

Action No.: B96210413C
E-File Name: COP19PAVING
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

ALBERTA PAVING LIMITED

Accused

P R O C E E D I N G S

Calgary, Alberta
December 17, 2019

Transcript Management Services
1901-N, 601 - 5th Street SW
Calgary, Alberta T2P 5P7

Phone: (403) 297-7392
Email: TMS.Calgary@csadm.just.gov.ab.ca

This transcript may be subject to a publication ban or other restrictions on use, prohibiting the publication or disclosure of the transcript or certain information in the transcript such as the identity of a party, witness, or victim. Persons who order or use transcripts are responsible to know and comply with all publication bans and restrictions. Misuse of the contents of a transcript may result in civil or criminal liability.

TABLE OF CONTENTS

Description		Page
December 17, 2019	Afternoon Session	1
Discussion		1
Submissions by Ms. Schnoorraad		2
Submissions by Mr. Couture		3
Certificate of Record		20
Certificate of Transcript		21

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

3
4 December 17, 2019 Afternoon Session
5
6 Commissioner Elliot Justice of the Peace in the Province of Alberta
7
8 J. Schnooraad For the Crown
9 J. Couture For the Accused
10 M. Darling Court Clerk

11
12
13 **Discussion**

14
15 THE COURT: Good afternoon, everyone, once again.

16
17 MS. SCHNOORAAD: Good afternoon.

18
19 THE COURT: Please be seated.

20
21 THE COURT CLERK: Alberta Paving Limited, and there is a French
22 interpreter present for the agent who is representing the company, Mr. Couture.

23
24 THE COURT: Good afternoon.

25
26 THE INTERPRETER: Good afternoon.

27
28 THE COURT: Are you the interpreter, ma'am?

29
30 THE INTERPRETER: Yes.

31
32 MR. COUTURE: Bonjour.

33
34 THE COURT: Thank you for coming. You, sir, are here for
35 Alberta Paving Limited, is that correct?

36
37 THE INTERPRETER: Vous représentez Alberta Paving, c'est ça?

38
39 MR. COUTURE: Oui. C'est ça.

40
41 THE INTERPRETER: Yes. That's correct.

1
2 THE COURT: What's your name, please?
3
4 THE INTERPRETER: C'est quoi ton nom?
5
6 MR. COUTURE: Mon -- mon nom c'est Joey Couture. J-O-E-Y,
7 C-O-U-T-U-R-E.
8
9 THE COURT: The company is charged that they -- with the
10 registered owner of a vehicle that was speeding.
11
12 THE INTERPRETER: Ça, se sont les charges comme l'adonné en
13 propriétaire du véhicule hausse de (INDISCERNIBLE) vitesse.
14
15 THE COURT: Do you wish to have a trial?
16
17 THE INTERPRETER: Est ce que vous voulez avoir un jugement?
18
19 MR. COUTURE: Non, Votre Honneur.
20
21 THE INTERPRETER: No, Your Honour.
22
23 MR. COUTURE: Aujourd'hui, je suis ici pour présenter une
24 demande à la Couronne en -- en conséquence à l'Article pour -- au Règlement 158/2013.
25
26 THE INTERPRETER: Today, I ask you to ask to the Crown from the
27 reglementation (sic) 158/2013, the Section 3.
28
29 MR. COUTURE: Donc, selon l'Article 3 --
30
31 THE COURT: Okay. One -- one moment, please. Crown, have
32 you spoken to this gentleman?
33
34 **Submissions by Ms. Schnoorad**
35
36 MS. SCHNOORAAD: Yes, Your Worship. Yes. It's my understanding
37 that this gentleman has got a constitutional challenge on a previous matter that is in the
38 Court at the moment and he is requesting that if he has a trial, that the prosecutor and the
39 judge both be -- and that madam clerk be -- proceed in French and that an interpreter is
40 not the way to go.
41

