

THE PROVINCIAL COURT OF MANITOBA

BETWEEN:

HER MAJESTY THE QUEEN

- and -

GRAHAM MICHAEL JAMES,

Accused.

This is Exhibit "I" referred
to in the ^{supplementary} affidavit of
..... JANET KEHLER
affirmed
~~sworn~~ to before me this ... 4 ...
day of April 2012

A Notary Public in and for
the Province of Manitoba

TRANSCRIPT OF PROCEEDINGS before The Honourable
Judge Carlson, held at the Law Courts Complex, 408 York
Avenue, in the City of Winnipeg, Province of Manitoba, on
the 19th day of March, 2012.

APPEARANCES:

H. LEONOFF, Q.C., and MS. C. MCDUFF, for the Crown

MR. R. ROITENBERG, for the accused

MR. R. SOKALSKI and MR. I. SORENSON, for the applicants,
Canadian Broadcasting Corporation, Bell Media Inc., Shaw
Television Limited Partnership, and Winnipeg Free Press

BAN ON PUBLICATION

1 MARCH 19, 2012

2

3 THE CLERK: Court is now open, Judge Carlson
4 presiding.

5 THE COURT: Good morning, everyone.

6 UNIDENTIFIED PERSONS: Good morning.

7 THE COURT: Good morning. Mr. Sokalski, you're
8 here for the applicants; Mr. Roitenberg for Mr. James; and
9 Ms. Leonoff and Ms. McDuff for the Crown and Attorney
10 General Manitoba.

11 All right. Graham James is going to be sentenced
12 tomorrow, Tuesday, March 20th, 2012, for two sexual assault
13 offences. Mr. James entered his guilty pleas on December
14 7th, 2011. Sentencing submissions were held for the full
15 day on February 22nd, 2012. And at the end of those
16 submissions, the March 20th, 2012 sentencing date was set.

17 To be clear, all that remains to be done tomorrow
18 is for the Court to impose sentence on Mr. James and
19 provide the reasons for that sentence. There will not be
20 any evidence called. There will not be further submissions
21 by counsel except possibly in relation to some ancillary
22 orders. No statements will be made by the victims nor by
23 Mr. James. That was all done in Court on February 22nd.

24 On March 9th, 2012, four media parties filed a
25 Notice of Application seeking to have cameras in the
26 Courtroom for tomorrow's sentencing of Mr. James. The
27 applicants -- the Canadian Broadcasting Corporation, Bell
28 Media Inc., Shaw Television Limited Partnership, and
29 Winnipeg Free Press -- request an order that I -- and I'm
30 quoting from the Notice of Application here -- "that
31 electronic public access to the sentencing hearing of the
32 accused be granted for the purpose of live and recorded
33 television and Internet broadcast of the proceedings, with
34 the applicants having television camera access, including

1 microphone access, to the Courtroom for the duration of the
2 sentencing hearing."

3 Counsel for the applicants, Mr. Sokalski, filed
4 the Notice of Application and an Affidavit of Cecil Rosner
5 in support on March 9th, 2012. Counsel for the applicants
6 filed an motions brief on March 12th and a case book on
7 March 13th. That case book contains 31 authorities. On
8 the morning of the hearing, the Court was provided with a
9 supplementary Affidavit of Mr. Rosner, an Affidavit of
10 Janice Finson (phonetic), and six further authorities.

11 Counsel for the Attorney General of Manitoba, Ms.
12 Leonoff, filed a motions brief on March 14th. The brief
13 appended three authorities.

14 Counsel for Mr. James, Mr. Roitenberg, filed an
15 Affidavit of Vanessa Lee Gama on March 13th and a motions
16 brief on March 15th.

17 The Court heard submissions on the application on
18 Friday, March 16th, for the full day and adjourned the
19 matter to this morning, March 19th, to provide a decision
20 on the matter, bearing in mind that Mr. James is being
21 sentenced tomorrow.

