

Divisional court appeal no.

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

v.

DEIRDRE A. MOORE

P R O C E E D I N G S A T B A I L H E A R I N G

REMOTELY BEFORE THE HONOURABLE JUSTICE M. D'AMOURS
on October 13, 2020, for an OTTAWA, Ontario proceeding

APPEARANCES:

M. Boyce

Counsel for the Crown

C. Huot

Duty Counsel for Deirdre A. Moore

Deirdre A. Moore

In Person

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LEGEND

[sic] Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) Indicates preceding word has been spelled phonetically.

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TUESDAY, OCTOBER 13, 2020

MR. BOYCE: Good morning, Your Honour. It's Mike Boyce for the Crown. I appear for the provincial Crown on the matter of Deirdre Moore.

THE COURT: Yes.

MR. BOYCE: I'm prepared, I'm prepared to proceed.

THE COURT: Perfect. So, Ms. Huot, you appear for Ms. Moore?

MS. HUOT: I do, Your Honour.

THE COURT: All right. So I think a detention centre should be aware that we need Ms. Moore now.

MR. BOYCE: And, Your Honour, at some point we'll need to confirm whether Mr. Tan is on the line from Recovery Science.

MS. HUOT: I've, I've asked - Mr. Boyce and Your Honour, I've asked him to Zoom in at present given that I would have him testify first, just because he has other, other matters to deal with today.

THE COURT: Okay.

...UNRELATED MATTERS ADDRESSED

CORRECTIONS OFFICER: Hello?

THE COURT: Yes. So we've changed the order. We need Deirdre Moore, please.

CORRECTIONS OFFICER: Deirdre Moore. Okay.

MS. HUOT: Your Honour?

THE COURT: Yes?

MS. HUOT: So Mr. Tan will, will be available in five minutes. I've indicated that we're just calling for the accused. I'm sure we can deal with some housekeeping matters with Ms. Moore while we wait for Mr. Tan. But he's indicated he just needs five minutes and he'll be on.

THE COURT: Okay.

CORRECTIONS OFFICER: Your Worship, I'll get
Deirdre Moore for you right now.

THE COURT: Okay.

CORRECTIONS OFFICER: Thank you. Just give me two
minutes.

CLERK REGISTRAR: Just to confirm....

...UNRELATED MATTERS ADDRESSED

CLERK REGISTRAR: I'm sorry. Just to confirm, I
have three informations for Moore. Is that what
you have? Three informations?

MR. BOYCE: There should be, there should be four
informations.

CLERK REGISTRAR: Four?

THE COURT: Yes.

CLERK REGISTRAR: Oh, yes....

THE COURT: So you should have....

CLERK REGISTRAR: Yes, I....

THE COURT: Oh, you have four?

CLERK REGISTRAR: Yeah. There is four. Sorry.

THE COURT: Okay.

CLERK REGISTRAR: Or actually, sorry, no. I have
the three informations. So I have 20-A9910, 20-
A10006 and 20-A8684.

MR. BOYCE: All right. There's also a matter, a
substantive matter. It's now in the Superior Court
but there should be an information before the court
concerning it and it's 19-DV5202. And that's the
original - those are the original charges dating
back to the summer of 2019.

CLERK REGISTRAR: Okay.

THE COURT: So we will need that, that paperwork.

CLERK REGISTRAR: Okay. I'll just have to contact the Crim. Div. (ph) to bring that down for me if they have it.

5 MR. BOYCE: All right. It's likely with the SCJ file, so I don't know if that makes it - in terms of who you need to contact, but that's the one thing.

THE COURT: And, Mr. Boyce, was there a bail package that was prepared?

10 MR. BOYCE: Yes. I sent it to Madam Clerk this morning to forward to Your Honour. I don't know if you received it.

CLERK REGISTRAR: Sorry. I have forwarded everything to you, Your Honour. One moment.

15 MR. BOYCE: You should have a 12-tabbed bail package from the Crown as well as two cases that I am relying on.

MS. HUOT: And, Your Honour, I sent a package and it had five attached documents to it. I sent them to the clerk this morning as well.

20 CLERK REGISTRAR: Yes, I've received everything and I forwarded them.

MS. HUOT: Thank you.

25 CLERK REGISTRAR: You're welcome. I can send them again to you, Your Honour.

THE COURT: Just a minute. Okay, I think I have that now. Okay.

CLERK REGISTRAR: Okay. Perfect.

30 THE COURT: I have three documents. Bail package. Oh, yes. All right. So I haven't heard but I just want to confirm, Ms. Moore has not arrived yet, right?

DEIRDRE MOORE: Oh, yes, Your Honour. I'm here.
Deirdre Moore. I arrived about two minutes ago.

THE COURT: Okay. So....

DEIRDRE MOORE: May I ask - so no problem. May I
ask which courtroom this is in and who is
presiding?

THE COURT: It's courtroom number 6. I am Justice
D'Amours.

DEIRDRE MOORE: Thank you.

THE COURT: Okay. Go ahead.

MR. BOYCE: Thank you, Your Honour. So Mike Boyce,
for the Crown. I appear on Ms. Moore's matter.
This matter is scheduled for a show cause hearing.
The Crown will be seeking Ms. Moore's detention on
the primary and secondary grounds and it is a
reverse onus. And Your Honour should have from the
Crown a bail brief that is 12 tabs in length as
well as two cases that I will be relying on in the
course of submissions.

MS. HUOT: Yes. Good morning, Your Honour. It's
Catherine Huot, appearing as duty counsel. I will
be assisting Ms. Moore with the bail hearing this
morning. I have received the Crown's materials. I
also filed five documents from Recovery Science and
am anticipating that Mr. Stephen Tan is also
available. Hopefully he has joined us by now on
Zoom. He is largely here to answer some of the
questions the Crown may have. I will have a few
questions as well. The materials were prepared by
Recovery Science and I just wanted to confirm that
Your Honour has had an opportunity - well, maybe
not an opportunity to review them, but have you

received them?

THE COURT: Yes, I have received them but haven't reviewed any of them.

5 MS. HUOT: That's fine. And I have received the Crown's cases. I have not provided any cases of my own. However, I will have comments to make with respect to the cases provided by the Crown, but we can wait for submissions for that.

THE COURT: All right.

10 MS. HUOT: Mr. Tan, are you on the phone?

STEPHEN TAN: Hi. Good morning.

15 MS. HUOT: Good morning, Mr. Tan. I am Catherine Huot. I am the duty counsel lawyer assisting Ms. Moore this morning. We have Justice D'Amours as well as the assistant Crown attorney, Michael Boyce and we have Ms. Moore as well.

STEPHEN TAN: Thank you.

THE COURT: Good morning, Mr. Tan.

20 MS. HUOT: So, Your Honour, given that this is a reverse onus and that part of the proposed plan is the Recovery Science ankle bracelet monitoring, I was going to begin by asking some introductory questions of Mr. Tan and then some specific questions and then leaving it open for the Crown or Your Honour to ask any questions if you have any of Mr. Tan. Is that sufficient to proceed in that manner, Your Honour?

25 THE COURT: I agree with that. Mr. Boyce, any objections?

30 MR. BOYCE: No, I am content with that, Your Honour. Thank you.

THE COURT: All right. So go ahead.

MS. HUOT: Madam Clerk, did you wish to swear in Mr. Tan or...

CLERK REGISTRAR: Yes, I will do that.

MS. HUOT: ...affirm? He would be my first witness.

CLERK REGISTRAR: Yes, I will do that. Sorry.

MS. HUOT: Okay.

CLERK REGISTRAR: Mr. Tan, can you please state your name in full for the record and spell your first and last name?

STEPHEN TAN: Stephen Tan, S-T-E-P-H-E-N T-A-N.

CLERK REGISTRAR: Thank you.

STEPHEN TAN: AFFIRMED

MS. HUOT: And, Your Honour, just prior to beginning, I'm wondering, Ms. Moore, are you able to hear us?

DEIRDRE MOORE: Absolutely. Thank you.

MS. HUOT: You're very welcome.

