

ONTARIO COURT OF JUSTICE

5

HER MAJESTY THE QUEEN

v.

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FF

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TO BE SPOKEN TO

BEFORE THE HONOURABLE JUSTICE V. GIOURGAS

on September 21, 2018

20

at NEWMARKET, Ontario

25

APPEARANCES:

S. Kumaresan

Appearing for the Crown

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D. Genis

Appearing for Mr. FF

FRIDAY, SEPTEMBER 21, 2018:

5 MS. KUMARESAN: Good afternoon, Your Honour.  
Thank you for that extra time. So, with respect  
to this matter - so, I am conceding a Section 8  
breach - sorry - on the FF matter.

THE COURT: Yes.

10 MS. KUMARESAN: And given the inconsistencies in  
the police officer's evidence - and I've had a  
chance to review with my friend the transcript  
from the recording from yesterday and some his  
answers. While the Crown's not suggesting that  
there was any bad faith, I think it was a new  
officer who, for whatever reason did not testify  
well with respect to these issues. But, at the  
15 end of the day it is what it is. There were a  
number of inconsistencies, specifically with his  
subjective view of click and how his suspicion  
came about. In light of all of that and the way  
the evidence came out, I'm not going to argue  
20 24(2) on it either.

THE COURT: Okay. So, you're essentially  
inviting me to exclude the breath readings and  
find...

MS. KUMARESAN: Yes.

25 THE COURT: ...Mr. FF not guilty?

MS. KUMARESAN: Yes.

THE COURT: Okay. So, Section 8 application -  
Section 8 and 24(2) application allowed, breath  
readings excluded, and given that that's the  
30 only evidence on the over 80 count, Mr. FF is  
found not guilty.

MR. GENIS: Thank you very much, Your Honour.

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THE COURT: All right. Thank you, Mr. Genis.

MR. GENIS: I thank my friend for a very careful consideration of this matter.

THE COURT: Yes, and I do as well. Thank you, Ms. Kumaresan. Okay.

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FORM 2

I, Helena Tsapoitis Barbesin, certify that this document is a true and accurate transcript of the recordings of Regina v. FF in the Ontario Court of Justice held at 50 Eagle Street, Newmarket, Ontario, taken from recording No. 4911\_302\_20180921\_083810\_6\_GIOURGV.DCR which has been certified in Form 1.

October 29, 2018

Date

Helena Tsapoitis Barbesin

Signature

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