

ONTARIO COURT OF JUSTICE

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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.

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

Helena Tsapoitis Barbesin

Date

Signature

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