EXAMINATION IN-CHIEF BY MS. HUOT:

Q. So, Mr. Tan, my understanding is you work for Recovery Science.

A. Yes, Your Honour. I am a founding partner and my day-to-day role is Director of Operations.

Q. And how long have you been Director of Operations?

A. We were incorporated in Ontario in November 2009, so we have surpassed 10 years now in, in business.

Q. Okay. And have you have ever testified before at a bail hearing?

A. Yes, I have testified upwards of 500 times to bail hearing.

Q. Okay. So I provided some documents one of which was a letter authored by you dated October 9th, 2020 and I, I would call it a letter of acceptance. Do you agree you authored that document?

A. Yes, I - we don't call it a letter of acceptance. We just call it a readiness commitment letter. It's just the distinction being that we're not accepting or rejecting anybody in our program as long as the court grants bail, we will provide the monitoring for that accused.

Q. Fair enough. I, I, I didn't have a proper term for it. So letter of readiness. You prepared that, sir, and it's dated October 9th?

A. Yes.

Q. Okay. And I take it that means that you are prepared, if the court should release Ms. Moore, to, to install an ankle bracelet on her?

A. Yeah, install the bracelet, provide the, the GPS monitoring to monitor the terms on the bail relevant to, to just monitor.

Q. And have you met Ms. Moore?

A. No.

Q. And, sir, can you explain that if the court should release Ms. Moore to the ankle bracelet, can you - could you just explain how it would be installed, where it would be installed and what kind of documents Ms. Moore would have to sign in terms of agreeing to participate in the monitoring program?

A. The first step comes from the court. The court determines if the accused can require that the bracelet to be installed at the detention centre before being released.

I, I would say about 25, 30 percent of the time, that is the case. The other times, the court will grant the accused to be released into the community first with a window of time such as 24, 48, 72 hours to have the bracelet installed at the residence. So we can do either.

Q. Okay. And I understand that given that Ms. Moore is currently in detention, many of the participation agreement and paperwork will need to be signed by her, correct?

A. Yeah, at the time of installation.

Q. Okay. And, sir, if she chooses not to sign any of those agreements, would you proceed with the ankle bracelet?

A. No.

Q. So I understand there is a participation agreement, correct?

A. Yes.

Q. And a and I guess a payment agreement.

A. Yes.

Q. And my understanding, sir, what is the cost to install it?

A. It is \$250 if it is one of the, the major cities where we have technicians, which includes Ottawa, Montreal and Toronto.

Q. Okay.

A. With some travel costs if it's away from those cities.

Q. Okay. Well, she's at the Ottawa-Carleton Detention Centre so I take it the installation fee would be \$250?

A. Yes.

Q. Okay. And thereafter, depending on whether she's legal aided - legally aided or not, there's a

differential in terms of the monthly amount, correct?

A. Yes. The full amount is \$540 per month and then the two reduced rates are if someone is on Legal Aid, that the total pledged on the bail, for instance the sureties
5 pledging a quantum on the bail of 50,000 or less, we reduce the fee to \$450. And then if the total in fact is 5,000 or less, we reduce it to \$360 and so these are just two objective criteria we use to try to identify financial need.

Q. Okay. And so if I understand correctly if
10 the court agrees to release Ms. Moore and they want the bracelet installed at the detention centre, you would have a technician attend with the documents, have her sign and then install the bracelet, correct?

A. Yes.

Q. Okay. And so she could have an ankle
15 bracelet installed on her and GPS monitoring right when she leaves from the jail?

A. Yes.

Q. Okay. Do you - you're aware, sir, and it's
20 indicated in that letter of readiness that you authored that the planned address of release would be the Montreal - the Ottawa Inn, and it's 215 Montreal Road, correct?

A. Yes.

Q. Sir, so are there any limitations in terms of
25 GPS monitoring when someone's proposed address is a hotel room?

A. There is. Only because the GPS works from
the, the satellite view down. So imagine looking at Google
Maps and seeing a GPS point. We would know vertically where
they are, if, if there are multiple levels. And so we can
30 solve this in a residential high-rise situation by placing a
beacon or a transmitter, different words for it, inside the
apartment unit and that will pair with the radio frequency

function of the GPS bracelet. So how that works is the person approaches the apartment building, GPS will show that the wearer goes to the building, they go inside the building, and then as they approach the beacon inside the apartment unit, it will sort of capture the radio frequency signals letting us know that that bracelet is now within range within the vicinity of that unit. That doesn't work so well with the treatment centre and maybe it doesn't have to because in a treatment centre, there is likely more movement. A person is not confined to their actual room, for instance, program activities, et cetera. And so we would be left monitoring the building itself, the, the zone around the building. So the person could be anywhere in the building or just outside the building.

Q. So would you be able to monitor, for instance, if Ms. Moore had a curfew. For instance, she had to be inside her room by eleven o'clock. Are you able to monitor whether or not she is within that hotel at that particular time?

A. We would be able to monitor that she is within the inclusion zone. So when I talked about the, the building. If she in fact - she is required to be inside her room and there's no reason to be outside of the room, we could still solve that situation with the beacon. However, the beacon requires one of two things. One is a landline, a land telephone line that is - that calls directly out, there's no calling 9 or, or pushing a button. So that's one criteria. Or a internet router, so it pairs with the internet router because it - the data station requires a method of communication to be able to relay the data.

Q. And most hotels, you would agree with me, Mr. Tan, don't have a landline *per se*. You usually have to dial a

number, an additional number, in order to get out on that hotel line, correct?

A. I think so.

5 Q. And would - if, say for instance, there isn't the internet - what did you call it?

A. The router.

DEIRDRE MOORE: Router.

MS. HUOT: Q. Are you still able to monitor within a particular radius of the hotel itself?

10 A. Yes. So without the beacon that I mentioned, the, the default is just the GPS technology. So imagine looking on Google Maps, seeing the building and a circle around the building and....

15 Q. What is that circle? Do you know what, what it is....

A. That's the - yeah, so that's the inclusion zone.

Q. Okay.

20 A. And so as long as the GPS was inside that inclusion zone, the system would show that the wearer is inside the residence, in, inside the zone.

Q. And then....

25 A. And when that GPS point falls outside that zone, that lets us know that the person has now left the residence.

Q. And what is the inclusion zone in terms of metres or kilometres? I'm not sure.

A. The, the standard size is 200 foot radius.

Q. Okay.

30 A. So from the centre point to the perimeter, outside, would be 200 feet and we, we could customize it if needed. There, in some cases, we've reduced it to 60 feet for

a small property. But for a larger property, we would usually use the 200 feet. And the reason is because we have to have a degree of confidence that's also the margin of error so that when we see a point outside the zone, the person has actually left the zone versus a person being actually still inside the unit, the building, in what we call a GPS drift. And so that at some points will escape the building. It's not always going to be lined up inside the four walls. It's going to escape and we want to capture those. But we, we don't want those generating false alarms.

Q. So are you confident that if we set up a GPS monitoring, you would be able to have an inclusion zone that in a sense could notify you whether Ms. Moore is inside the Ottawa Inn by a curfew of 11:00 p.m.?

A. Yes. However, because of the size of the zone, if she is outside the building, still inside the zone, that would detect her as still being abiding by her curfew. She would still be inside the inclusion zone.

Q. Up to....

A. Now....

Q. Sorry, go ahead.

A. One other point on that. If there is any allegation that she is outside the, the zone, so somebody saw her outside, we could still look at the qualities of the, the, the specs on those GPS points that show it outside the building, still inside the zone. So just like any crime scene correlation that's far away from the building, we could actually look at those points to say well these points indicate that she was actually outside the building, still inside the zone, versus these points are outside the building but these are area points.

Q. Okay.

A. Just as, just as the - in general, if the points are inside the, the zone, nobody is really looking at them because we assume the person is inside the residence.

5 Q. Okay. In terms of an - that, that would deal with the curfew. In terms of any concern for instance that Ms. Moore might leave the City of Ottawa, for instance, can there be an, an inclusion zone that would cover the size of GPS monitoring let's say outside of the City of Ottawa? So would you get an alert, I guess, that she would be outside of the
10 City of Ottawa limit? Could we create an inclusion zone the size of the City of Ottawa limit?