1 THE INTERPRETER: Je comprends que (INDISCERNIBLE) et
2 démontre que (INDISCERNIBLE)
3

4 MS. SCHNOORAAD: And he -- yeah. His constitutional challenge is
5 the biggest part of that.
6

7 THE COURT: And is that currently before the Courts on
8 another case?
9

10 THE INTERPRETER: (INDISCERNIBLE)
11

12 MS. SCHNOORAAD: I'm -- I'm not sure, Your Honour. I'm not sure,
13 Your Worship.
14

15 THE INTERPRETER: (INDISCERNIBLE)
16

17 **Submissions by Mr. Couture**
18

19 MR. COUTURE: Oui, Votre -- Votre Honneur. Oui, j'ai plusieurs
20 exemples des six dernières années devants moi.
21

22 THE INTERPRETER: I have six -- I have many examples of last past
23 six years.
24

25 MR. COUTURE: Mais, par exemple --
26

27 THE COURT: All I want to know is do you have another case
28 before the Courts that is deciding this issue now?
29

30 THE INTERPRETER: Ce que je veux savoir, est ce que vous avez un
31 autre procédé dans la Cour -- une Cour qui décide sur ce cas?
32

33 MR. COUTURE: En ce moment, j'aimerais ajouter cette cause à
34 les -- à les -- aux causes déjà en Cour.
35

36 THE INTERPRETER: Yes. I have one, and I would like to add this on
37 what I have already.
38

39 THE COURT: Where and when is the other case scheduled?
40

41 THE INTERPRETER: So c'est quand est ce que vous avez ces autres

1 procès et où?
2

3 MR. COUTURE: Votre Honneur, j'ai -- j'ai ici -- I think that was
4 this one. Je -- je -- je suis ici pour représenter Monsieur Levesque (phonetic) -- le juge --
5 l'avocat, Monsieur Levesque et --
6

7 THE COURT: Interpret that please, madam clerk (sic).
8

9 THE INTERPRETER: I am here to represent, Mr. Levesque.
10

11 MR. COUTURE: Et je -- le dernier document en ma possession --
12

13 THE INTERPRETER: And the last document that I have --
14

15 THE COURT: Madam interpreter, would you speak up a little,
16 please.
17

18 THE INTERPRETER: Okay. I am here to represent, Mr. Levesque, and
19 the last document that I have --
20

21 MR. COUTURE: -- était déposé le 23 juin 2015 au Cour de -- du
22 Banc de la Reine de l'Alberta.
23

24 THE INTERPRETER: And the last document that I have was
25 introduced at the Court of Queen's Bench in Alberta July -- June 23, 2005 (sic) -- 2015.
26

27 MR. COUTURE: Donc, ce --
28

29 THE COURT: So there is no other case alive now where
30 you're arguing this issue, is that correct?
31

32 THE INTERPRETER: So vous n'avez pas une cause qui est en cour
33 encore en train de (INDISCERNIBLE) qui parle de ce problème?
34

35 MR. COUTURE: En ce moment, selon les informations que j'ai,
36 je pourrais pas vous dire oui ou non.
37

38 THE INTERPRETER: Now, with the information that I have, I can't
39 say yes or no.
40

41 MR. COUTURE: Mais, j'aimerais dire que sur constitution, cet --

1 cet avis de question constitutionnelle remets en -- en cause de la constitutionnalité du
2 règlement.

3

4 THE INTERPRETER: But what I want to say is that the -- that what is
5 saying in the -- in our constitution is putting in cause this procedure.

6

7 MR. COUTURE: Donc -- donc, j'aimerais rajouter cette cause,
8 dans le fond, qu'ont -- rajouté la cause constitutionnelle avec ce --

9

10 THE COURT: You still haven't answered my question in -- of
11 whether or not there's another case alive today involving you where you're demanding a
12 French-speaking judge, clerk, and prosecutor.

13

14 THE INTERPRETER: Vous n'avez pas encore répondu à ma question
15 qui dit est-ce qu'il y a une autre (INDISCERNIBLE) qui demande avoir un
16 (INDISCERNIBLE)

17

18 MR. COUTURE: Très bonne question. Si la réponse est -- j'ai --
19 j'ai pas la réponse à votre question. Si la réponse --

20

21 THE COURT: It's a pretty simple question.

22

23 MR. COUTURE: Yes.

24

25 THE INTERPRETER: I don't have a -- an answer at your question.

26

27 MR. COUTURE: Mais, si la réponse est non, j'aimerais ajouter
28 celle-ci pour recommencer un processus.

29

30 THE INTERPRETER: But this, if the answer is no, I would like to add
31 this cause so that we can restart the processes.

32

33 THE COURT: Tell me that again.

34

35 THE INTERPRETER: At -- at the moment, I don't have any answer,
36 but if the answer is no, I would like to add this -- this matter so that the processes can
37 start again.

