

Action No.: A14067421R  
E-File No.: CCP14PAQUETTEF  
Appeal No.: \_\_\_\_\_

IN THE PROVINCIAL COURT OF ALBERTA  
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

FRANCOIS PAQUETTE

Accused

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P R O C E E D I N G S

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Calgary, Alberta  
January 20, 2014

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary, Alberta

2 \_\_\_\_\_  
3 January 20, 2014 Afternoon Session

4  
5 Commissioner Plater Provincial Court of Alberta

6  
7 A. Cromar For the Crown

8 G. Levesque For the Accused

9 H. O'Hara Court Clerk

10 \_\_\_\_\_

11

12 THE COURT CLERK: Counsel for Francois Paquette.

13

14 THE COMMISSIONER: Thank you. Good afternoon.

15

16 MR. LEVESQUE: Good morning, Your Honour.

17

18 THE COMMISSIONER: And this is Ms. Paquette present? You can sit  
19 there or come forward --

20

21 UNIDENTIFIED SPEAKER: I'm the interpreter.

22

23 THE COMMISSIONER: -- whichever you prefer.

24

25 MS. CROMAR: She's the interpreter.

26

27 THE COMMISSIONER: Oh, that's the interpreter, sorry.

28

29 MS. CROMAR: Yes.

30

31 THE COMMISSIONER: Now I'm focussing in on you. Go ahead.

32

33 MR. LEVESQUE: Good afternoon. My name is Gerard Levesque,  
34 L-E-V-E-S-Q-U-E.

35

36 THE COMMISSIONER: Thank you.

37

38 MR. LEVESQUE: I'm counsel for Francois Paquette. He has a  
39 medical issue, and this morning he had to attend the doctor, so I asked him to provide me  
40 with his medical certificate for the next time. If you need it, I can produce it then.

41

1 In the file you should -- the court should have a request made last July that he has his  
2 trial in French. At that --

3

4 THE COMMISSIONER: The endorsement that I've got is that an  
5 interpreter was being ordered for the trial.

6

7 MR. LEVESQUE: At that time, that's what had been said.

8

9 THE COMMISSIONER: Right.

10

11 MR. LEVESQUE: That they were taking away the rights that has  
12 been decided by Justice Brown in March 2011. Before that at the counter they were  
13 giving us French language trial. Now the new regulation since last September make it an  
14 obligation if we want to have a French trial, we have first to make a request to the Court,  
15 but it's up to the Crown to decide whether it will be accepted or not, and depending of  
16 their answer, then we'll schedule in front of a bilingual judge and a bilingual Crown, or a  
17 unilingual Crown or unilingual judge the next appearance.

18

19 THE COMMISSIONER: Ms. Cromar, had you had discussions on this?

20

21 MS. CROMAR: My understanding is that for traffic trials the  
22 Crown is not consenting --

23

24 THE COMMISSIONER: That's my --

25

26 MS. CROMAR: -- to these trials, yeah.

27

28 THE COMMISSIONER: -- understanding as well, is that there would  
29 still be an interpreter ordered. I can stand down and just follow up on that, if you'd like,  
30 before we actually go ahead and set the date, and just make sure that there hasn't been  
31 something coming through that I'm not aware of.

32

33 MR. LEVESQUE: Well, I have some documentation. There was a  
34 letter sent to the three Chief Justices on that, and I think it needs to be reviewed by the  
35 Court of Queen's Bench.

36

37 THE COMMISSIONER: All right, but --

38

39 MR. LEVESQUE: So if you want to put it as a matter to be  
40 spoken to, maybe that --

41

- 1 THE COMMISSIONER: And then you're going to make an application  
2 in the meantime?  
3
- 4 MR. LEVESQUE: Yeah.  
5
- 6 THE COMMISSIONER: So you're not wanting -- what I understood that  
7 this was starting as was an application to adjourn today's trial date, set a new date, have  
8 the interpreter ordered to be present for the next date, and in the meantime you would  
9 make this application. Is that what you're proposing?  
10
- 11 MR. LEVESQUE: Yes, but if the application is not heard in the  
12 Court of -- of -- it depends on the date that will be given.  
13
- 14 THE COMMISSIONER: Right.  
15
- 16 MR. LEVESQUE: I --  
17
- 18 THE COMMISSIONER: I suppose you could --  
19
- 20 MR. LEVESQUE: I presume it might be wise to put the matter as  
21 to be spoken to, so that I will report to the court the status of what's happening in --  
22
- 23 THE COMMISSIONER: What I'd like to do before we actually confirm  
24 what we're doing, I want to stand down and just see if there's something that has come  
25 through that I'm just forgetting about or not aware of.  
26
- 27 MR. LEVESQUE: Okay. Would you --  
28
- 29 THE COMMISSIONER: So let's do that first.  
30
- 31 MR. LEVESQUE: Would you like a copy of the new regulation?  
32
- 33 THE COMMISSIONER: Who's that from?  
34
- 35 MR. LEVESQUE: That's from Justice Alberta, and I have also the  
36 copy of Justice Alberta to the three Chief Justices.  
37
- 38 THE COMMISSIONER: I can take a look at that. Have you seen that?  
39
- 40 MS. CROMAR: I have seen it, not today, but I've seen it  
41 recently.

