial, Ma'am.

17

18 COMMISSIONER MOHER: All right. All right. So we will secure a new
19 trial date. Madam Clerk, have we secured a new trial date?

20

21 THE COURT CLERK: No, Your Worship.

22

23 COMMISSIONER MOHER: All right. I would say at least a couple of
24 months in advance, not a March trial date.

25

26 MR. MCDONALD: Not in this courtroom.

27

28 MR. LEVESQUE: If it can be in the afternoon? I'll be coming
29 from Calgary.

30

31 THE COURT CLERK: We have a date of June 9th, 2015, at 2:00,
32 Courtroom 270, confirmed for 15 slots.

33

34 COMMISSIONER MOHER: All right. Is that date and time fine, sir?

35

36 MR. LEVESQUE: You said the 8th?

37

38 COMMISSIONER MOHER: June 9.

39

40 MR. LEVESQUE: The 9th at 2:00?

41

1 COMMISSIONER MOHER: 2:00, Courtroom 270.

2

3 MR. LEVESQUE: 270.

4

5 COMMISSIONER MOHER: All right.

6

7 MR. LEVESQUE: Yes. I'll be here.

8

9 COMMISSIONER MOHER: All right. And you will make all of the
10 necessary applications and arrangements --

11

12 MR. LEVESQUE: Well, I hope the -- I've been trying hard to
13 have those --

14

15 COMMISSIONER MOHER: All right.

16

17 MR. LEVESQUE: -- I will keep -- should I keep the Crown
18 informed of the progress of my meeting tomorrow? Either this Crown or the office?

19

20 COMMISSIONER MOHER: I would suggest the Crown's office.

21

22 MR. LEVESQUE: Okay.

23

24 COMMISSIONER MOHER: All right. So, Mr. Levesque, thank you.

25

26 MR. LEVESQUE: Thank you.

27

28 COMMISSIONER MOHER: All right. Good day, sir.

29

30 MR. LEVESQUE: Have a nice day.

31

32

33 PROCEEDINGS ADJOURNED TO 2:00 PM, JUNE 9, 2015

34

35

36

37

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41

1 Certificate of Record

2

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4 proceedings in Provincial Court held in Courtroom 272 at Edmonton, Alberta on the 12th
5 day of February, 2015, and I was the court official in charge of the sound-recording
6 machine during the proceedings.

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5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best
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10 is transcribed in the transcript.

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Digitally Certified: 2015-03-13 06:05:23
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Order No. 52824-15-1

35 Pages: 9

36 Lines: 324

37 Characters: 6805

38

39 File Locator: aaf45c7ac97511e486390017a4770810

40 Digital Fingerprint: 3b4a27cee90297a552ebdd1966e9315b372b1f7e4dba8d7e6d75d0f4fb6c0059

41

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ToC Pages:	1
Transcript Pages:	7
Total Pages:	9
Line Statistics	
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ToC Lines:	4
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Visible Character Count Statistics	
Title Page Characters:	490
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Transcript Characters:	6232
Total Billable Characters:	6805
Multi-Take Adjustment: (-) Duplicated Title Page Characters	6315