38

39 THE COURT: All right. What case would you like to add this
40 matter to?

41

- 1 THE INTERPRETER: Ce -- ce -- cette cause, vous voulez l'ajouter à
2 qu'elle cas -- qu'elle autre cause?
3
- 4 MR. COUTURE: Donc -- donc, I would like
5 (INDISCERNABLE) so this one. Donc, la cause B-9-6-2-1-0-4-1-3-C, j'aimerais --
6 j'aimerais -- j'aimeras, dans le fond, procéder au -- à la -- à la demande de -- de cet
7 article.
8
- 9 THE COURT: Well, we've decided that you want to add this
10 case to another matter.
11
- 12 THE INTERPRETER: Est ce que vous avez des -- est ce que vous avez
13 décidé --
14
- 15 THE COURT: Is that correct?
16
- 17 THE INTERPRETER: Vous avez dit que vous avez décidé d'ajouter
18 cette cause à -- à l'autre cause existant.
19
- 20 MR. COUTURE: Comme je vous ai dit, j'ai pas la réponse si il y
21 a un matter -- si il y a un -- un procès, oui ou non, mais si il y a un, j'aimerais l'ajouter.
22 Mais j'ai pas la réponse. Ce -- ce que vous --
23
- 24 THE INTERPRETER: As I -- as I told you, I am not sure that there is
25 another matter on this situation, but if there is one, I would like to add mine.
26
- 27 THE COURT: Okay. So you don't know if there's another
28 matter.
29
- 30 THE INTERPRETER: So vous ne savez pas s'il y a une autre cause?
31
- 32 MR. COUTURE: Malheureusement, je ne travaille pas à la cour,
33 et je suis ici pour représenter un avocat. Donc, malheureusement, non, j'ai pas cette
34 information en ce moment.
35
- 36 THE INTERPRETER: Unfortunately, I don't work in -- in a court, so I
37 don't know. I am here to represent a lawyer, so I can't tell you.
38
- 39 THE COURT: All right. Where do you get the idea that you
40 have a right to a French court clerk?
41

1 THE INTERPRETER: Où est-ce que vous avez eu l'idée que vous avez
2 le droit d'avoir un jugement en français?
3
4 MR. COUTURE: Merci de demander.
5
6 THE INTERPRETER: Thank -- thank you for asking.
7
8 MR. COUTURE: Donc, en vertu du Règlement 158/2013.
9
10 THE INTERPRETER: I have that right if I follow the reglementation
11 (phonetic) 158/2013.
12
13 THE COURT: Could I see that, please?
14
15 MR. COUTURE: Paragraphe --
16
17 THE INTERPRETER: Est ce que je peux voir ta copie?
18
19 MR. COUTURE: Donc, si vous lisez l'Article numéro 3 --
20
21 THE COURT: One moment, please.
22
23 THE INTERPRETER: Un instant.
24
25 THE COURT: Well, all this says is you're entitled to have a
26 French interpreter help you out, which you've got.
27
28 THE INTERPRETER: This is -- ceci vous donne le --
29
30 THE COURT: It doesn't say anything about a French judge or
31 a French prosecutor or a French clerk.
32
33 THE INTERPRETER: So ça vous donne --
34
35 THE COURT: It says a French interpreter, which you've got.
36
37 THE INTERPRETER: Ceci vous donne le droit d'avoir un interprète
38 en français.
39
40 THE COURT: So where -- where do you get the idea that you
41 have to have a French court clerk?