22 At the outset on Friday, March 17th (sic), Mr.
23 Roitenberg took the position that the application was not
24 properly before the Court because notice under the
25 Constitutional Questions Act had not been served within the
26 time required on him and had not been served at all on the
27 Attorney General of Canada. Ms. Leonoff concurred with his
28 position, although she said she could waive the notice
29 requirement for the Attorney General of Manitoba.

30 Mr. Sokalski's position was that he was not
31 seeking a remedy of the type described under Section 7(2)
32 of that Act, but was asking for the Court's permission
33 pursuant to a guideline of the Court for his clients to
34 have cameras at the sentencing of Mr. James. On that

1 basis, the Court decided it was prepared to hear the
2 application.

3 The Court has significant concerns about the
4 timing of this application. Notwithstanding that
5 tomorrow's sentencing date was set on February 22nd, the
6 Notice of Application was not filed until March 9th, and
7 the Court was still receiving new materials at the hearing
8 of the application. Counsel for both respondents expressed
9 their concern about the lack of time they had to prepare
10 their responding materials. There is a substantial amount
11 of material that has been filed. Those materials and the
12 full day of submissions by counsel raise a plethora of
13 complex issues. Frankly, the Court feels it has been
14 placed in an untenable situation by the application and the
15 lack of time it has been given to deal with the issues
16 raised.

17 The Court realistically has several options.
18 First, the Court could take time to prepare a formal
19 written decision. That could not have been accomplished
20 over the past two days. Accordingly, exercising this
21 option would mean the Court would have adjourn the
22 sentencing of Mr. James in order to prepare and deliver the
23 decision on the application. That is not acceptable, as
24 the Court has no intention at this late date of adjourning
25 the sentencing. The Court advised counsel of this at the
26 outset of the application hearing. It would not serve the
27 interests of the administration of justice for a late
28 application by the media that is not related in any way to
29 the sentencing decision itself, to be able to delay the
30 sentencing.

31 The second option is to say that the application
32 just comes too late to be properly considered, and dismiss
33 it summarily. The Court is not going to do that because,
34 frankly, after reviewing all the materials and arguments,

1 the Court has concluded that it is, indeed, able to decide
2 the decision now.

3 The third option is for the Court to deliver an
4 oral decision now. Since the Court is clear in what its
5 decision will be, the Court is going to exercise that
6 option and give a decision on the application now.

7 I should add that a further option was raised for
8 the Court's consideration by counsel for the Attorney
9 General of Manitoba. Ms. Leonoff suggested that the Court
10 may consider appointing an amicus to consider the issues
11 raised by the application and provide advice to the Court
12 itself particularly related to, but not limited to, issues
13 about the security of judges and other Court staff, and to
14 determine what evidence on those matters should be before
15 the Court before a decision about cameras being allowed in
16 the Courtroom for a sentencing in a criminal matter. That
17 option was exercised by British Columbia Provincial Court
18 Judge MacLean on February 13th, 2012, in the case of R. v.
19 Dickinson. The effect of appointing an amicus, as it was
20 in the Dickinson case, would be that the application would
21 have to be dismissed as there is realistically no time for
22 an amicus to be appointed and report back before the
23 sentencing. As I said, the Court is not prepared to
24 adjourn the sentencing.

25 Ms. Leonoff's suggestion is a very valuable one.
26 I find, however, that I am able to decide this particular
27 application in the context of the James case without having
28 to appoint an amicus. In another case involving an
29 application for cameras in the Courtroom, however, that may
30 well be a valuable step to be taken by the Court.

31 Given the short time frame for preparation of the
32 decision, in view of the multitude of issues argued and
33 authorities provided, I will not be specifically referring
34 to all the authorities, nor to all the arguments raised.

1 Also, because of the basis on which the Court is deciding
2 the issue, it is not necessary that I do so. I will say,
3 though, that I have had the opportunity to read all of the
4 materials provided, including the briefs and the case law.
5 I have also had the opportunity to carefully consider the
6 thorough arguments made by all counsel.