A. Yes.

15 Q. Okay. And what about, what about a larger scale? Are you able to also set up an inclusion zone that for instance would cover the province of Ontario?

A. Yes.

20 Q. If, if there was a concern by the court or the Crown that Ms. Moore would leave the country, can there also be created inclusion zones that would include, I guess, the country of Canada?

A. Yes. We've never done one for the country of Canada because by that time they're - they've left the country. Unless it's more they - so we could do exclusion zones for airports. I mean, that, that's something that we do.

25 Q. Excellent. And talk - speaking of exclusion zones, if there was a particular address in a zone that was around that address where Ms. Moore would not be allowed to attend for instance a specific address of 122 - 1244 Lampman Crescent, could you create an exclusion zone around that
30 particular residence such that there would be a notification if she were within that zone?

A. Yes.

Q. Okay. And what is the ability of creating multiple inclusion zones and perhaps multiple exclusion zones? Are you able to create more than one zone?

A. Yes, for both.

5 Q. Okay. And in terms of coverage of these - of the monitoring, is it something that's set up on a schedule or is it 24 hours a day, seven days a week?

A. So the monitoring is 24/7.

Q. Okay.

10 A. So we currently monitor 450 people on GPS bracelets.

Q. Okay.

A. And the thing in common with all 450 people is simply that their location is tracked and recorded.

15 Q. Okay.

A. So never mind all these specific restrictions, just that the bracelets are acquiring GPS points and saving those points.

Q. Okay.

20 A. The next layer of the monitoring is where we customize each person's profile specific to the individual terms on their release order. And so we've programmed triggers into the system in the form of zones and schedules that detect that the accused is where he or she is supposed to be. So for
25 instance, a 24/7 lockdown is a starting point. The person cannot leave the inclusion zone for any reasons at any time, there would be a 24/7 schedule attached to that one. And then, whatever exceptions from there, so for instance, a curfew and the accused can leave outside of curfew hours. Possibly
30 leaving the residence but remaining within Ottawa. So we would, we would monitor that the accused has not left Ottawa but has, you know, freedom of movement during - outside of

curfew hours. Or this 24/7 zone and there's other restrictions that we check in real time when we get the inclusion zone order.

Q. Thank you. In terms of violation alerts, can you describe to the court how (a) you become aware of a violation and (b) how that violation is communicated to the local enforcement agency, in this case the Ottawa Police Service?

A. Imagine of the 450 people we're monitoring it's midnight, everybody's at home sleeping so there's no reason for anybody at the monitoring centre to actually look at the GPS points, we could at any point in time click on a person's name and see the GPS points for that person. Similarly, the officer in charge is offered access to the system, can also do the same at any time. So doing, in the old days, doing physical door knocks at a residence. This new way, to be able to login on a laptop or a smartphone and checking the person's real time location. So we can do that at any time. But in terms of the alerts, we've programmed these triggers into the system to let us know when potential violations are occurring. Some violations will be automatic violations, so for instance, do not attend 50 metres or 500 metres of the alleged victim's address. There's no reason to be in there, we would call the police right away. And therefore the inclusion zone alerts will check to see if there are any exceptions for instance the accused has left the residence to go to court. That wouldn't be a violation.

Q. Okay.

A. In all of these alerts that we receive, we treat them as potential violation unless we have objective information that lets us know that it's not a violation, therefore it is a violation and we escalate that to the police.

Q. Okay.

A. By default, we call police communications to report the violation. Also at the beginning of the monitoring when we reach out to the officer in charge, we'll ask the OIC, 5 are there any other instructions you would like us to follow where they call police communications. For instance, the OIC might say call my cell phone first, if you can't reach me call another officer and if you can't reach anybody, call communications or call 911 or - and sometimes the specific 10 instructions are written in the release order itself.

Q. Okay. Is this - in your documentation, Mr. Tan, I think you refer to this as case-specific protocol. Is that, is that correct? That's something you would set up with the investigating officer?

A. Yes.

Q. Okay. And I guess the last question I have for you would be how, how does GPS monitoring, I guess, sort of increase supervision of an individual?

A. Well, it's case by case. So it's like in the 20 very beginning why I didn't agree with the term of the acceptance letter, we leave that for the court but the, but the way that we designed the program is to have, number one, to have an objective structure on the bail. So versus an accused released into the community on bail with house arrest 25 restrictions and is not being monitored, that accused you can imagine might leave the residence at 3 in the morning and go undetected or go detected as a surety and the accused says, mom, you know, don't call the police, nobody would know. So in our system, the accused knows he or she is being tracked so 30 that violations are detected automatically and reported to the police automatically by us. And so the thinking behind that program is that because the accused is aware of it, therefore

he or she is less likely to take risks, knowing that the violations will be detected, therefore having an impact on client behaviour. And if that doesn't work then we go to detection so that the event is detected and the police are made
5 aware.

Q. I have no further questions for you, Mr. Tan. Thank you very much for your time. I'm, I'm sure either the Crown attorney, Mr. Boyce, or His Honour, Justice D'Amours, may have questions for you.

10 MS. HUOT: Thank you, Your Honour.

THE COURT: Mr. Boyce?

MR. BOYCE: Thank you.

CROSS-EXAMINATION BY MR. BOYCE:

15 Q. Good afternoon - or good morning, Mr. Tan.

A. Good morning.

Q. I have just a few questions for you. I have reviewed your material and I think a lot of the questions are answered there. But just a few points I wanted to canvas with
20 you. So first of all, in terms of Ms. Moore specifically, you indicated you had not met her, correct?

A. Correct.

Q. And essentially, you don't have any particular information about the details of her charges or of
25 her personal circumstances, is that fair?

A. That's correct.

Q. Okay. And so as I understand the materials that you've provided in support of this technology, you are offering this GPS monitoring as a service but you make no
30 comment as to whether it's appropriate in this particular case. You leave that to the court.

A. Yes, and in this case and all of our, all of

our cases.

Q. Okay. Okay. Now, one of the documents that you provided sets out some of the costs and as I understand it to date as you testify here and now your company hasn't
5 canvassed Ms. Moore's ability to cover the cost of this technology. Is that fair?

A. That's correct.

Q. Okay. So in terms of the documentation that she has to complete, the acknowledgements that she has to make,
10 those are all going to come after this hearing, if she's released, is that fair?

A. Yes.

Q. Okay. In terms of the GPS anklet itself and I know you've testified on many occasions, you agree that the,
15 the anklet can be removed with a pair of essentially household scissors, is that fair?

A. Yes.

Q. Okay. And you were talking about the way the monitoring works and the way it'll work will be communicated
20 from your company to the police. You indicate that currently there are 450 people that are being monitored on, on your company's technology?

A. Yes.

Q. And how many people are tasked with
25 monitoring the GPS technology or receiving alerts should there be one in your company?

A. Well, the first layer - so it occurs in I'll call it three layers, three tiers. So the first layer is that it's done by the computer system. So of those 450 people, data
30 is pouring in, being uploaded from those bracelets to the computer servers via the cellular network, constantly all day long.

