

Action No.: B96210413C  
E-File No.: CCP20ALBERTAPAVING  
Appeal No.: \_\_\_\_\_

IN THE PROVINCIAL COURT OF ALBERTA  
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

ALBERTA PAVING LTD

Accused

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PROCEEDINGS

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Calgary, Alberta  
January 14, 2020

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

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5 January 14, 2020

Afternoon Session

7 The Honourable Judge Ogle

Provincial Court of Alberta

9 K. Fahlman

For the Crown

10 J. Couture

For the Accused

11 (Agent)

12 R. Haslam

For the Accused

13 (Duty Counsel)

14 J. Boyle

Court Clerk

15 O. Netsko

Court Clerk

16 A. McMullan

Court Clerk

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19 **Discussion**

21 THE COURT CLERK:

CMO docket, I believe it's a CMO docket, page

22 10. I believe it's under Alberta Paving Ltd. Yes.

24 THE COURT:

Okay. And you're here to assist with

25 interpretation?

27 MS. NGARAMBE:

Yes.

29 THE COURT:

Okay. Have you -- have you interpreted in the

30 court before?

32 MS. NGARAMBE:

Yeah. I (INDISCERNIBLE) --

34 THE COURT:

Okay. We'll swear the interpreter in. It's in the

35 French language?

37 MS. NGARAMBE:

Yes.

39 THE COURT:

Thank you.

41 Madam Clerk, please.

1  
2 THE COURT CLERK: Do you wish to swear on the Bible or affirm?  
3  
4 MS. NGARAMBE: Bible.  
5  
6 THE COURT CLERK: Please take the Bible in your right hand, and  
7 please state your name and spell your full name for the record.  
8  
9 MS. NGARAMBE: Florentine Ngarambe, F-L-O-R-E-N-T-I-N-E,  
10 N-G-A-R-A-M-B-E.  
11  
12 THE COURT CLERK: Do you swear that you shall well and truly  
13 interpret all court proceedings from the English language to the French language and the  
14 French language to the English language to the best of your ability, so help you God?  
15  
16 MS. NGARAMBE: I do.  
17  
18 **FLORENTINE NGARAMBE, Sworn as an Interpreter in the French Language**  
19  
20 THE COURT: Give me a moment. I'm reading a report. Who  
21 prepared this report? Was it you?  
22  
23 MR. HASLAM: No, I think perhaps CMO.  
24  
25 THE COURT: Okay.  
26  
27 MR. HASLAM: Or one of the clerks did.  
28  
29 THE COURT: So, and I'm sorry, your name, Madam  
30 Interpreter?  
31  
32 THE INTERPRETER: Florentine.  
33  
34 THE COURT: How do you spell that?  
35  
36 THE INTERPRETER: F-L-O-R-E-N --  
37  
38 THE COURT: F?  
39  
40 THE INTERPRETER: F-L-O-R-E-N-T-I-N-E.  
41

1 THE COURT: Florentine.  
2

3 THE INTERPRETER: Florentine.  
4

5 THE COURT: Thank you.  
6

7 I'm just reading this, so just give me a moment.  
8

9 You're going to have -- you're just getting advice there, Mr. Haslam, or what? Otherwise  
10 we should be on the record.  
11

12 MR. HASLAM: No, I'm just trying to -- there's -- there's some  
13 indication that there might be a Queen's Bench trial. So I'm just trying to see if I can get a  
14 date on that so I can get some idea (INDISCERNIBLE).  
15

16 THE COURT CLERK: And I wonder if I might be able to get the file  
17 numbers so that I can...  
18

19 MS. FAHLMAN: B96210413C.  
20

21 THE COURT: Okay. Are you speaking on this matter,  
22 Mr. Haslam?  
23

24 MR. HASLAM: Well, I will try and assist, Sir, as best I can. I'm  
25 just getting up to speed as you are, based on that matter. I think what the accused wishes  
26 to do is consult with a lawyer in Toronto about bringing a Constitutional challenge. So  
27 I'm going to suggest that perhaps the matter be --  
28

29 THE COURT: Well, Ms. Florentine, you need to translate as  
30 Mr. Haslam is speaking.  
31

32 MR. HASLAM: And first off, just confirm -- perhaps you can  
33 confirm that he's appearing as agent for the company.  
34

35 THE COURT: Yeah. Are you appearing as an agent for  
36 Alberta Paving Ltd.?  
37

38 THE INTERPRETER: Yes.  
39

40 THE COURT: And your name, please, for the record?  
41

1 MR. COUTURE: Joey Couture (phonetic).  
2

3 THE COURT: All right, thank you. What did you wish to do  
4 with this matter today, Mr. Couture?  
5

6 THE INTERPRETER: I would like to adjourn for some weeks so that I  
7 can talk to the lawyer that is helping me in this situation.  
8

