

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

- against -

RITCHIE SINCLAIR

* * * * *

P R O C E E D I N G S

BEFORE THE HONOURABLE MADAM JUSTICE M. GREENE
on MARCH 5, 2012
at TORONTO, Ontario

Courtroom 503, College Park

* * * * *

APPEARANCES

N. STORTINI

Counsel for the Crown

A. INGVALDSEN

Duty Counsel for the Accused

MONDAY, MARCH 5, 2012

MS. INGVALDSEN: And sorry, sir, what's your name?

5 **THE ACCUSED:** My name is Sinclair. There was a motion here this morning with regards to a surety.

MS. INGVALDSEN: Yes, come forward, sir. Regarding Mr. Sinclair, I don't believe he's on our docket but I do have a message from counsel, Michael Strathman, and Mr. Sinclair has been here all morning. So I'm not certain if Madam Clerk can enlighten us.

10 **CLERK OF THE COURT:** There is no Info before the court.

15 **THE COURT:** We do not have the Info. What I am going to suggest is that he goes to the front desk and find out when his matter is up next to be spoken to.

THE ACCUSED: Yeah, we just got a notice this morning at eight a.m. saying they're suddenly gonna adjourn for the trial next Friday -- next Monday.

20 **THE COURT:** The Crown gave you a notice?

THE ACCUSED: Um, the police showed up to give me notice.

25 **THE COURT:** Do you have the document that the police showed up with?

THE ACCUSED: I don't, I wasn't at home. They showed up after I left, so my roommate called.

THE COURT: Do you know what it said?

30 **THE ACCUSED:** Yes, it said that, uh, a complainant, uh, had asked for an adjournment because he's gonna have heart surgery and, uh, uh, and therefore - and

R. v. Ritchie Sinclair

I want to oppose it because, you know, it's - prejudices me. And my lawyer can't get here so suddenly; he's in court elsewhere or something, so.

5

MS. INGVALDSEN: Yes.

10

THE COURT: Here is what I am going to do. Ms. Stortini, it seems like this has arisen from your office, that there has been a Crown or a police adjournment application. Since the police cannot bring adjournment applications, I am going to assume the Crown filed an adjournment application with this gentleman. Sir, would you mind waiting a little bit and at the break Ms. Stortini will look into this file and find out exactly what is happening?

15

THE ACCUSED: Thank you kindly, Your Honour.

THE COURT: Thank you, sir.

20

COURT REPORTER: Your Honour, could I just have him give his first name?

THE ACCUSED: Ritchie - R-I-T-C-H-I-E.

COURT REPORTER: Thank you, sir.

25

THE COURT: Thank you, sir. And who is counsel for Mr. Sinclair?

MS. INGVALDSEN: Michael Strathman.

THE COURT: Okay.

MS. INGVALDSEN: And counsel's message says essentially what Mr. Sinclair said as well.

30

THE COURT: Alright, wonderful.

UNRELATED MATTERS DISCUSSED

U P O N R E S U M I N G :

R. v. Ritchie Sinclair

5
10
15
20
25
30

MS. STORTINI: With regards to Mr. Sinclair, could you come before the court? I was able to talk to my colleague, Michael Callaghan, and I received a brief. It is true that he was served this morning with regards to an adjournment application. The trial is scheduled for March 12th and 13th, and on the 12th that's when we will be dealing with the adjournment application. So if he could return on March 12th.

CLERK OF THE COURT: Sorry, what was the name again?

MS. STORTINI: And it is correct, it is medical reasons with regards to the complainant; they were having a procedure done and I think the procedure was done today.

CLERK OF THE COURT: Can we please have the Information?

MS. STORTINI: We don't have the Information, there's no Information.

CLERK OF THE COURT: Thank you.

THE COURT: I do not mean to be difficult..

MS. STORTINI: Yes.

THE COURT: ...but one would have thought that there would be a huge benefit to everyone if the adjournment application was addressed prior to the trial date for a couple of reasons. One, is that there is a two-day trial set for it.

MS. STORTINI: Yes.

THE COURT: So we could vacate those dates and maybe fill them up. Two, so that Mr. Sinclair and

R. v. Ritchie Sinclair

his lawyer are not preparing for a trial date that was not going to go ahead. And three, so that there could be some certainty on all parties' behalf, because I am not quite sure what the Crown was planning, to show up the day of trial with the adjournment application and no complainant there. I mean, it just sort of seems that -- I know that it was not you who filed the adjournment application but I do question the soundness of the judgement associated with bringing it the day of trial in these circumstances, in particular because it is two days of court time being used. Is there an assigned Crown?

MS. STORTINI: Yes, there is. Her name is Minoos, I believe it's Alipour is her last name. Alipour.

THE COURT: Alipour.

MS. STORTINI: Yes.

THE COURT: Alipour, alright. Sir, I am going to excuse you because you are obviously not required here today. Your trial date for the 12th still stands. Madam Duty Counsel, would you perhaps call his lawyer...

MS. INGVALDSEN: Yes.

THE COURT: ...and suggest a discussion with Ms. Alipour so that perhaps the Court can be told ahead of time if those dates need to be vacated and Mr. Sinclair is not needlessly worrying about a trial date coming up, and we can address some of that prejudice beforehand.

MS. STORTINI: And I'd just like to advise that Ms. Alipour doesn't even know about this as it was

R. v. Ritchie Sinclair

brought this morning and she's not in the office even. So it's not....

THE COURT: So the officers did it..

5

THE ACCUSED: Mm hm.

THE COURT: ...is that what happened? Alright.

Perhaps if you can leave a note for Ms. Alipour. Mr. Strathman can call Ms. Alipour, and something can be done for the trial. That would be really helpful, I suspect, for everyone. Sir, we will see you back on the 12th.

10

THE ACCUSED: Thank you, Your Honour.

THE COURT: Okay, thank you, sir.

15

THE ACCUSED: Best to you.

* * * * *

20

25

30