Q. Right.

A. And like I mentioned, when something happens, that's when an event is triggered. That's when [indiscernible] looks at it. So that first layer would then be the monitoring
5 centre, potentially depending on the type of alerts. So there's, there's two tiers after that. It's the monitoring centre which is 24/7, this is in Middleton, Colorado, which is the company that manufactures the bracelet and the software, so they're very familiar with it. That's why we chose them for
10 the monitoring centre. And there's also in Ontario, Recovery Science, so at least one on-call person handling escalations and high priority alerts. So the function of the monitoring centre, which is fully staffed 24/7, three staff members, eight-hour shifts around the clock, doesn't matter if it's noon
15 or midnight, 3 in the afternoon, 3, 3 in the morning, we, we deal with it the same. So their role is really to parse through a lot of information because I don't want to be doing that. I want to know when, when something is idle, that's when I want to jump on it. And so for instance, in the case we've
20 got a house arrest with the exception to leave the residence with a surety, then we have a step with a surety to complete a voice verification test. We want the monitoring centre to be able to parse through a lot of that information because people are leaving throughout the day that are permitted to. And so
25 what will happen is from, from there, if there's a high priority alert such as someone, as you mentioned, cutting off the bracelet, as with someone going into an exclusion zone, those are important because there's a potential victim in the exclusion zone. And so that happens two ways, actually
30 potentially three ways. So the, the computer system will deliver that alert automatically to Ontario, to Recovery Science. The same time it delivers that alert to the

monitoring centre, it potentially at the same time delivers that alert to the officer in charge if he or she wishes to receive those alerts directly from the system, independent of us manually calling the police. So the OIC on the case could
5 say, I don't want to know all of the low battery alerts, but I want to know if this accused cuts off her bracelet or enters an exclusion zone. So I, I can be on it right away, immediately. And so for those alerts, the monitoring centre becomes a backup. So we get the alert, the monitoring centre will then
10 call Ontario and say have you, have you - are you aware of this alert? We'll say we are, they'll stand down. If we don't pick up that phone call, they'll send an email through an escalation email that will generate a siren on our end. And in the email, they'll look for a reply and if we haven't replied, they will
15 then call the police. So there's a few levels of redundancy for, for - as a safety net. And then for inclusion zone alerts, same thing but they will do the initial vetting of the, of the data and then if something doesn't add up they can't stand down on the alert, they'll then escalate it to Ontario
20 again. So the, the difference being for the high risk alerts, it goes from are you aware of it versus the inclusion zone alerts or the battery alerts, the lower priority ones to escalate it to say, you need to be aware of this. And so the timeframe of all of that, so how it all comes together is that
25 everything happens in terms of reporting to the police forthwith. It's not immediate. Time is a factor. So with high risk alerts, we call the police within five minutes or the tamper alert, cutting the bracelet off, or the exclusion zone alert, call the police within five minutes. And then for
30 someone leaving their residence, leaving that inclusion zone because there may be exceptions, that takes a little bit of time to look at what exceptions exist, have they been, have

they been met, that's within 15 minutes, we'll call.

Q. Okay. So depending - and that's assuming that's within five or 15 minutes of someone receiving the alert from your company, correct?

5 A. That's from the start of the event.

Q. From the start of the event. Okay. So assuming everything goes perfectly, it's between five or 15 minutes that your company will notify the police?

A. Yes.

10 Q. Okay. And obviously, you can't comment on the police response time beyond that. You, you provide the notification or a phone call to the police, how long it takes the police to respond is not something that you can comment on.

A. Yes, that's true.

15 Q. Okay. But you, you acknowledge in your, in your material that this technology should not be relied on in terms of rapid response. In, in other words, if there's a need to prevent a breach or detect a breach immediately, people should not be under the notion that, that this technology can
20 achieve that. Is that fair?

A. Yes. So the second part of that is equally important and if - the purpose of it, right? So it goes hand in hand with us saying that it's not a prevention tool, it's a risk management tool. So obviously I mean it's very clear,
25 just as you mentioned, we call the police. Even if they - if the police showed up within minutes, it doesn't take long for an accused to be in a car and, and you know not being detected. The bracelet's still at home, they're in a car. It'd probably take 30 seconds for that to happen. So no police will be there
30 to prevent that or stop a breach right, right at that time. That's why it's not a prevention tool. So if it could, we, we would say that. But because of - it's based on information, on

deterrence, it's everything else but that. So therefore, we call it a risk management tool. So that the court therefore can then weigh, you know, what it does, what it doesn't do. But not relying - not releasing somebody based on the
5 expectation that it, it would be able to stop somebody from fleeing or committing an, an offence.

Q. Right. I understand. And one of the - when you talk about the, the risk management function of the technology, one of the most important or one of the pillars of
10 that from your company's perspective is the, is the notion of the terms. The notion that if somebody is wearing this ankle monitor knowing that there's a risk of detection, that that person would be hopefully less likely to, to be non-compliant. Is that fair?

15 A. Yes.

Q. Okay. So in that sense, obviously, the technology or the success of the monitoring tool, I guess I should say, is dependant to a large degree on whether the individual is, is able to be deterred. Fair?

20 A. Yes, I agree.

Q. Okay. And to a certain extent as well, you'd agree that the, the viability of the system in terms of monitoring does depend to a large extent on the, the honesty of the accused person.

25 A. I don't think - so I disagree with that. I, I mean, you, you put a dishonest person on the monitoring and the statement that you made previous to this question would apply. Honest or, or dishonest, it's - it keeps them honest. Right?

30 Q. Okay.

A. So, so it - yeah. So it's not, it's not the honesty of the person. If, if the person wants to continue

their bail on the program or just continue their bail in general, it sort of forces them to be honest specific to their conditions.

5 Q. Okay. I understand your point. And so I guess my suggestion is going back to the deterrence point, if somebody is prepared to risk the consequences of non-compliance, then that obviously limits the effectiveness of the, of the monitoring. Is that fair?

10 A. Yes. So I would say therefore the deterrence did not work for that accused.

Q. Right.

15 A. And at that point, then it's about detection and reporting so this person is no longer compliant with the program and therefore now we're, now we're reporting that violation to the police.

20 Q. All right. And in terms of detection, as I understand it, and you've explained it in, in some detail, but the technology relies - or the GPS monitoring technology relies on the ability of this monitor to connect with cellular towers. Is that fair?

A. Yes.

25 Q. Okay. And so as we've all experienced in, in our lives, there's certain areas where you might find cellular dead zones. Is that something you're familiar with?

A. Yes.

30 Q. Okay. And so if someone - and it would be - and you'd agree with me just in terms of everyday technology, it's not difficult for anyone with a cellular phone to find a, a dead zone.

A. Yeah, they're - I mean I, I agree. There's - there are, there are known dead zones.

Q. All right. And if someone wearing an ankle

monitor were to go and were to locate a dead zone and from there remove the anklet, would that affect the, the, the time that would transpire before your company receives an alert?

5 A. So this is, this is where the court has a say in that. So I will agree, I will agree to that but, but there's context to it, right? So this is why - this is the importance of the letter because we know as a starting point, the home base is not a dead zone. So we know we're getting signals from there.

10 Q. Right.

A. And therefore, the court can then craft conditions to limit the ability of the accused to roam about and seek these dead zones and, and have that sort of advantage. Right? So for instance, Algonquin Park, any you know really
15 any northern part of any province doesn't have cell towers. So that, I mean, that's one. So one way to limit that would be, okay well, you know, the inclusion zone is the City of Ottawa.

Q. Right.

A. Before - well before that accused, this
20 accused can get to a known dead zone or rural area, we've already detected that she's left the zone, we'd be calling the police. And then you know other supervisory (ph) measures that the court might impose, sometimes it's with a surety only so that there is physical supervision. Or if there's not a
25 supervision, that the person is under lockdown. So we monitor people in Ottawa under strict lockdown. The only time they can leave the residence is only to go to court, to see their lawyer and that's it. And in one case, not even to do that. Just to surrender himself in on the final return date. So these are
30 all available to the court. But of course if the court - the more degree of liberty the court grants, the more risk there is that the accused can then have advantage of these dead zones.

So if all else fails and the person does happen to go to a dead zone, instead of the tamper alert, we would get a communication failure alert, letting us know that the bracelet is now into an area where we haven't received an update in 15 minutes. That's
5 certainly enough time for the accused to have a head start which is really the same token as the accused being in their living room, cutting off the bracelet and having that 30 second head start. So if the accused is determined to remove it, they - you know, they don't have to seek a dead zone. They can be
10 just in their living room and can already have that head start. But if they go to the length of trying to get that 15-minute head start, the, the safety mechanism for alerts is to get the alert that the accused has gone into an area where they're no longer communicating. It would take some time after that
15 point, obviously, to determine why they're in the dead zone, who they're with, are they allowed to be there and certainly that's just going to add to more time of calling the police.

Q. So assuming because there are, there are dead zones even within the city, correct, Mr. Tan?

20 A. Well, you go - I mean you go deep enough underground, so - well, Ottawa doesn't have a subway system but one example I commonly use is the Toronto Subway system. So certainly if you go deep enough underground, the cell phone is not going to communicate. Not, not just any underground. So
25 for instance, Toronto has the, the pathway, it's an underground mall. So that's not a dead zone even though it's underground, you're still getting GPS points there. But maybe you go another level down, another level down, you're certainly going to lose the GPS signal.

