

Action No.: A20987901R
E-File No.: ECP15PAQUETTEFRAN
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
June 9, 2015

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

2 _____
3 June 9, 2015 Afternoon Session

4
5 Commissioner Yaverbaum Provincial Court of Alberta

6
7 J.P. Quenneville For the Crown

8 G. Levesque For the Accused

9 P. Faulmino Court Clerk

10 _____

11

12 **Discussion**

13

14 MR. QUENNEVILLE: Good afternoon, sir, Quenneville, initials
15 J.P. for the Provincial Crown. I am here on the matter of Francois Paquette. My friend is
16 here for Mr. Paquette, I understand.

17

18 THE COMMISSIONER: Thank you.

19

20 MR. QUENNEVILLE: This was originally scheduled for trial, but I
21 understand it to be an adjournment application. Crown is not opposing. The nature of the
22 application is that Mr. Paquette through counsel has requested a French language trial. His
23 counsel wishes to join the matter with a Queen's Bench application in Calgary to contest
24 the legality of a regulation which prohibits that and the --

25

26 THE COMMISSIONER: I presume you are referring to the *Provincial*
27 *Offences Procedure Act* Provincial regulation section 12?

28

29 MR. LEVESQUE: Naturally, Your Honour.

30

31 THE COMMISSIONER: Which -- which -- that is the one that excludes
32 that excludes the French Language, English language rights and provisions of the
33 *Criminal Code*.

34

35 MR. LEVESQUE: *Criminal Code*. No, the (INDISCERNIBLE)
36 challenge is more the Regulation 158/2013 of the *Language Act* pursuant to section 4 of
37 that.

38

39 THE COMMISSIONER: That is the old Northwest Territories *Language*
40 *Act* that was --

41

- 1 MR. LEVESQUE: No, that was a long time ago.
2
- 3 THE COMMISSIONER: That was the --
4
- 5 MR. LEVESQUE: That is under the new --
6
- 7 THE COMMISSIONER: These are some of the issues that were
8 considered, I believe, in the *Caron* case from the Alberta Court of Appeal.
9
- 10 MR. LEVESQUE: Section 3.
11
- 12 THE COMMISSIONER: Yes.
13
- 14 MR. LEVESQUE: Section 3, that is --
15
- 16 THE COMMISSIONER: There is another issue that is being raised now,
17 I take it.
18
- 19 MR. LEVESQUE: This is different from this one because section 3
20 is in the Supreme Court of Canada. We are waiting for the decision.
21
- 22 THE COMMISSIONER: Okay.
23
- 24 MR. LEVESQUE: That is only the law in French. This one is the
25 ability to use one of the two languages of the court under section 4.
26
- 27 THE COMMISSIONER: Well, section 4 allows the defendant to speak to
28 the Court --
29
- 30 MR. LEVESQUE: Yes.
31
- 32 THE COMMISSIONER: -- in the language of his choice as I recollect it,
33 is that correct?
34
- 35 MR. LEVESQUE: Yes.
36
- 37 THE COMMISSIONER: Okay, so I am doing okay so far on the matter.
38
- 39 MR. LEVESQUE: Yes, so --
40
- 41 THE COMMISSIONER: It allows the Court to -- to speak to the Court

1 in the language of choice. There seems to be multiple issues here, including the provisions
2 of the *Procedures Act* regulation which takes out the provisions of the *Criminal Code* so
3 to not apply to the procedure which is used for matters under the *Act*, but the Crown and
4 the defence are both in agreement that this matter should go over. And of course I remind
5 both parties that because of the provisions of the *Justice of the Peace Act*, if there is
6 going to be an application under the *Canadian Charter of Rights and Freedoms* it has to
7 be made to a Provincial Court Judge, as well, because I do not have jurisdiction to deal
8 with *Charter* applications.

9

10 So if there is going to be something, hopefully it will all be wrapped up before it comes
11 back to this court, rather than us having to do it -- bifurcate it and do it in two parts,
12 hopefully.

13

14 MR. QUENNEVILLE: If it assists you, Sir, my friend has already
15 begun a procedure in Calgary to which he intends to join --

16

17 THE COMMISSIONER: Okay.

18

19 MR. QUENNEVILLE: -- this accused as one of his plaintiffs. His --
20 I'm given to understand his pre-trial -- or, not a pre-trial conference, but I guess a case
21 management conference in Calgary September 22nd we are proposing to return to this
22 court October 15th at 2:00 in 272 in the docket court there just to set a date at that time if
23 appropriate.

24

25 THE COMMISSIONER: I take it this is at the request of both the Crown
26 and the defence?

27

28 MR. LEVESQUE: Yes.

29

30 THE COMMISSIONER: Well, it seems to me -- the request seems to me
31 quite reasonable that we await the decisions of courts that may be dealing with this issue
32 and may have some definitive guidance for this court as to what should be done.

33

34 MR. QUENNEVILLE: And just --

35

36 THE COMMISSIONER: So I am going to grant the adjournment and the
37 matter will go over to that date, place and time, then. And that is to set a date for trial?

38

39 MR. LEVESQUE: It will be a matter to be spoken to so that we
40 will inform the Court and the Crown of what has happened.

41

1 THE COMMISSIONER: Okay, to speak to on that date?

2

3 MR. LEVESQUE: Yes.

4

5 THE COMMISSIONER: Okay.

6

7 MR. QUENNEVILLE: Thank you.

8

9 MR. LEVESQUE: On what has happened on September 22nd.

10

11 MR. QUENNEVILLE: And being a -- and that being a to speak to
12 date, we anticipate I guess speaking to it in English at that time and I guess my friend's
13 client can appear through counsel rather than having to attend personally as it is just a to
14 speak to, as opposed to today where it was going to be for trial, but we are not going to
15 proceed with the trial at this point, Your Worship having granted the adjournment.

16

17 THE COMMISSIONER: Yes. It seems to be a legitimate reason not to
18 proceed with the trial today. And since we have to sort out all these legal issues I think it
19 is quite appropriate we don't set it over to a trial date but set it over to a date to speak to.
20 So it will go over to that date, place and time, then, to speak to then.

21

22 Thank you, gentlemen.

23

24 MR. LEVESQUE: Thank you.

25

26 MR. QUENNEVILLE: Thank you, Sir. If I might be excused, my only
27 matter.

28

29

30 PROCEEDINGS ADJOURNED UNTIL 2:00 PM, OCTOBER 15, 2015

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1 Certificate of Record

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