1
2 THE INTERPRETER: (INDISCERNIBLE) vous devez avoir un juge
3 francophone ou la Couronne (INDISCERNIBLE)
4
5 MR. COUTURE: L'Article numéro 3 dit, je vais -- je vais vous le
6 dire en anglais.
7
8 THE INTERPRETER: The Section 3 said -- I can speak it in English.
9
10 THE COURT: It says, A judge may, may, at the request of the
11 defendant and with the consent of the prosecutor, conduct a proceeding in French.
12
13 MR. COUTURE: Exactly.
14
15 THE COURT: Okay.
16
17 MR. COUTURE: So today I'm here to ask if to the Crown, if I
18 could process (sic) -- process (sic) in French.
19
20 THE COURT: Even though you speak perfect English.
21
22 MR. COUTURE: It's been six years that I defend this matter, and
23 I wasn't able to speak French six years ago, so I do it for all the other person that will
24 come after me.
25
26 THE COURT: Okay. Well, congratulations, that you've
27 learned how to speak French. I'm happy to hear that. So that leads me to comfortably say
28 when this says a judge may at the request of the defendant and with the consent of the
29 prosecutor conduct a proceeding in French.
30
31 THE INTERPRETER: Cela (INDISCERNIBLE) de dire
32 confortablement que le juge peut -- (INDISCERNIBLE) Couronne (INDISCERNIBLE)
33 faire en Français --
34
35 THE COURT: So now, you, who speak perfectly good
36 English, want to have your proceeding in French, which I may allow you to have if the
37 prosecutor consents. Do you consent Crown?
38
39 THE INTERPRETER: -- mais vous parlez (INDISCERNIBLE) anglais
40 (INDISCERNIBLE) en français si je (INDISCERNIBLE) et si la Couronne
41 (INDISCERNIBLE)

1
2 MS. SCHNOORAAD: I consent to having the interpreter.
3
4 THE COURT: Pardon me.
5
6 MS. SCHNOORAAD: Yes. I consent to having the interpreter.
7
8 THE COURT: Well, yes.
9
10 THE INTERPRETER: J'accepte d'avoir un interprète en français.
11
12 THE COURT: But what about the whole trial in French. Are
13 you consenting to that?.
14
15 MS. SCHNOORAAD: No, Your Worship.
16
17 THE INTERPRETER: Est ce que vous acceptez un jugement en
18 français. Non, je l'accepte pas.
19
20 THE COURT: You're not. Okay.
21
22 MS. SCHNOORAAD: I -- I'm not fluent in French.
23
24 THE COURT: Well, then if the prosecutor doesn't consent,
25 That's the end of it.
26
27 THE INTERPRETER: Si le -- la Couronne n'accepte pas
28 (INDISCERNIBLE)
29
30 MR. COUTURE: Okay.
31
32 THE COURT: So when I say the -- when this regulation says
33 the judge may at the request of the defendant and with the consent of the prosecutor,
34 conduct the proceeding in French.
35
36 THE INTERPRETER: (INDISCERNIBLE) le juge
37 (INDISCERNIBLE) accepte pas (INDISCERNIBLE) la Couronne.
38
39 THE COURT: The prosecutor does not give her consent.
40
41 THE INTERPRETER: So la Couronne n'accepte pas.

1
2 THE COURT: So therefore --
3
4 THE INTERPRETER: (INDISCERNIBLE)
5
6 THE COURT: My decision is no, you can't have the whole
7 proceeding in French.
8
9 THE INTERPRETER: (INDISCERNIBLE) ma décision c'est que vous
10 ne pouvez (INDISCERNABLE) français.
11
12 THE COURT: You can have a French interpreter --
13
14 THE INTERPRETER: Vous pouvez avoir un interprète francophone.
15
16 THE COURT: -- which you have.
17
18 THE INTERPRETER: Et vous l'avez.
19
20 MR. COUTURE: En ce moment, j'aurais une autre information à
21 vous -- à vous ajouter, Monsieur le Procureur -- Monsieur Juge.
22
23 THE INTERPRETER: Now, I have another information to give to you,
24 Your Honour.
25
26 THE COURT: Pardon me? My what?
27
28 UNIDENTIFIED SPEAKER: (INDISCERNIBLE) do you have a
29 (INDISCERNIBLE)
30
31 THE COURT: Yeah.
32
33 MR. COUTURE: In -- dans la cause Pouram (phonetic) de 2011 --
34
35 THE INTERPRETER: In the matter of Pouram in 2011 --
36
37 MR. COUTURE: -- Juge Brown --
38
39 THE INTERPRETER: -- Judge Brown --
40
41 MR. COUTURE: -- a déjà statué sur le droit des francophones