30 Q. Right. And so...

A. There are no cellular signals.

Q. Yeah. So if someone were to go to an

underground parking garage that goes down a few levels, for example, that could potentially be a dead zone?

A. Yes.

Q. Okay. And so just so I understand your
5 evidence what you're saying is if someone goes into a dead zone, you will receive an alert within 15 minutes?

A. Yes. We'll, we'll receive an alert, and we'll look at the context of that alert because there can be many other reasons why a device is not communicating in 15
10 minutes, right? So we're not - so potentially we could call the police right away and in one case in Montreal on a, on a multi-million dollar fraud case, this alert was so important that the court required that the officer in charge get the alert directly. And I believe in this case it was actually 30
15 minutes. So if the device had not communicated in 30 minutes, the officer in charge would get the alert directly, have the authority to try to contact the accused to require the accused to attend a police station to verify that the device was still working. Or, or the person is gone.

Q. Right.

A. In this case, we've actually reduced that communication failure time from 30 minutes to 15 minutes and so that alert could go directly to the officer in charge, so that the OIC could be aware potentially this accused has now gone
25 into a dead zone, the approximate area where the accused was at the last communication.

Q. All right. But assuming that the alert doesn't go directly to the police, just for a moment, because I, I think the majority of cases that's, that's not what
30 happens. Is that fair?

A. Yes.

Q. Yeah.

A. Yeah, that's right. That's true.

Q. Yeah. So assuming it's an alert that goes to, to - directly to your company, if an individual were to go into a dead zone and take off their, their monitor, I take it you're, you're talking about doing some investigation obviously into the possible causes of that? All of that increases the, the response time I think before the police would necessarily be notified. Is that fair?

A. Yes. It's going to take at least 30 minutes.

Q. Okay. All right. Just reviewing my notes here to see if I have anything else for you, Mr. Tan. I just wanted to understand better - and this is my fault, not yours - but when you're describing the inclusion zone and the inclusion zone would be the Ottawa Inn which is the proposed address of Ms. Moore. If I understand correctly that the standard technology that you would use in, in a, in a typical case would not necessarily tell you if she were inside the building. She could be outside the building but still within the - be within the inclusion zone, is that fair?

A. Yes.

Q. Okay. And of course and I think this is - you'll agree with me here, in terms of the GPS monitoring, while it can assist with determining the whereabouts of an individual, it does very little, if anything, to tell you about the, the activities of an individual while they're wearing the monitor. Is that fair?

A. For the most part, I mean, only where the activity is linked to geography.

Q. Right.

A. So for instance, we've had someone commit a break and - you know, alleged to have committed a break and enter, so we're not going to be [indiscernible] the actual

activity of the break and enter. I placed the accused at the location where the alleged incident happened, therefore the accused who at first denied it and then plead guilty to it knowing that, you know, there's really no way around it. So activity only as it relates to the linking it to the geography.

Q. Okay. Thank you very much, Mr. Tan. Those are all the questions I have for you.

A. Thank you.

THE COURT: Re-examination?

RE-EXAMINATION BY MS. HUOT:

Q. Just one question, Mr. Tan. So about this Ottawa Inn, if the ankle bracelet were placed on Ms. Moore and she didn't cut it off with a pair of scissors and she had a curfew of 11:00 p.m., you would be able to tell within 60 feet around that hotel whether she was in that inclusion zone. You just can't say if she's specifically in her hotel room, is that accurate?

A. Well, the, the typical zone is actually 200 feet. Sixty feet would actually be a really small property. So we, we would use the specific zone of 200 feet.

Q. Oh, okay. Because the hotel is probably larger.

A. So it's not that we couldn't tell if we actually looked at it. I mean if I looked at the GPS points, I could tell. If I look at it...

Q. Okay.

A. ...just at like a random check at midnight. This GPS point is inside, this GPS point is outside.

Q. Okay.

A. In terms of relying on the system to tell us in terms of the alerts, it wouldn't generate an alert if she

was within the, the inclusion zone.

Q. Okay. But if the officer in charge, for instance, wished to monitor her GPS location at 11:00 p.m. every night, would he or she be able to tell if she were within that inclusion zone?

A. Yes, with, with some - so two ways, with some training. Right? So or, or what OICs have done is they would call us and say can you have a look and we will cooperate at any time. So this goes towards deterrence, right? Because then the accused doesn't know that the OIC is calling every day. And likely, the OIC is not calling every day. But knowing that the OIC could be looking at these. The accused must know, look, even if I'm outside, I'm not scot-free. It could still be analyzed after the fact.

Q. Thank you. I don't have any other questions. I'm not sure, Your Honour, if you have any.

THE COURT: I have no questions. Thank you.

A. Thank you, Your Honour.

THE COURT: Thank you.

MS. HUOT: Thank you, Mr. Tan. Ms. Moore, I just wanted to check in with you to make sure that you are still able to hear everything?

DEIRDRE MOORE: Yes, I can. Thank you very much.

MS. HUOT: Okay. Your Honour, it's 11:55. I propose to call Ms. Moore as my next witness. I'm not sure if anyone in the courtroom is in need of a break. I don't know if you had a morning break or if you're just rolling from one hearing to the next? Just asking Your Honour and Mr. Boyce if we could proceed or if you wish to take a break or where we're at?

DEIRDRE MOORE: Well, may I suggest for one moment

please, I don't know how this works but I do have assignment court scheduled for 1:00 p.m. this afternoon with Mr. Savage in Superior Court.

THE COURT: So who is speaking now?

MS. HUOT: That was Ms. Moore.

DEIRDRE MOORE: This is Deirdre Moore.

THE COURT: Okay. So....

MS. HUOT: I think she's just advising Your Honour.

THE COURT: All right. So how long do you anticipate to be, Ms. Huot?

MS. HUOT: Probably about 20 minutes.

MR. BOYCE: I might be mistaken, Your Honour, but I don't see an assignment - it wouldn't be an assignment court appearance for Ms. Moore because there is no assignment court today. I'm just looking at the file that's in the Superior Court. I don't see an appearance listed.

DEIRDRE MOORE: There was an application for *amicus curiae* brought by Malcolm Savage on September 25th and at that time I believe assignment court was scheduled so that we could schedule the JPT as well as the trial. Amicus - oh wait, here it is - Megan McMann (ph) would have the details. Being incarcerated is very difficult for me to keep track of all of the information but I did write down October 13th at 1:00 p.m. It's scheduled for some point so if it's not this afternoon then I, I can't tell you. Perhaps you can, Mr. Boyce.

MR. BOYCE: I have, I have that appearance listed as November 13th on my file.

DEIRDRE MOORE: I believe that to be incorrect. I believe it is supposed to be scheduled prior to a

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CAS hearing that I have for November 10th. I'm not sure why assignment court would be scheduled out, out six weeks given the alleged charges have been outstanding since July, August 2019. Our previous assignment court was held on September 4th. It's scheduled within, right away, a JPT for September 11th. At that point, both - at that point, I was able to schedule a bail application which was to be heard on September 22nd and Mr. Savage scheduled an *amicus curiae* application to be heard on September 25th, however, because of my unexpected arrest for breach that allegedly occurred in March on September 19th, my September 22nd bail application did not move forward and this bail hearing basically took over.

20
MS. HUOT: Ms. Moore, I've texted Ms. McMann and I can certainly make inquiries about whether there is a court appearance today at 1. At this point, I, I'd just like to get from His Honour whether he wishes to continue with the bail hearing. I'm prepared to call Ms. Moore right now. Or do - if the staff wanted a break. I'm just looking for direction.

25
CLERK REGISTRAR: I'm sorry to...

THE COURT: Okay.

CLERK REGISTRAR: ...interrupt. Sorry. I do have the remand here for November 13th for assignment court at 1:00 p.m.

30
DEIRDRE MOORE: My apologies, Your Honour. I, I had it written down for October. Okay then. There's no time restraints.

THE COURT: Okay. So let's proceed.

MS. HUOT: Thank you, Your Honour. So if Ms. -
Madam Clerk, if Ms. Moore can be sworn or affirmed?