9 THE COURT: Sorry, how long an adjournment?  
10

11 THE INTERPRETER: Two weeks.  
12

13 THE COURT: Two weeks? All right. Two weeks today is  
14 January 28th. Does that work for you?  
15

16 THE INTERPRETER: Yes, good.  
17

18 THE COURT: All right. And you are -- the reason it was  
19 brought to this court is because the information to the Justice of the Peace was that you  
20 may be instituting a Constitutional or *Charter* challenge to the -- in this matter; is that  
21 correct?  
22

23 THE INTERPRETER: So I would like -- I would have liked talk with  
24 my lawyer before, but I can tell you a little bit because I know that in 2015 there is a  
25 Constitutional charge that have been introduced in 2015.  
26

27 THE COURT: In some other matter you mean?  
28

29 THE INTERPRETER: Should I proceed with all this papers that I  
30 have --  
31

32 THE COURT: Ms. Florentine, I'm so sorry but I'm having a  
33 real difficulty hearing you.  
34

35 THE INTERPRETER: Should I proceed with all the papers that I have  
36 here? Because I would like, but I don't know if it's the right time.  
37

38 THE COURT: Okay. Well, I'm hearing that you want some  
39 legal advice, and I'm going to give you an adjournment for that.  
40

41 I'm going to ask the Crown if you want this to remain here in anticipation of a possible

1 challenge or go back to the court from which it came. Seems like it might end up back  
2 here anyway, so seems to me it should maybe stay here.

3

4 MS. FAHLMAN: Yes, I'm in the Court's hands. I'm going to be  
5 sending a note to our office as a heads up.

6

7 THE COURT: Okay.

8

9 MR. HASLAM: I'm not sure I'm -- was something about  
10 incompris.

11

12 THE INTERPRETER: I'm not sure that I understood very well what the  
13 Crown said.

14

15 THE COURT: The Crown has asked that the case stay in this  
16 criminal court because of the possibility of a Constitutional challenge. If there is a  
17 Constitutional challenge, it cannot be dealt with in the traffic court; it has to be dealt with  
18 in this court. So we'll leave it in this court, that's the Provincial Court of Alberta, for now.

19

20 If you get legal advice and change your mind, we can always put it back to the proper  
21 court.

22

23 THE INTERPRETER: I would like to say that the file that I'm talking  
24 about is before the Queen's Bench of Alberta.

25

26 THE COURT: Well, I presume that's a different case; is that  
27 what you mean?

28

29 THE INTERPRETER: Yeah, that's true. That's why I want to adjourn  
30 so that I can talk to my lawyer and see what will happen next.

31

32 THE COURT: Sure. No problem then. January 28th, 9 AM,  
33 back in this courtroom, 306. And this note I'm going to ask Madam Clerk to just attach to  
34 the -- to the documents so that the next Judge will have some idea what happened. Okay?

35

36 THE INTERPRETER: Can I have the endorsement of the court today?

37

38 THE COURT: Well, the endorsement of the court today will be  
39 written on the sheet and it will be just adjourning two weeks.

40

41 MR. COUTURE: Okay.

1  
2 THE COURT: If you want a copy of any endorsements or a  
3 copy of the charge, you can obtain that by attending at the clerk's counter on the 4th floor  
4 and pay any fee that is applicable. I'm attaching this, for want of -- just attach to the  
5 information so that Mr. Couture gets a copy of that if he wants as well.

6  
7 THE COURT CLERK: And, Sir, would you like to order a French  
8 interpreter for the next date as well?

9  
10 THE COURT: Yes. Yes, thank you, for reminding me.

11  
12 I will order a French interpreter for your next appearance.

13  
14 THE INTERPRETER: Thank you so much.

15  
16 THE COURT: Anything else, Mr. Couture?

17  
18 MR. COUTURE: That's all.

19  
20 THE COURT: All right. Ms. Florentine, thank you for your  
21 help today.

22  
23 MS. FAHLMAN: Madam Clerk, might you be able to hold the file  
24 just so I can write down some information for the Crown.

25  
26 THE COURT CLERK: Yes, of course.

27  
28 THE COURT: All right. That's all. Thanks.

29  
30  
31  
32 PROCEEDINGS CONCLUDED

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1 **Certificate of Record**

2

3 I, Jackie Boyle , certify that this recording is the record of the evidence of the proceedings  
4 in the Provincial Criminal Court held in courtroom 306 at Calgary, Alberta, on the 14th  
5 day of January, 2020, and myself as well as Oksana as well as Andrea McMullan were the  
6 court officials in charge of the sound-recording machine for today's proceedings.

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1 **Certificate of Transcript**

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I, Candice LaTrace, certify that

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and

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

Candice LaTrace, Transcriber  
Order Number: AL-JO-1004-7759  
Dated: January 15, 2020