

Nichols Gravel Limited

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July 16, 1999

Ontario Provincial Police,
Simcoe, Detachment,
Highway #3, West,
Simcoe, Ontario

Attention: Inspector Norman Denckert

Dear Sir:

This letter of request to investigate, has been provoked by recent events concerning our appeal of the decision of Justice, John Cavarzan, of August 23, 1996.

My previous lawyer, Mr. Paul Amey, had agreed with the Defences' lawyer, Mr. Haney, that the Appeal hearing would be held February 12, 1998 at General Division Court, Hamilton,

Through some curious screw up this date was deferred by a court clerk named "Darren". The reason given to my new lawyer, Mr. Paul Brooks, was that the Defense had not filed the necessary papers at mid January 1999 from the filing date of our Factum for Appeal, November 4, 1998 and that this "Darren" fellow would not force them to file.

When I returned from a Florida holiday at the end of January, I received this information which provoked my letter to the Attorney Generals' Office requesting that this matter be investigated, as I had a concern as to what happened to our due process of Law. Find letter enclosed. In response to this letter, I received a snotty letter from one Diane Dougall advising me to consult my Solicitor if I was concerned that the Courts were in error. No comment such as the matter was being looked into and would be properly addressed. The message I received from this response was, "Piss off and don't bother us". At this point I am beginning to take exception to the attitude of the Police, the Courts, the Judges and this excuse for a Justice System of the Ministry of the Attorney General.

But the best part is yet to come. Shortly after receipt of this letter, the courts informed of a new court date for June 3, 1999. On June 3 the three Justices upon entering the court room and sitting down, announced, quote, "We did not receive the transcripts", unquote. My lawyer Mr. Brooks stood there in what appeared to be stunned disbelief as he was speechless. The Justices mumbled something to the effect, quote, "We have the appeal books as reference, proceed Mr. Brooks", unquote. At that point I was astounded that the Justices continued to hear an appeal to which they had not previously looked at the transcript of the trial in reference to the appeal that they were about to hear. Part way through my lawyers' presentation a request was made to reference, and one of the five volumes was handed to the Justices by my lawyer. My impression of the hearing was that the Justices were not interested in hearing our appeal. Their only interest was to protect and defend the decision of Justice Cavarzan. Shortly after the lunch break there was about a twenty minute recess, the Justices returned to the court and dismissed our appeal quoting Justice Cavarzans' Reasons almost word for word.

Now I have found that upon a request from Mr. Haney, of the Defense, to my lawyer, Mr. Amey, and with his consent, without any discussion with myself this case was transferred from the Ontario Court of Appeal to the General Division Court, Hamilton. My new lawyer, Mr. Julian Falconer, has recently informed me, that this case was misdirected and the appeal was heard in the wrong court. So the horror story continues. First we get a flawed and biased decision from Justice Cavarzan which we have confirmed was based on false testimony and documents. Then we request an O.P.P. investigation into the allegations of conspiracy and perjury which has spun for six months, and then we are informed that Crown Attorneys Aitken and Swanson refused to file Criminal charges. We have lies and deception in O.P.P. Police reports, we inquired through Freedom of Information for the final reports and amazingly, there are no reports or they are not available from O.M.P.P.A.C. See Detective Constable Scot's letter.

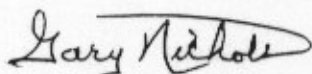
My concern at this point comes back to the request by the Defense's lawyer, Mr. Haney, to transfer this appeal from the Ontario Court of Appeals to Divisional Court where we find it did not belong. What was the motivation for this request by Mr. Haney?

In respect to these abnormal occurrences at this Divisional Court, Hamilton, such as the deferral of Court dates and the missing transcripts which Mr. Amey confirms by letter dated May 30, 1997 had been forwarded to the courts (See letter). I hereby request a complete investigation in order to ensure that there was no manipulation, collusion or conspiracy between Mr. Haney and staff of the Divisional Court which could provide obstruction of Justice to our Company and our right to fair and equal treatment to due process of law and a further investigation to determine what happened to three copies of transcripts (15 books) sent to the Divisional Court, Hamilton.

1. Did the transcripts arrive at Divisional Court? I was told by Deborah Mercer, June 3, 1999 that they never received them.
2. Why were we not informed by the Clerks Office or Registrar, when the court date was set May 5, 1999 or that the transcripts were missing (if they were missing)? See confirmation of court date.
3. Why did the Justices not inform the Registrar's Office when they did not receive the transcripts?
4. Why did the Justices instruct my lawyer to proceed and then hear our appeal without having had prior reference to the transcripts for the trial and the appeal they were about to hear? Certainly this cannot be normal procedure.

Your immediate attention to these requests would be appreciated.

Yours Sincerely,



Gary Nichols, President,
Nichols Gravel Limited.

P. S. INSPECTOR DENCKERT.

*PLEASE FIND SUPPLEMENTARY INFORMATION
ENCLOSED WHICH WAS NOT PROVIDED WITH
THE FIRST LETTER. S.I.K.*

- c.c. Commissioner of O.P.P., Gwen Boniface.
- c.c. Solicitor General, Hon. R. Runcimen.
- c.c. Attorney General, Hon. Jim Flaherty.
- c.c. Ministry Municipal Affairs, Hon. Steve Gilchrist.
- c.c. Premier of Ontario, Hon. Mike Harris.
- c.c. M.P.P. Toby Barrett.

C.C. HALDIMAND-NORFOLK POLICE SERVICES BOARD CHAIRMAN AND MEMBERS
ATT: WILLIAM HOSKINS CHAIRMAN.
C.C. CHIEF JUSTICE OF ONTARIO HON. PATRICK LESAGE.