CLERK REGISTRAR: Yes, of course. Ms. Moore, can
you please state your name in full for the record
and spell your first and last name?

DEIRDRE MOORE: Certainly. Deirdre Ann Moore. My
first name is spelled D-E-I-R-D-R-E.

CLERK REGISTRAR: And your last name?

DEIRDRE MOORE: Moore, spelled M-O-O-R-E.

CLERK REGISTRAR: Thank you.

DEIRDRE MOORE: AFFIRMED

CLERK REGISTRAR: Oh, sorry.

MS. HUOT: I was [indiscernible]. I'm back.

EXAMINATION IN-CHIEF BY MS. HUOT:

Q. Good afternoon, Ms. Moore. You can hear me?

A. I can. Thank you.

Q. Thank you. So we're here to discuss whether
or not you can be released, Ms. Moore. We're not here to
discuss the allegations before the court. Do you understand?

A. I do. Thank you.

Q. So you were arrested on the most recent
charges I believe September 19th?

A. Correct.

Q. And you are having a bail hearing today?

A. Yes, thank you.

Q. You have no criminal record?

A. No, that's correct.

Q. Okay. And if you were released, Ms. Moore,
you would live at the Ottawa Inn, is that the plan?

A. Yes. And I actually phoned them this morning to ensure that they had availability and they said there was a lot of vacancies.

5 Q. All right. And so - and that I believe is at 225 Montreal Road?

A. I believe it's 2-1-5...

Q. Ah, yes.

A. ...Montreal Road, postal code K-1-L-C - I might have to look at that.

10 Q. Okay. So 215 Montreal....

A. K-1-L, yeah, it's 6-C-8 if I recall correctly.

Q. And have you stayed at the Ottawa Inn before?

15 A. Yes. That was the agreement and I, I stayed there from February until March 31st. So they facilitate monthly rent. They offer a lot of subsidized housing to people given the current situation and so it's very affordable. They offer monthly rent which is far cheaper than having to pay daily and they also offer free Wi-Fi. And there's also
20 surveillance so I like the fact that there's a 24-hour desk operating with always someone behind it as well as surveillance cameras.

25 Q. So, Ms. Moore, would you agree to a condition where you must reside at the Ottawa Inn unless you get - unless you provide written notice in advance and to the officer in charge and get permission of the court before you move?

A. Absolutely.

Q. All right. So in other words, you can't move unless the court approves a new residence.

30 A. Yes, I understand completely, and this is one of the most affordable places to live on an interim basis. I can't anticipate moving unless it was to a shelter. But

there's not a lot of space in women's shelters. I did receive a referral to the Carling House on Baseline Road. It was recommended to me that, you know, it's free and I should look into that. So I may look at that, but I fully understand the need to advise the officer. That was the arrangement I had last summer as well on the provincial matter that was [indiscernible].

Q. In addition, Ms. Moore, to having to actually advise the investigating officer, you understand that you would need like a court agreed change to your bail conditions if you were to move somewhere else? Are you prepared to abide by that?

A. Most certainly. So not just permission from the officer. I would just bring an application to request a change in my bail condition.

Q. Correct. And you would agree not to move until such condition was varied?

A. Absolutely, yes. And I, I - with the [indiscernible] in February of 2020, actually, on February 26th. So I'm very familiar with the process.

Q. Excellent. So in terms of the ankle bracelet, you've heard Mr. Tan testify, correct?

A. Correct.

Q. And you're willing to pay for the ankle bracelet?

A. Yeah, absolutely.

Q. And you have funds to pay for the ankle bracelet?

A. Yes, I do. Because the complainant did not pay the court ordered support from March until July 28th of 2020, there's I believe the amount is \$6,700 that's waiting for me. I was actually in the process on September 18th, the day

before my arrest, speaking with the individual in charge of the Family Responsibility Office in Toronto and he was just awaiting a direct deposit form so he could deposit that outstanding overdue payment directly into my account. So that should be, you know, I can pay for the installation with cash on hand and I should be able to pay the monthly fee from that lump sum.

Q. And you understand that you, when you agreed to participate in the ankle bracelet program that you're, (a) you're agreeing to keep it on. Do you agree?

A. Absolutely.

Q. And you understand that when you sign this agreement that you're authorizing Recovery Science to have - to communicate and cooperate with law enforcement 24 hours a day, seven days a week?

A. Yes, and actually I welcome it because as Mr. Tan stated, it's an objective agreement versus a subject agreement that which are created by bail houses and supervisory plans where you, you know abiding by other rules that can change based on subjective opinions of an individual. I, you know, I, I'm an analyst. I love the objectivity of this program. And I know the rules up front. There's no opportunity for misinterpretation or anything changing. And 24/7 doesn't both be at all.

Q. The Crown is going to have some concern that you remain within the City of Ottawa. Are you going to have any difficulty remaining within the City of Ottawa save and except for certain exceptions which I will get to in a second, but generally speaking, do you have any objection to remaining in the City of Ottawa?

A. No, I have no objection at all. My only challenge is obtaining my luggage, which was apprehended by

police in St. Catharines upon my arrest. I'm not sure, honestly, where it is right now. Someone has my computer and, and five suitcases. All of my wardrobe, luggage, office attire, et cetera. And so I have no problem - I mean I would love if
5 someone could, you know, just send that to me. Or at least if it's there the police can ship it up to Ottawa Police Services here even the facility called Swansea and it's, it's a local storage facility for, for belongings of people who are, you know, arrested, apprehended, incarcerated. So anything over and
10 above a basic backpack is removed and sorted at Swansea facility in Ottawa. In order for someone to pick that up, they must present the case number as well as ID. So my ability to send someone or to ask FedEx to go to Niagara Falls and pick this up, I mean I'd rather not pay the 5-, \$600 for courier but it would
15 cost me the same to drive there and pick it up myself. So, yeah, I can go shopping I suppose and buy a new laptop and, and new clothes and my stuff can remain in Niagara Falls. But that's the challenge. I'm really looking for guidance on how I can appease the court with respect to my staying in Ottawa but
20 re-acquire all of my possessions.

Q. Perhaps that's something that could be left to sort of if there were any exceptions to leaving the City of Ottawa in may be such, Ms. Moore, where you're either going to have to get that specific condition added by coming to court.
25 Would you agree to do that?

A. Yes, sure. I, I have no problem. You know, I can easily survive with bare minimum for a couple of weeks in time to, I guess, submit an application. It's difficult to get information when you're here at OCDC so I mean the first step
30 would be me, once I'm out, making the call to Niagara Police and just finding out, you know, where are my belongings. And then I can find out what their procedure is for releasing belongings.

And I could come up with a solid plan after that. That wouldn't be a problem.

Q. Or, perhaps, would you agree to a condition where you're not allowed to leave the City of Ottawa save and except if you have a pre-approved, pre-approval from the officer in charge with a specific itinerary and timeline? Would you also agree to a condition of that sort if that were permissible?

A. Oh, for sure. I mean, I've been - I've have a lot of contact and business contacts throughout Ontario. So it's very easy for me to, you know, print a map and make the time required and whether it's, you know, train, plane or automobile, identify the time and cost, et cetera. That would be simple to do.

Q. Would you - do you have a Canadian passport, Ms. Moore?

A. I do.

Q. Are you currently in possession of that passport?

A. It's currently I believe in my possessions here at OCDC.

Q. Would you agree to deposit that passport with the investigating officer immediately upon release?

A. Sure. I mean, that's not a problem.

Q. All right. And would you agree, Ms. Moore, to a condition where you were compelled to attend all of your court appearances personally, mind you that being virtually these days, would you agree to a condition where you were to attend all of your court appearances personally?

A. Absolutely. And I, I don't believe I ever missed one. Even when I was out of the country.

Q. You have not been charged with any failing to attend court, is that correct?

A. Not that I am aware of. I still have not seen the arrest report from St. Catharines and Niagara Falls, but I'm going to order the transcripts. I, I thought in, and again, you have to appreciate that when I was attending court for this most recent arrest, it means getting handed a telephone through a hatch and so it's kind of difficult to see what's going on, but I thought I heard - I thought the arresting officer as well said I'm being charged with a failure to appear in May. And I don't believe there was an appearance in May. So I, I really haven't seen the charges most recently but as far as I know there's three alleged breaches in Provincial Court that - but they are charges, not the arrest. So I, I would really like to see the arrest report from, from St. Catharines, Niagara Falls.