7 The ultimate issue for the Court to decide on the
8 application is whether cameras and microphones should be
9 permitted into the Courtroom for the sentencing of Mr.
10 James, so that the proceedings on March 20th may be
11 broadcast on TV, radio, and the Internet. The applicants
12 request permission, pursuant to the Court's guideline, to
13 have cameras and microphones at the sentencing. The
14 specific proposal is that there be two cameras in the
15 Courtroom; the cameras would pan counsel, Mr. James, and
16 the judge. There would be a single feed so that the
17 proceedings would be streamed live on the Internet and
18 through radio- and television-based news services. Mr.
19 Rosner deposed that the camera setup would be unobtrusive
20 and non-disruptive to the Court proceedings. That evidence
21 was not challenged and I accept that would be the case.

22 The Attorney General of Manitoba's position is
23 that if the Court permits the sentencing hearing to be
24 broadcast, there should be no images of the Crown attorney
25 or any other Court staff, including clerks and sheriff's
26 officers, broadcast.

27 Mr. James is opposed to the relief sought in the
28 application. His position is that cameras should not be
29 allowed at the sentencing, and if they are, there should be
30 no filming whatsoever of him in order to protect his
31 privacy.

32 Generally, cameras and other recording devices
33 are not permitted in the Courtrooms of Canada. There are
34 some exceptions. Some appellate cases have been broadcast.

1 Indeed, the Supreme Court of Canada has live streaming of
2 its proceedings with the consent of the parties. . Certain
3 types of cases heard by the Supreme Court of Canada,
4 including sexual assault cases, are not broadcast.

5 There have been some applications in the Courts
6 of British Columbia for cameras in the Courtroom. There is
7 only one case to which this Court was referred, in which a
8 camera and broadcasting of a criminal proceeding was
9 allowed. This was the case of R. v. Cho -- and the cite
10 for that case is 2000 BCSC 1162 -- in which the judge
11 permitted what the Court called an experiment, the filming
12 of counsel submissions at the close of the trial and the
13 judge's instruction.

14 In a non-criminal case, a reference case,
15 Reference Re: Section 293 of the Criminal Code of Canada,
16 2011 BCSC 1588, more commonly known to the public as the
17 B.C. polygamy case, the judge permitted an application to
18 broadcast closing submissions via a webcast. In that case
19 all parties consented or took no position, and no party
20 raised any privacy concerns. The judge specifically said
21 it was an exceptional proceeding.

22 An application was made by several media
23 organizations for television and radio access to a criminal
24 trial in R. v. Pilarinos, 2001 B.C.J. No. 1936. The B.C.
25 Supreme Court, the same Court that allowed the camera into
26 the Courtroom in Cho, dismissed the application in
27 Pilarinos and commented that Cho was clearly limited to an
28 experiment.

29 In R. v. McSorley, also a B.C. Supreme Court
30 decision at 2000 B.C.J. No. 2639, cameras were not
31 permitted to film a trial and the judge commented that the
32 decision in Cho was an experiment.

33 The Court in Pilarinos found that the media was
34 not being denied the right to attend the trial by refusing

1 the request for the videotaping and audiotaping, and the
2 right to freedom of expression was minimally impaired by
3 the exclusion of cameras and audio recording devices.
4 Leave to appeal the decision in Pilarinos was denied by the
5 Supreme Court of Canada.

6 In Manitoba, there is a Court policy that media
7 cameras are not permitted in Court facilities unless prior
8 permission has been granted by the Chief Justice or Chief
9 Judge. This happens in special circumstances such as for
10 the swearing in of new judges that take place in
11 Courtrooms. There is a Provincial Court practice directive
12 that is dated December 4th, 1989, that provides for the
13 unobtrusive use of audiotaping by a media person during
14 non-evidential proceedings of the Court for the sole
15 purpose of supplementing or replacing handwritten notes.
16 Such recordings cannot be used for broadcast or
17 reproduction. This is subject to any order made by the
18 presiding judge as a result of special circumstances of a
19 particular case.

