

Nichols Gravel Limited

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July 21, 1999

Ontario Provincial Police,
3 Highway East,
Simcoe, Ontario.

Attention: Inspector Norman Denckert

Dear Sir:

This is to inform you that at 1:15 p.m. today I reviewed our file # D799/96 at Divisional Court, Hamilton. In a discussion with Deborah Mercer, Registrar, she informed me that it was her responsibility to prepare and forward the file for review by the Justices prior to hearing the appeal and apparently assumed these duties as of February of this year. I questioned if she did not notice that the red copies of the transcripts were not in the file and her reply was that she didn't take any note of it, as some of the cases do not include transcripts.

However, in going through the file, I located the letter of May 30, 1997 along with the Affidavit of Service filed by Mr. Arney which he stated included three copies of transcripts. These two documents were date stamped at the Court, 06-04-97. This would appear to confirm that if the Affidavit for Service arrived at the court, then the transcripts also arrived at the same time. See copies of these documents.

Deborah Mercer further stated that the Court keeps records on all incoming documents received by delivery and that this could be traced to confirm who signed for the transcripts as of that date.

If I can be of further assistance please call. Also note initials of Deborah Mercer to confirm these documents from Court File this date.

Yours Sincerely,

Gary Nichols, President,
Nichols Gravel Limited.

c.c. Chief Justice of Ontario, Hon. Patrick LeSage.
c.c. Attorney General, Hon. Jim Flaherty.

ATTENTION: Inspector Denckert

Please find Supplementary information not included with first letter.

1. Please find in particular copy of information taken from our file by myself after our February Court date had been deferred at Divisional Court, Hamilton. It would indicate this information was retrieved just prior to February 10, 1999 and would confirm that the transcripts were filed by "Lynn" at Divisional Court as stated in Mr. Amey's letter of May 30, 1998.

If this information is concluded to be accurate, then it is apparent that Deborah Mercer lied to me, June 3, 1999 when she stated that they never received the transcripts. I have requested as of July 15, 1999 at 11:45 a.m. at the Divisional Court, Hamilton, that our court file be returned from Toronto to the Hamilton Court so that I may thoroughly review this documentation.

2. Mr. Amey's letter, May 30, 1997, confirming mail by Courier of three copies of the transcripts to Divisional Court to "Lynn".
3. Letter of March 17, 1999.
4. Letter of response, April 23, 1999, Dianne Dougall.
5. Letter of Freedom of Information & Privacy Commission, March 10, 1999 for O.P.P. Information from December 14, 1998, request.
6. Response from F.O.I
7. Letter to F.O.I., April 23, 1999, advising to continue with appeal to O.P.P. for information requested.
8. Response from O.P.P. dated May 12, 1999.
9. O.P.P. reconstructed response from Detective Constable R. Scot
10. Confirmation from Divisional Court of Court date June 3, 1999 for Appeal.