Q. Your understanding is that you haven't missed any court appearances?

A. That's my understanding.

Q. And in fact...

A. I know that....

Q. ...Ms. Moore, prior to your arrest on the 19th, I believe you attended assignment court on September 4th, correct?

A. Correct. So assignment court was scheduled for September 4th. I also had two family court hearings the previous week. So I had one - two family court hearings on August 27th and another hearing - assignment court for the CAS file against - with the complainant on the - sorry, so the 27th and then the 28th, and there was criminal Superior Court assignment court on the 4th which scheduled - sorry - which scheduled the JPT for September 11th and heard by Justice Parfett. I don't have my notes with me so I'm just - this is just recall. Justice Parfett heard it on September 11th and that's where the two applications were scheduled for September

22nd, my bail application. And September 25th, the *amicus curiae* application. So...

Q. [*Indiscernible*].

A. ...there's been multiple hearings.

5 Q. And so you attended those virtually, I guess, on the 4th and the 11th, correct?

A. Correct. From - I was in curfew in Toronto border patrol when I crossed over from Niagara Falls. My plan was actually to drive back to Ottawa, but they insisted I be
10 detained for two weeks in a facility run by the Canadian Red Cross in Toronto. And it's only because of that that I ever ended up in St. Catharines.

Q. So, Ms. Moore, you also, my understanding is, filed bail review materials, correct?

15 A. Yes. I had - actually I managed to serve on the Crown and file with the court all of my bail application materials on, on the 18th, which was the deadline as the, as the hearing was scheduled for the, the 22nd. The Crown did not file any materials. I was waiting to see what they would be on the
20 Monday. The Crown stated that they hadn't prepared any. But unfortunately, because of my arrest the day after I served and filed my materials, was denied bail, and I was prevented from preparing my own materials for the September 25th *amicus curiae* application.

25 Q. So, Ms. Moore, do you intend to participate in your criminal charges? Do you intend to engage in this process?

A. Well, I'm, I'm actually seeking legal representation. Currently, my application for Legal Aid is under review from my criminal matters. They have gone ahead and
30 issued a certificate for my CAS matter and I have hired Cedric Nahum. He's already received the continuing record as well as other materials from me including the 2018 provincial lawyer

report suggesting sole custody awarded to me. So the - my CAS lawyer has already been hired and he's offered to also represent me on the criminal file. I call as often as I can from OCDC to Legal Aid Ontario, most recently on Friday, and they said it was
5 still under review. I have also gotten a referral for another law firm which if I'm denied, for whatever reason, Legal Aid for my criminal matters, apparently they, they go the extra mile for, for, for the accused to convince Legal Aid via appeal to provide funds.

10 Q. Thank you.

A. I mean if I can't - oh, sorry. If, if I can't, if I can't get a lawyer - I mean, I went through this in Quebec last year. I was wrongfully accused of flight from peace officer and although it took six weeks, I did defend myself and
15 we successfully argued that I was not guilty and what the judge found in that situation was I almost didn't need a defence because I didn't even meet the tests for flight from peace officers as I wasn't fleeing and I had no criminal intent. So if I've got to go - my intention is if I've got to go through
20 that process for all this without legal representation, I, I've done it successfully before. It doesn't make me nervous but I, incarcerated, I have no access to a *Criminal Code* and the Crown is up to seven charges in Superior Court and now they've got three alleged breaches in provincial court. I need a copy of a
25 - like a current *Criminal Code* to review all of the tests associated with each of these alleged crimes in order to be properly heard by the court.

Q. Thank you, Ms. Moore. So my understanding is you're prepared to - are you prepared to abide by a curfew?

30 A. Absolutely. I...

Q. 11:00 p.m.?

A. ...I'm working - yes, I work hard 24/7

basically to, to deal with this divorce and with the CAS file. So I'm usually home by 11 anyways. You could even make it 9 if you want to. That doesn't bother me at all.

5 Q. I understand, Ms. Moore, that at present there is no access to your children, correct?

A. No, I have not seen my - I have, I have been denied access since February of 2019.

10 Q. So, Ms. Moore, would you agree to a condition where you were only ever to have access to your children with the CAS approval or pursuant to a family court order made after today's date?

15 A. Well, absolutely. They, they haven't been permitted to hear my voice since February because of the non-communication order that was, that was granted by the court based on the allegations by the complainant who I'm trying to divorce, they got this non-communication court order put in place. I haven't even been permitted to send a birthday card.

Q. You have counsel now, Mr. Nahum, correct?

A. Correct.

20 Q. And so if he were able to negotiate some kind of supervision with Children's Aid Society, would you agree to a condition where you are only to have contact if the Children's Aid Society approved of that access and what - under whatever terms they propose? Are you prepared to follow those?

25 A. Well, well absolutely and, and that's, that's the court order. He - so the, the April 8, 2019 court order that I've been accused of, of violating - the first crime I was accused of committing was violating this April 8th court order.

30 Q. But we're not going get into - we're not going to get into that....

A. Okay. Sorry. But, but in that order, it already falsified that I would have been able to communicate by

phone via the complainant answering the phone or a supervised visit according to CAS rules. So that's already in place and I was abiding by all of that.

Q. All right.

5 A. So, so I have no problem with that. I never, I never broke that rule.

Q. Okay. Okay. So, so you agree with that condition?

A. Yes, absolutely.

10 Q. Thank you. And you agree not to attend within 250 metres of 1244 Lampman Crescent?

A. Correct.

Q. And would you agree to absolutely no contact, directly or indirectly, by any means with Jonathan Kiska?

15 A. Absolutely.

Q. Okay. What is your current employment?

A. Well, I left the employment world in 2002 when I started my own company, AdvisorOnTrack, which following the receipt of a contract from National Bank Financial in Quebec, I incorporated it federally. My company was called - is called 20 AdvisorOnTrack Inc. and I worked for myself earning revenue through that company solely from 2003 until 2015 when the divorce proceedings began. In 2016, I decided I wanted to start up a non for profit...

25 Q. Okay.

A. ...and incorporated a firm called The Coaching Inc. and I have been basically building out that business model in between incarceration since the fall of 2015, reaching out to healthcare providers specifically the Ottawa Hospital, Mental 30 Health Commission of Canada, all sort of places. And basically, so I've been networking, writing, collecting evidence, doing research with respect to the fragility of mental health, women

in abused relationships. Technically, I haven't actually earned any money from that OCTEVAW, which is the Ottawa Coalition to End Violence Against Women. She offered to purchase some of my I ordered swag, t-shirts, things like that. So she offered to
5 purchase some swag to help fund my attendance at the domestic violence conference in Nova Scotia which was scheduled for I believe it was March, earlier of this year. So I have - you know, it's like any start up business, it takes a lot of investment and time and money before you actually become
10 profitable. And I went through this with AdvisorOnTrack. I probably didn't make - I didn't turn a profit for a couple of years until it became, you know, profitable. And the complainant and I both billed through my company, AdvisorOnTrack Inc. for that period of time. So to make a....

15 Q. Did you work?

A. Yes.

Q. You're not making....

A. So sorry to make - so right now I have no income. However, the financial responsibility office when they
20 agreed to Ontario Works because I wasn't receiving the court ordered support, they agreed to help me further my business initiative and I gather they have the resources to do that. And so I still intend to pursue that not for profit initiative.