1 avoir un procès en français.
2
3 THE INTERPRETER: Judge -- Judge Brown had a decision about
4 francophone -- French speaking to have a trial in French.
5
6 MR. COUTURE: Je vais vous lire la conclusion.
7
8 THE COURT: Do you have a copy of that for me?
9
10 MR. COUTURE: Oui.
11
12 THE COURT: Thank you.
13
14 MR. COUTURE: Si vous lisez la conclusion, vous allez voir --
15
16 THE COURT: One moment, please.
17
18 MR. COUTURE: Si vous me permettez, Monsieur Juge --
19
20 THE COURT: One moment.
21
22 MR. COUTURE: (INDISCERNIBLE) attendez.
23
24 THE COURT: Crown, what's the first you heard of this
25 application to have his trial in French?
26
27 MS. SCHNOORAAD: Today.
28
29 THE COURT: Today.
30
31 MS. SCHNOORAAD: I spoke with him an hour ago.
32
33 THE COURT: Okay.
34
35 THE INTERPRETER: Quand est-ce que vous avez
36 (INDISCERNIBLE) c'est aujourd'hui (INDISCERNABLE)
37
38 MR. COUTURE: C'est -- c'est faux. C'est faux.
39
40 THE COURT: This says, Where a defendant wishes to use
41 French or wishes to have the defendant's counsel use French in all communications in a

- 1 proceeding, the defendant shall give reasonable notice of the fact to the prosecutor.
2
- 3 MR. COUTURE: Je suis été le 2 octobre --
4
- 5 THE COURT: Well, an hour ago is certainly not reasonable
6 notice.
7
- 8 MR. COUTURE: I was there the -- October 2nd to ask for it, and
9 they forced me to a trial, and -- and basically, that's the -- that's the mind -- that's the
10 attitude of the Crown for the past six years. They --
11
- 12 THE COURT: Six years.
13
- 14 MR. COUTURE: Six years.
15
- 16 THE COURT: You -- you've been at this for six years.
17
- 18 MR. COUTURE: Different case, difference case.
19
- 20 THE COURT: Different cases.
21
- 22 MS. SCHNOORAAD: Your Worship, I believe on that day, it was the
23 day that the interpreter was ordered and --
24
- 25 THE COURT: Pardon me?
26
- 27 THE INTERPRETER: So je pense -- je pense --
28
- 29 MS. SCHNOORAAD: The -- the date that the defendant is talking
30 about, I believe that was the day that he had requested French, and therefore, the
31 interpreter was arranged.
32
- 33 THE INTERPRETER: (INDISCERNIBLE) le jour avant
34 (INDISCERNIBLE)
35
- 36 THE COURT: A French interpreter. Okay.
37
- 38 MR. COUTURE: I -- j'ai jamais demandé un interprète.
39
- 40 THE INTERPRETER: I've never asked for an interpreter.
41

1 MR. COUTURE: J'ai toujours été très claire sur la demande de
2 présenter l'Article 3.
3

4 THE INTERPRETER: I've been -- I've been precise in my demand. I
5 was asking to respect Section 3.
6

7 THE COURT: All right. Sir, I didn't write down your name
8 when you gave it to the clerk. Could you tell me that again?
9

10 THE INTERPRETER: Est ce que vous pouvez --
11

12 THE COURT: What I'm going to do is I'm going to go away,
13 and I'm going to think about this and make a decision.
14

15 THE INTERPRETER: So, je veux partir et penser à ça, et je vais faire
16 une décision.
17

18 THE COURT: I -- I mean, you pass me up the case that Judge
19 Brown wrote, which I'm aware of, but I haven't read every word of it.
20

21 THE INTERPRETER: Vous avez -- vous m'avez donné cette
22 (INDISCERNIBLE)
23

24 THE COURT: It's half an inch thick, and I'm certainly not
25 going to just go to the last line today and decide that I'm all of a sudden going to learn
26 French. So we're going to have to come back another day no matter what.
27