1  
2 THE COMMISSIONER: And just back to the application to adjourn,  
3 let's just deal with the --  
4  
5 THE COURT CLERK: Those for me?  
6  
7 MR. LEVESQUE: Yeah.  
8  
9 THE COMMISSIONER: Thank you.  
10  
11 THE COMMISSIONER: -- the basic application first. Ms. Cromar, it's a  
12 medical basis or reason for this application, as I understand it. Are you opposing the  
13 application --  
14  
15 MS. CROMAR: I'm not opposing --  
16  
17 THE COMMISSIONER: -- to adjourn?  
18  
19 MS. CROMAR: -- that application, no.  
20  
21 THE COMMISSIONER: All right. So let's just indicate, first of all,  
22 then, based on the submissions made by counsel for the accused and the position taken by  
23 the Crown, as well as considering the reasons that have been presented for the  
24 adjournment application, the adjournment is granted. It's now just a question of  
25 determining how we're going to proceed from here. So can we deal with a few more  
26 matters, then we'll stand down and I'll take a look at this? Are you in a hurry to get  
27 someplace else, or can you just wait for a bit?  
28  
29 MR. LEVESQUE: No, and I provide you with both the new  
30 regulations since September and a letter --  
31  
32 THE COMMISSIONER: Right.  
33  
34 MR. LEVESQUE: -- of explanation that was sent to the three  
35 Chief Justices.  
36  
37 THE COMMISSIONER: Okay. Thank you. And those can be --  
38  
39 MR. LEVESQUE: Thank you.  
40  
41 THE COMMISSIONER: -- attached to the file as well.

1  
2 MS. CROMAR: Thank you. And if I could excuse my officer  
3 on this matter? It's not proceeding today.  
4  
5 THE COMMISSIONER: Yes. Thank you. Thank you.  
6  
7 MS. CROMAR: Constable Richards, thank you.  
8  
9 THE COMMISSIONER: I'll pass that back for a moment. I'll take it  
10 back with me when --  
11  
12 MS. CROMAR: If we could call --  
13  
14 THE COMMISSIONER: -- we stand down, if I could, or should I just  
15 keep it for now?  
16  
17 MR. LEVESQUE: (INDISCERNIBLE).  
18  
19 THE COMMISSIONER: Okay.  
20  
21 THE COURT CLERK: Francois Paquette stood down.  
22  
23 THE COMMISSIONER: Thank you.  
24  
25 (OTHER MATTERS SPOKEN TO)  
26  
27 THE COURT CLERK: Recalling Francois Paquette matter. Counsel  
28 present.  
29  
30 THE COMMISSIONER: Thank you. All right, so just to recap here, the  
31 adjournment was granted, I've reviewed the order in council with the regulation attached  
32 as well as the directive - I'll put it that way - the letter that was written, signed off on by  
33 all of the judges, and it doesn't appear that anything has changed, so I know what you're  
34 saying is that you're going to be making an application to challenge it, and that's fine, but  
35 for the purposes here, the Crown's not consenting to the matter being heard in French, is  
36 that correct?  
37  
38 MS. CROMAR: Correct.  
39  
40 THE COMMISSIONER: All right. So given that then, I will direct that  
41 a new trial date be set, because your adjournment has been granted. I will direct as well

1 that a French interpreter be ordered. Now, you will then go on and make your  
2 application, and what I would suggest is let's set the date anyway so that no time is lost.  
3 I'm always optimistic that all of these things can work together, but if you find that your  
4 application is --

5

6 MR. LEVESQUE: Mmm hmm.

7

8 THE COMMISSIONER: -- delayed or not happening, then just be in  
9 touch with the Crown's office, and it may result in a further adjournment for those  
10 reasons. Is that agreeable to both parties?

11

12 MR. LEVESQUE: Yeah.

13

14 MS. CROMAR: Yes.

15

16 THE COMMISSIONER: All right.

17

18 MR. LEVESQUE: Thank you.

19

20 THE COMMISSIONER: And so then what you'll do then, we don't get  
21 the trial dates in here, so you'll have to attend back to the second floor to the justice of  
22 the peace counter to get the new trial date before you leave today.

23

24 MR. LEVESQUE: With -- with the Crown? So that --

25

26 MS. CROMAR: No.

27

28 THE COMMISSIONER: The Crown doesn't select --

29

30 MR. LEVESQUE: No?

31

32 THE COMMISSIONER: -- the trial dates.

33

34 MR. LEVESQUE: Okay.

35

36 THE COMMISSIONER: She doesn't have the schedule in here.

37

38 MR. LEVESQUE: So I have to go back to the second --

39

40 THE COMMISSIONER: You have to go back --

41

1 MR. LEVESQUE: Okay.  
2

3 THE COMMISSIONER: -- to the second floor, the justice of the peace  
4 counter.  
5

6 MR. LEVESQUE: Today?  
7

8 THE COMMISSIONER: Now -- today, yes.  
9

10 MR. LEVESQUE: Okay.  
11

12 THE COMMISSIONER: And then you'll get the new trial slip with the  
13 new trial date on it. And you can -- when you're talking to the person setting the trial  
14 date, you can explain to them what you're doing in the interim.  
15

16 MR. LEVESQUE: Yeah.  
17

18 THE COMMISSIONER: And they might be able to accommodate what  
19 you think will be your time line as well. All right?  
20

21 MR. LEVESQUE: Thank you very much.  
22

23 THE COMMISSIONER: Thank you.  
24

25 MR. LEVESQUE: Okay.  
26

27 MS. CROMAR: Okay.  
28

29 THE COMMISSIONER: And, madam clerk, you can attach these two  
30 pieces as well that was presented by defence. Thank you.  
31

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32

33 PROCEEDINGS ADJOURNED SINE DIE

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1 **Certificate of Record**

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