20 A committee of the three levels of Court
21 continues to work on a policy dealing with the issue of
22 cameras in the Courtroom. At this time, cameras are not
23 permitted in the Courtroom.

24 Counsel for the applicants made a request to the
25 office of the Chief Judge for permission to have cameras in
26 the Courtroom for the sentencing of Mr. James. Counsel was
27 directed by the Chief Judge to file the application to be
28 heard before me as the judge presiding over Mr. James'
29 sentencing hearing.

30 To date, there has not been a criminal Court
31 proceeding in Manitoba in which the media has been
32 permitted to install a camera and broadcast what is going
33 on in the Courtroom. The most recent application in
34 Manitoba for a camera in the Courtroom was brought in the

1 inquest into the death of Brian Lloyd Sinclair. That
2 application was dismissed by my brother judge, Preston, at
3 2010 M.J. No. 89. That was not a criminal matter.

4 Counsel all agreed that as the Provincial Court
5 judge presiding at the sentencing of Mr. James, I have
6 jurisdiction to decide the issue on the application.
7 Indeed, Section 7 of the Provincial Court Act provides the
8 Provincial Court judge with jurisdiction throughout
9 Manitoba and requires that such judge shall exercise all
10 the powers and perform all the duties conferred or imposed
11 upon a judge by or under any act of the legislature or of
12 the Parliament of Canada.

13 In addition, a Provincial Court judge has the
14 implied power to control his or her own process and the
15 procedural tools to ensure the effective and efficient
16 disposition of matters in his or her Court. Mr. Justice
17 Freedman of the Manitoba Court of Appeal said this in
18 Hudson Bay Mining and Smelting Company v. Cummings, cited
19 at 2004 MBCA 182.

20 It is a well-established common law rule that
21 Courts must be open to the public. This has been described
22 as the open Court principle and has been referred to by the
23 Supreme Court of Canada in the case of Re Vancouver Sun,
24 (2004) 2 S.C.R. 332, as a hallmark of a democratic society
25 and the cornerstone of the common law.

26 The reason that Courts must be open to the public
27 is to ensure the integrity of the judicial process. The
28 Supreme Court of Canada reaffirms the open Court principle
29 in the case of Application to Proceed in Camera, 2007
30 Carswell BC 2418. If people can see justice being
31 administered in the Courts themselves, they can see that it
32 is administered in a non-arbitrary manner according to the
33 rule of law, and it is then more likely a Court will be
34 independent and impartial. In that way, justice seen to be

1 done is more likely to be done. That was reiterated in
2 Canadian Broadcasting Corporation v. New Brunswick, (1998)
3 3 S.C.R. 480.

4 The media play a critical role in this process.
5 The Supreme Court of Canada of Canada said, in CBC v. New
6 Brunswick, (1991) 3 S.C.R. 459, and I'm quoting:

7
8 "The media have a vitally
9 important role to play in a
10 democratic society. It is the
11 media that, by gathering and
12 disseminating news, enable members
13 of our society to make an informed
14 assessment of the issues which may
15 significantly affect their lives
16 and well-being."

17
18 Though Courts are open to the public, not all
19 members of the public are able to attend, for various
20 reasons, so most people rely on the media to tell them what
21 happens in Court. The media gather and disseminate
22 information about what happens in Court hearings, and in
23 that way the public learns about what is going on in Court
24 and about the legal issues of the day.

25 The Court acknowledges that the Graham James case
26 has become one of extraordinary public interest. There are
27 indeed many members of the public across Canada who are
28 interested in the sentence that Mr. James will receive and
29 the reasons for that sentence. The Court also acknowledges
30 that many of these people will not be able to actually
31 attend Court on March 20th to be at the sentencing in
32 person and so will rely on the media to relay information
33 about it to them.