28 THE INTERPRETER: (INDISCERNIBLE) parler le français
29 (INDISCERNIBLE)
30

31 THE COURT: So I want to know what you're name is --
32

33 THE INTERPRETER: J'aimerais savoir votre nom.
34

35 MR. COUTURE: Okay.
36

37 THE COURT: -- who is representing Alberta Paving Limited.
38

39 THE INTERPRETER: Et puis vous représentez Alberta Paving
40 Limited.
41

1 MR. COUTURE: Et aussi, en ce moment, je dois mentionner que
2 vous avez eu --
3
4 THE COURT: You can spell it or you can write it out for the
5 clerk, so I've got it perfectly straight.
6
7 THE INTERPRETER: (INDISCERNIBLE) juste votre nom.
8
9 MR. COUTURE: So my name is Joey, J-O-E-Y.
10
11 THE INTERPRETER: J-O-E-Y.
12
13 MR. COUTURE: E.
14
15 THE COURT: You go that, madam clerk?
16
17 THE COURT CLERK: I do.
18
19 THE COURT: In English?
20
21 THE COURT CLERK: I believe I wrote it on the file. Yeah.
22
23 THE COURT: All right. And what's the other name?
24
25 MR. COUTURE: Couture, C-O-U --
26
27 THE INTERPRETER: C-O-U-T-U-R-E.
28
29 THE COURT: Okay. And what is your relationship to Alberta
30 Paving Limited?
31
32 THE INTERPRETER: C'est quoi votre relation avec Alberta Paving?
33
34 MR. COUTURE: C'est mon employeur.
35
36 THE INTERPRETER: It's my employer.
37
38 THE COURT: All right.
39
40 MR. COUTURE: Je tiens à mentionner que dans la pile de
41 documents que vous avez, il y a aussi plusieurs autres document -- plusieurs autres

1 dossiers que je n'ai pas mentionnés aujourd'hui en cour.
2
3 THE COURT: Can you help me out on that, madam --
4
5 THE INTERPRETER: In this pile that I have given to you, there is
6 another causes --
7
8 THE COURT: Pardon me?
9
10 THE INTERPRETER: -- that I didn't talk about. In that pile that I've --
11 I just given to you, there is other causes that I -- I didn't talk about.
12
13 MR. COUTURE: Donc, vous avez --
14
15 THE COURT: You've -- you've brought this application in
16 other trials, is that correct?
17
18 THE INTERPRETER: Vous avez un autre --
19
20 THE COURT: Is that what you're saying, other causes?
21
22 MR. COUTURE: Non.
23
24 THE INTERPRETER: Vous avez amené ça dans d'autres situations?
25
26 MR. COUTURE: Non. En ce moment, vous avez en votre -- en
27 votre possession une pile de documents avec plusieurs autres dossiers que je n'ai pas
28 présentés. Si vous voulez, je peux les présenter.
29
30 THE COURT: Have --
31
32 THE INTERPRETER: In that pile, you have a lot of other document
33 (sic) talking about this case --
34
35 THE COURT: I see.
36
37 THE INTERPRETER: -- that I -- I didn't mention.
38
39 THE COURT: Okay.
40
41 MR. COUTURE: So, je pourrais vous les présenter si vous

1 voulez.
2
3 THE INTERPRETER: If you want, I can mention them.
4
5 THE COURT: Is it fair to say you're entire argument is
6 contained in this package you gave me?
7
8 THE INTERPRETER: Est-ce que c'est bien de dire que vous -- toute
9 votre argumentation est dans ce dossier?
10
11 THE COURT: No?
12
13 MR. COUTURE: Malheureusement, c'est -- j'ai préparé ça vite
14 avant la cour. C'est pas la totalité.
15
16 THE INTERPRETER: No, unfortunately, I prepared this in a rush. It is
17 not all that I have to say.
18
19 THE COURT: Well, if I'm going to make a decision on
20 whether or not you're going to have a French judge, I'm going to have to have all your
21 arguments.
22
23 THE INTERPRETER: So, je veux aller prendre une décision pour
24 savoir si oui ou non vous allez avoir un jugement en français.
25
26 THE COURT: So when do I get that?
27
28 THE INTERPRETER: C'est quand est ce que je vais avoir ça?
29
30 MR. COUTURE: Donc, dans le document que vous avez, le petit
31 signet jaune.
32
33 THE INTERPRETER: In the document that you have where you have
34 a -- a yellow sticker.
35
36 THE COURT: I see that.
37
38 MR. COUTURE: -- donc, si vous l'ouvrez, c'est -- vous verrez la
39 cause constitutionnelle présente.
40
41 THE INTERPRETER: If you open it, you will see the -- the cause that

1 is in front of the Constitutional Court.

2

3 THE COURT: Okay.

4

5 MR. COUTURE: Donc -- donc, aujourd'hui, je ferais la demande
6 de -- de mettre cette contravention en attente d'une décision de -- du Banc de la Reine.

7

8 THE INTERPRETER: So today I can ask that we adjourn this matter
9 and wait for the decision that will come from the Court -- Court of Queen's Bench.

