

Action No.: A77690480R
E-File Name: CCP20BERTRANDD
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

DOMINQUE BERTRAND

Accused

P R O C E E D I N G S

Calgary, Alberta
February 10, 2020

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

3
4 February 10, 2020 Morning Session
5
6 Commissioner Henderson Justice of the Peace in the Province
7 of Alberta
8
9 R. Jackson For the Crown
10 J. Couture For the Accused
11 (Agent)
12 J. Muzzo Court Clerk

13
14
15 **Discussion**

16
17 THE COURT: Thank you very much. I'm speaking to the
18 matter now of Dominique Bertrand and this is also via agent. Go ahead, sir. Your
19 application.
20

21 THE INTERPRETER: For this one, I am not an interpreter.
22

23 THE COURT: Oh, very good, ma'am. You were only the
24 interpreter for Alberta Paving. Thank you. Your work was appreciated, and you may be
25 dismissed. Thank you, Mr. Bertrand -- or sorry, thank you, sir. You are now applying on
26 behalf Dominique Bertrand and what's your application?
27

28 MR. COUTURE: Hello. So my name is Joey Courture.
29

30 THE COURT: Yes, sir.
31

32 MR. COUTURE: So you spell, J-O-E-Y, C-O-U-T-U-R-E. I'm
33 here as an agent of Mr. Dominique Bertrand. So today, first, I'm here to make the request
34 to have -- based on the Regulation 158/2013, paragraph 3, to -- to make a request for
35 holding a process in French with the consent of the Crown.
36

37 THE COURT: Thank you. And, Crown, for the matter of
38 Dominique Bertrand, ticket ending in 480, does the Crown consent to an -- or to a trial
39 being held in French?
40

41 MR. JACKSON: No, I don't.

1
2 THE COURT: Thank you very much. And as I told Mr.
3 Couture (sic) on his previous application where he was representing his company, this is
4 a case where the Supreme Court of Canada of *Bessette* -- the Supreme Court of Canada of
5 *Bessette* was applicable only to BC legislation specifically. It's not applicable in Alberta
6 because the Alberta legislation with the regards to the Management of Court and
7 Language Rights is different. We are following the Alberta Language Regulations which
8 does require both the consent of the Crown and an expression of the Courts in order to
9 allow for a French trial in traffic court. If this was a criminal matter this would be
10 different, but we are dealing with regulatory situations as such regulatory rules apply. I'm
11 denying your application for a French trial, sir, and of course, Dominique Bertrand is
12 more than welcome to hire -- or to actually request the use of a French interpreter for the
13 trial so that Dominique Bertrand's language rights have been complied with.

14
15 Is there anything else, sir?

16
17 MR. COUTURE: No.

18
19 THE COURT: Thank you very much. Then what day is this
20 going to? And are we setting a trial date?

21
22 MR. COUTURE: With all due respect, if you set the trial date it
23 will be -- it will put my client as a -- in problem because it will -- it will not be heard in
24 French, so.

25
26 THE COURT: He will have the opportunity to have a French
27 interpreter that will translate from the French language to the English language and the
28 English language to the French language.

29
30 MR. COUTURE: So if you want to set the trial date would it be
31 possible --

32
33 THE COURT: I haven't -- I haven't ordered that. I'm asking if
34 you wish to enter a guilty plea or a not guilty plea or adjourn the matter.

35
36 MR. COUTURE: So I will ask you to adjourn the matter until the
37 decision -- until the decision of the Court of the Queen Bench of Alberta is made on the
38 decision of the constitutionality of the Regulation 158/2013 --

39
40 THE COURT: But you don't know the status of that date (sic),
41 sir.

1
2 MR. COUTURE: So --
3
4 THE COURT: Or the status of that case.
5
6 MR. COUTURE: Sorry, what?
7
8 THE COURT: You can't tell me the status of that case. I don't
9 even know anything about this case.
10
11 MR. COUTURE: So yeah, the -- unfortunately since 2015 this --
12 so first I will say that this case was deposited in 2000 -- on June 23rd, 2015, in the
13 jurisdiction of Calgary. But since that date, like, we haven't been able to present it and
14 have any result, so that's why I'm asking for an adjournment and if -- until a decision is
15 made.
16
17 THE COURT: I've heard your application, sir. That's not a
18 reasonable request that I could grant at this time. We don't adjourn matters sine die in
19 traffic court. This matter will resume sometime in the next month. I am prepared under
20 the circumstances to give you until March 23rd, if you're out of town, is that the day
21 you'd like it to go to?
22
23 MR. COUTURE: Yes.
24
25 THE COURT: I will do my best to be here that day, March
26 23rd. Thank you very much, sir.
27
28 MR. COUTURE: In the morning?
29
30 THE COURT: Yes. Back in this courtroom, 9:30 AM.
31
32 MR. COUTURE: Thank you.
33
34 THE COURT: And as I said, sir, I'm directing the clerks that if
35 you make any more of these applications, they must be made of notice and I will be
36 appearing myself.
37
38 MR. COUTURE: And can I get your name, please?
39
40 THE COURT: My name is Henderson, H-E-N-D-E-R-S-O-N.
41 They know me.

1
2 MR. COUTURE:

Henderson.

3
4 THE COURT:

Henderson, H-E-N-D-E-R-S-O-N.

5
6 MR. COUTURE:

And first name; is that possible?

7
8 THE COURT:

No.

9
10 MR. COUTURE:

Okay.

11
12 THE COURT:

Thank you. Have a good morning.

13
14 MR. COUTURE:

Have a good day.

15
16 THE COURT:
17 your next time.

Thank you very much, sir. I look forward to

18
19 _____
20
21 PROCEEDINGS ADJOURNED UNTIL 9:30 AM, MARCH 23, 2020

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1 **Certificate of Record**

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I, Joanne Muzzo, certify that this recording is the record made of the evidence in the proceedings in Traffic Court held in courtroom 908 on the February 10th, 2019 (sic), and that I was the court official in charge of the sound-recording machine during the proceedings.

1 **Certificate of Transcript**

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I, Debra Diemert, 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 / was not included orally on the record.

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Order Number: AL-JO-1004-9595
Dated: February 12, 2020