34 The applicants' argument is that the media have a

1 constitutional right to record and broadcast the sentencing
2 of Mr. James on behalf of the public by virtue of freedom
3 of expression guaranteed by Section 2(b) of the Canadian
4 Charter of Rights and Freedoms. Freedom of expression in
5 Section 2(b) specifically includes freedom of the press and
6 other media of communication. In other words, the
7 applicants say that freedom of expression includes the
8 right of the media to videotape and audiotape Court
9 proceedings live and broadcast them. They say that any
10 limitation of that right is a violation of freedom of
11 expression, would infringe the public's right of access to
12 the Courts, and is not justifiable as a reasonable limit
13 under Section 1 of the Charter.

14 Mr. James' counsel says that the respondents are
15 not seeking to curtail something the media is entitled to.
16 The media is entitled to attend Court and report on what
17 goes on, but if the applicants want to have a camera in the
18 Courtroom, then that is an extraordinary measure, and to
19 get that extraordinary measure, the applicants have the
20 onus to prove on admissible evidence that there are special
21 or extraordinary circumstances in order to justify getting
22 the permission of the Court. That is the position of Mr.
23 James. Mr. James' counsel also says his client's privacy
24 rights will be violated if his image is broadcast from the
25 Courtroom.

26 Counsel for the Attorney General of Manitoba says
27 the Court needs to balance the importance of the open Court
28 principle on the one hand with the fair administration of
29 justice. Counsel referred the Court to the recently
30 decided 2011 case of CBC v. Canada (Attorney General),
31 (2011) 1 S.C.R. 19. In that case, the Supreme Court of
32 Canada upheld the constitutionality of a Quebec Court rule
33 that prohibited broadcasting of audio recording of Court
34 proceedings and limited places in the Courtroom where media

1 could take photos, film, and conduct interviews. Counsel
2 provided a number of factors to be considered, including
3 protection of privacy of witnesses and victims, the safety
4 of participants in the justice system, and whether
5 broadcasting the sentencing will add any value to what is
6 otherwise available to the public.

7 Counsel for the applicants at the outset said he
8 was seeking permission pursuant to the Court guideline to
9 put cameras in the Courtroom for Mr. James' sentence. That
10 is the issue that the Court is prepared to decide today,
11 based on the information the Court has and the time
12 available, and within the context of my being able to
13 control the Court process for Mr. James' sentencing. There
14 was much argument about constitutional matters, onus, and
15 evidentiary requirements relative to Section 2(b) and
16 Section 1 of the Charter. I heard all the arguments but I
17 am not going to be making any constitutional
18 interpretations or decisions. I can decide this
19 application without having to do that.

20 The sentencing hearing of Mr. James is open to
21 the public. Any member of the public may attend. Members
22 of the media are members of the public and they may attend.
23 Further, members of the media are free to report about what
24 goes on inside the Courtroom. As sentencing judge, I
25 control the process of the Courtroom.

26 In deciding how to exercise my discretion in that
27 regard, I have to balance the value of having cameras in
28 the Courtroom with the fair administration of justice and
29 other Courtroom issues such as maintaining dignity and
30 decorum of the proceedings. Yes, having cameras and
31 broadcasting the proceedings will give the public an
32 accurate depiction of what the sentence is and the reasons
33 for it. It will let the public see and hear the judge
34 giving the decision in a Courtroom setting. If cameras

1 were permitted to show counsel and Mr. James, people could
2 watch on TV or on the Internet any expressions and
3 reactions of those counsel and of Mr. James to the sentence
4 and the reasons for it.

5 But for actually seeing the players in the
6 process, the same information or nearly the same
7 information may be obtained in a different manner. The
8 reasons for decision on the sentencing will be in writing.
9 They will be available electronically virtually immediately
10 after the sentencing hearing, by e-mail, on request of the
11 media made to the executive assistant to the Chief Judge,
12 who is the media relations officer for the Courts and
13 judiciary. The media are free to post them on their
14 websites. People who want to read the reasons for decision
15 may do so.