10

11 THE COURT: Now, there is another case.

12

13 THE INTERPRETER: C'est -- c'est-à-dire, il y a une autre cause.

14

15 MR. COUTURE: Exactement. J'ai mentionné cette cause --

16

17 THE COURT: Are you telling me now that the Court of
18 Queen's Bench is making a decision on this issue?

19

20 THE INTERPRETER: Est ce que vous êtes en train de me dire que le --
21 la Cour de la Reine est en train de prendre une décision sur ce problème ?

22

23 MR. COUTURE: La -- je vous confirme que -- qu'il y a déjà eu
24 un -- un processus. Je ne peux pas vous confirmer si la décision est rendue ou non.

25

26 THE INTERPRETER: What I can say, there is already a processus
27 (phonetic), but I can't say that there is a decision made.

28

29 THE COURT: All right. You'll come back Friday, January the
30 10th.

31

32 THE INTERPRETER: Vous allez rentrer en janvier le 5 --

33

34 THE COURT: 9:30 --

35

36 THE INTERPRETER: À neuf heure -- à neuf heures.

37

38 MR. COUTURE: Malheureusement, je ne serais pas présent, il va
39 être -- en -- au Québec cette date-là.

40

41 THE COURT: Pardon me?

1
2 THE INTERPRETER: I -- I won't be available at that moment. I will
3 be in Québec.
4
5 THE COURT: All right. When do you get back from Québec?
6
7 THE INTERPRETER: Quand est-ce que vous rentrez?
8
9 MR. COUTURE: The 12th.
10
11 THE COURT: The 12th.
12
13 THE INTERPRETER: 12th.
14
15 THE COURT: All right. Tuesday, January 14th.
16
17 THE INTERPRETER: Mardi --
18
19 THE COURT: 9-0-5, 9:30.
20
21 THE INTERPRETER: Le 14 à 9h30 dans cette chambre, 905.
22
23 MR. COUTURE: Okay.
24
25 THE COURT CLERK : And this is for decision?
26
27 THE COURT: Now, is there an officer here on this?
28
29 MS. SCHNOORAAD: No, Your Worship, it's affidavit.
30
31 THE COURT: It's affidavit evidence. Okay.
32
33 MR. COUTURE: Donc, comment --
34
35 THE COURT: I assume I can keep this material you gave me.
36
37 THE INTERPRETER: Est ce que je peux (INDISCERNABLE) avec
38 ces documents?
39
40 THE COURT: All right.
41

- 1 MR. COUTURE: Ça -- ça va me faire plaisir.
2
- 3 THE INTERPRETER: It will be a pleasure.
4
- 5 THE COURT: Thank you. We will see you that day.
6
- 7 THE INTERPRETER: On va se voir ce jour-là.
8
- 9 THE COURT CLERK: And this is for decision on?
10
- 11 THE COURT: That will be the day when i'll tell you if --
12
- 13 THE INTERPRETER: Ça sera le jour où je vais dire si --
14
- 15 THE COURT: -- we're going to arrange for a French
16 courtroom staff for you.
17
- 18 THE INTERPRETER: -- si on va arranger pour un procès en français,
19 tout le processus en français pour vous.
20
- 21 THE COURT: We won't have a trial that day because if I
22 decide that -- that we have a French courtroom staff, obviously, I can't do it because I
23 don't speak French, certainly not nearly as well as you speak English.
24
- 25 THE INTERPRETER: Ce jour-là, ça ne serais pas le jugement, ça
26 serait juste pour -- parce que -- pour avoir tout le -- tout le -- le -- les agents en français,
27 ça -- ça ne serais pas ce jour-là.
28
- 29 MR. COUTURE: Et je vous remercie beaucoup, Votre Honneur.
30
- 31 THE INTERPRETER: Thank you so much, Your Honour.
32
- 33 THE COURT: All right. We'll see you then.
34

35 _____
36
37 PROCEEDINGS ADJOURNED UNTIL 9:30 AM, JANUARY 14, 2020
38 _____

39
40
41

1 **Certificate of Record**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

I, Margaret Darling, certify that this recording is the record made of the evidence in the proceedings in Traffic Court held in courtroom 905 at Calgary, Alberta on the 17th day of December, 2019, and that I was the court official in charge of the sound-recording machine during the proceedings.

1 **Certificate of Transcript**

2

3 I, Nicole Martins, 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 a complete and accurate
7 transcript of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record and
10 is transcribed in this transcript.

11

12 Royal Reporting, A Veritext Company

13 Order Number: AL-JO-1004-6300

14 Dated: December 22, 2019

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41