16 In the Court's view, having a broadcast of the
17 judge reading the reasons adds little to the administration
18 of justice. It does not provide more information to the
19 public. Applicants' counsel argues that the public deserve
20 to see -- to be able to see Mr. James' face and expression
21 when he is sentenced. The Court is not aware of any case
22 in which a Court has found that such a thing would enhance
23 the interests of administration of justice. To grant the
24 applicants' request to accommodate that would, in my view,
25 be to perch the Court on the brink of sensationalism rather
26 than staying rooted in what a Courtroom is supposed to be,
27 which is a place of dignity and decorum. This case is
28 highly charged enough; it is not going to become a
29 spectacle.

30 But it is the nature of the Graham James case
31 that is critical to a determination as to how the Court is
32 ultimately going to exercise its discretion. The Court did
33 specifically raise this during arguments and gave counsel
34 an opportunity to address it. This is first and foremost a

1 sexual assault case and, in particular, a case of sexual
2 assault committed against persons under the age of 18. It
3 is true that there will not be new evidence given at the
4 sentencing. It is true that the victims are both now
5 adults. It is also true that the victims have voluntarily
6 agreed there need be no publication ban on their name.

7 I was not advised of the victims' positions, if
8 they have one, as to the request for cameras in the
9 Courtroom but the Court has significant concerns. The
10 Court, in controlling its process, always has to be
11 protective of victims, but in the case of sexual assault
12 victims that is especially true. The details of the sexual
13 assaults -- that is, the specific sexual acts performed by
14 Mr. James in relation to the victims and the sexual acts
15 that he made them perform -- will necessarily be included
16 in the reasons for decision that will be read at the
17 sentencing and it must be remembered that the victims were
18 children at the time.

19 It is one thing for these details to be read out
20 once and for everyone in the Courtroom to hear them once,
21 and for the press to report on them and people to hear them
22 on the news or read about them in the newspaper, or read
23 them in the actual decision posted on a media website.
24 People may even read them more than once. But once a
25 broadcast of these reasons for decision being read by the
26 Court is obtained, there is the potential for
27 rebroadcasting, including on the Internet, over and over
28 again, any time, in perpetuity. We all know that Internet
29 postings may not be effectively erased.

30 The media outlets themselves who are applicants
31 here today, the Court trusts, would be extremely
32 responsible about their broadcasting. But once it is
33 posted on the Internet, they lose control of those images.
34 This could be extremely embarrassing for the victims, since

1 portions of the reasons being read -- perhaps the sexually
2 explicit portions -- could show up on the Internet any
3 time, linked with other material that is out of control of
4 the applicants and out of control of the victims and out of
5 control of the Court. The Court cannot sanction anything
6 that could result in any type of re-victimization.

7 Indeed, the victims have released their
8 respective identities. That fact makes the Court more
9 protective of them, not less so. Now that everyone knows
10 who the victims are, that means that with any rebroadcast
11 of the sentencing decision there could be pictures and
12 other information about the victims broadcast along with
13 it. If the victims choose to speak to the media and to be
14 broadcast outside the Courthouse, that is entirely their
15 prerogative and decision to make. But inside the
16 Courtroom, the Court has to protect, as best it can control
17 it, any further potential victimization.

18 By the same token, material that is broadcast
19 from a sentencing decision containing details of sexual
20 assaults on children could be embarrassing to the Court if
21 it were to be manipulated on the Internet. Again, it is
22 not the media applicants on this paragraph application that
23 the Court is worried about; it is the concern that once
24 there is a broadcast on the Internet, what use is made of
25 it becomes beyond the control of those applicants and
26 certainly outside the control of the Court. The risk of
27 that happening raises real concerns related to maintaining
28 dignity and decorum of the Court.

29 The Court also has serious concerns about setting
30 a precedent in a sexual assault case. If victims of sexual
31 assault perceive their cases may be subject to a camera in
32 the Courtroom, they may not come forward to disclose
33 offences committed against them and ultimately to pursue
34 prosecution. Indeed, it took Mr. Fleury and Mr. Holt many

1 years to make the decision to disclose the offences that
2 Mr. James committed against them. If victims have to worry
3 that there may be a camera anywhere near the Court
4 proceedings, it is reasonable to expect they may not come
5 forward. That would certainly impede the interests of the
6 administration of justice. I note that the Supreme Court
7 of Canada, which live-streams its proceedings, does not
8 permit broadcast of proceedings involving sexual assault.

9 Counsel for the Attorney General of Manitoba
10 raises concerns that Court staff and the Crown attorney may
11 be subject to privacy violations and safety and security
12 risks if the sentencing is broadcast, particularly since
13 this is an emotionally charged case for many members of the
14 public. Frankly, these same concerns could exist for
15 defence counsel. The Court has not been provided with
16 specific evidence of risk, but certainly we all know that
17 once images are broadcast on the Internet, they are there
18 in perpetuity.

19 Without having to decide what, if any, privacy
20 rights Mr. James has or does not have in a Courtroom, I can
21 certainly say I have the same concerns about his images
22 from the Courtroom being broadcast on the Internet with no
23 control.

24 In my view, it is part of my responsibility as
25 the judge sentencing Mr. James and presiding over that
26 hearing to control what happens in the Courtroom in the
27 interests of the administration of justice. In this case,
28 the information that will be available to any members of
29 the public who are not able to attend Court in person will
30 be the same in content as the information they would obtain
31 if they were in Court themselves. They will not see the
32 expressions on the faces of the participants or hear
33 discussion about any ancillary orders or any points of
34 clarification that may be sought, but balancing that with

1 the other considerations I have set out about the nature of
2 this case, in the end, there are just too many concerns I
3 have that the interests of the fair administration of
4 justice and the dignity and integrity of the Court could be
5 compromised by a broadcast of the sentencing.

6 It may well be that having a camera in the
7 Courtroom and broadcasting proceedings is a good idea in
8 the right case. There may be constitutional issues that
9 have to be decided. But given the circumstances of this
10 case, including that it is a sexual assault case with
11 victims who were children at the time of the offences, it
12 is not the right case.

13 In all the circumstances, the Court is not
14 prepared to grant the relief that is requested by the
15 applicants. The application is dismissed.

16 All right. Is there anything further that needs
17 to be discussed?

18 MR. ROITENBERG: I don't believe so.

19 MS. MCDUFF: I don't think so.

20 MR. SOKALSKI: No, thank you.

21 THE COURT: Thank you very much, counsel, for
22 your thorough arguments in submission.

23 Now, Mr. Roitenberg and Ms. McDuff, we need to
24 have some further discussions about a few matters related
25 to tomorrow.

26 MS. MCDUFF: Yes.

27 THE COURT: I understand we need to change
28 Courtrooms to do that.

29 MR. ROITENBERG: We've been advised, so we'll see
30 you there.

31 THE COURT: So we'll be transferred to 411. And
32 do counsel have a copy of the transcript from the
33 proceedings? I want to just talk about the publication ban
34 and -- if you don't have a copy, I can send one down with

1 Madam Clerk.

2 MR. ROITENBERG: I don't have a copy.

3 MS. MCDUFF: I don't have one either.

4 MR. ROITENBERG: I've listened to it on the --

5 THE COURT: Okay.

6 MR. ROITENBERG: -- COMS but I don't have a copy.

7 THE COURT: All right. Well, I'll, I'll just
8 bring it down with me, then. All right? Thank you. Good
9 morning.

10

11

(PROCEEDINGS CONCLUDED)


CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 17, are a true and accurate transcript of the proceedings recorded by an approved sound recording device, subject to revisions made by The Honourable Judge Carlson upon review.



VELMA DOERKSEN
COURT TRANSCRIBER

CERTIFIED COURT TRANSCRIPT
FROM THE OFFICE OF
TRANSCRIPTION SERVICES UNIT


TRANSCRIPTION SERVICES UNIT