Q. So right now your income is from Ontario Works
25 and, and support, correct?

A. Well, well - okay, so here's the thing. There hasn't - there wasn't any support from March till July.

Q. You're getting payment for that, correct?

A. I believe I am and that's what's going to pay
30 for the bracelet. But because I hadn't - because I had not received anything after quarantine, when I came out of the quarantine in the beginning of September, I phoned Ontario Works

because I hadn't received a dime and I had no money and I was living in the WYCA, not living, I was a guest there. I was not a resident there. They accepted me as a guest. After the quarantine ended and the - one of the women operating that house said you should call Ontario Works, they'll be able to help you. So because I hadn't received any income or revenue or spousal support and because my bank accounts had been drained, et cetera, et cetera, they did their analysis and they agreed to provide me with not only the, with the accommodation. It's not much, it's around \$750 a month but they agreed to provide me with that and the bed and furnishing. Well, it was at that point, after they agreed to all that, then I called FRO and that's when I found out there was actually \$6,700 there. And Ontario Works said because it's only - because it's only - I mean the court ordered support is only 1,200 a month. So because that only tallied up to, to less than the \$10,000 asset test that Ontario Works uses, she said you can still get our monthly support, we'll help you get prescription glasses, et cetera, et cetera, and you can still keep - we're not going to dock you for that 6,700 from FRO because we have a \$10,000 limit. So that's where it ended on September 18th. I was in the process of submitting to FRO my...

Q. Ms. Moore?

A. ...direct deposit form. So that they could...

Q. Ms. Moore?

A. ...give me my 6,000. And I was in the middle of coming up with logistics on, on - okay, how does this Ontario Works work? As well as anticipating a favourable bail application which would have addressed this whole living situation...

Q. Ms. Moore.

A. ...on the 22nd. Sorry. It's very complicated.

Q. Yeah. I just want, I just wanted you to let me know if you were going to have funds to be able to pay for the ankle bracelet and your rent when you're released.

A. Oh, absolutely. Because - yes.

Q. That's all I need.

A. If you don't - okay, I apologize.

Q. It's okay. But you realize that if you can't pay for the ankle bracelet, not only is the bracelet going to be removed but you are going to be back in jail, you understand that?

A. I, I do actually. And I brought that up with Cedric Nahum last week. I was explaining, okay, I can do all this and because the CAS file [*indiscernible*] and he basically said well, you know...

Q. Ms. Moore?

A. ...with three months of compliance under your belt, we can put in an application, you know...

Q. Ms. Moore.

A. ...if required but - yes?

Q. Ms. Moore?

A. Mm-hmm.

Q. We're not going to get into solicitor-client privileged conversations with Mr. Nahum...

A. Oh, I apologize.

Q. ...okay? Okay. That's all right. Your Honour, those are all my questions.

THE COURT: Thank you. Any other witnesses?

MR. BOYCE: I have some questions for Ms. Moore, Your Honour. If the...

THE COURT: Yes, sorry.

MR. BOYCE: ...court permits?

THE COURT: Yes. Go ahead.

MR. BOYCE: Thank you.

CROSS-EXAMINATION BY MR. BOYCE:

5 Q. Good afternoon, Ms. Moore. It's Mike Boyce speaking for the Crown.

A. Good afternoon, Mr. Boyce.

10 Q. Good afternoon. I just have a few questions for you and I'll start with just the, the last area Ms. Huot was asking you about your finances. You indicated that the money to pay for the, the bracelet is going to come from this \$6,000-and change payment from the Family Responsibility Office, is that right?

A. Correct.

15 Q. Okay. But as I understand it, you don't, you don't have that money yet, do you?

A. I don't have that money because I was arrested, Mr. Boyce.

Q. Okay.

20 A. As I was submitting my direct, direct deposit form. So I already went through the process of starting up a new bank account and I wanted to clean everything up financially, so start from zero and track the payments. And it's also my understanding, again I haven't had access to my email, but the - I believe it's Justice Pamela MacEachern who
25 denied my application to amend the interim financial support for a better reflected a fair payment since the complainant earns between 200 and 300,000 a year, the 1,200 a month is a little unfair and so I had submitted my materials for a notice of motion, an urgent notice of motion, to have that amount changed.
30 Now, although, for some reason she thought my situation wasn't urgent and refused my motion materials. Last time I checked my emails, Mr. James Law of the trial coordinator's office was

seeking dates and times where a case conference could be heard to force the complainant and I to use the Financial Responsibility Office. Just as way of background, in 2019, he actually provided payment by - he, he sent his 1,200 a month by e-transfer but then he just sort of stopped doing that in 2020. So what, what Justice Pamela MacEachern was going to do was try to prevent this avoidance of the court ordered support by forcing us to use the Financial Responsibilities Office. Now, once that happens - and I, again, I don't know if it went ahead without me or if it was scheduled or anything and there were four settlement conferences in this divorce file so I'm actually not sure how technically a judge can schedule a case conference. But if that's been scheduled then not only will the 6,700 be there, but then the - and even though it's only 1,200 a month, that should be going directly through the office and at that point then the 750 from Ontario Works would go to zero. I already had this conversation already. So basically until, until the complainant starts paying the monthly support, I have Ontario Works who have agreed to provide me with the 750. Now, if worse comes to worse, I would get a part-time job. I mean, I shouldn't need to, of course with Covid it's challenging to, to get a job these days. But as I understand it, once I'm released I can apply for a \$2,000 a month subsidy through the government. I haven't needed to, but I hear that's available. So I mean if it doesn't work I'll have to obviously come back to OCDC but there's, there's a little I can do in my own defence, especially if Legal Aid is denying me the right to a defence counsel.

Q. As I understand your answer though, Ms. Moore, as it stands right now, the issue of how much support you'll receive from the complainant, that's something that's still being litigated. That's, that's essentially what you're telling us, right?

A. No, I wasn't telling you that at all.

Primarily what I'm saying is because I was arrested on the 19th, the day after I submitted by application materials to review my bail conditions, because I was arrested on an alleged breach
5 that apparently occurred in March, I haven't actually seen my email for several weeks and I don't know what has occurred in family court, as there's no way of me knowing. So what I'm saying is based on the conversation that I had with the officers and employees of the Family Responsibility Office of Ontario and
10 Ontario Works that they have funds for me and they also I believe there's some support services here in Ottawa that I believe Ontario Works can refer me to so that if I can't afford to pay the, the rent at the Ottawa Inn, they could probably get me into a woman's shelter, especially given my situation, and
15 then - because I've been self-representing in civil, criminal and family CAS court for well over four years. I have no problem submitting that application to the court arguing that would you please change my bail conditions, change my living quarters from the Ottawa Inn to a woman's shelter because I
20 simply can't afford to keep, keep both the bracelet and the luxury of living in a hotel until I get someone in Family Court to agree to, to permit me to bring my notice of motion to change the interim support to a more reasonable level. I also, Mr. Boyce, you should be aware that the matrimonial home at 1244
25 Lampman, where Mr. Kiska is currently residing, it's at - I own half of it. My name is on a deed. So I actually received leave from Justice Julie Audet in 2018 to sell that matrimonial home. So if, you know - so there's a lot of ifs here now. You know, so if I'm denied - and I am a Chartered Financial Analyst, so I
30 can project sort of things. If I anticipate running out of money so that I can't afford the office - the ankle bracelet, I would simply, simply submit an application to the court

requesting, on the criminal side, requesting my bail conditions be changed so that I can move into a place like a woman's shelter. Hopefully not the Shepherds of Good Hope. But if required, I will do so. I will simultaneously bring a motion in family court to have the matrimonial home sold. That's the one I've been accused of B and E, and I would have that sold and that would, that would obviously pay for not only my ankle bracelet but perhaps to hire a proper defence attorney.

Q. Okay. Thank you, Ms. Moore.

A. You're welcome.

Q. Just in terms of your living situation earlier this year, the address you're proposing to live at if released is the Ottawa Inn on Montreal...

A. Correct.

Q. ...Road, correct? And you lived at the Ottawa Inn earlier this year in, in February, is that right?

A. Well, I'm glad you brought that up because I mean and again I haven't seen any of the Crown's disclosure.

Q. Okay, you - sorry. Can you just confirm? I'm just asking if you were, you were living in February. That's all - not - nothing about the disclosure, just when you last lived at the Ottawa Inn.

A. Okay. So I was paying monthly. So I paid - I had arrived there I believe January 31st, I paid for one night and then I negotiated monthly rent or, or they offer it anyways so I paid my rent from February 1st to February 28th and then on February 28th I paid my rent for March 1st to March 31st and then mid-March I realized there was a great marketing opportunity to meet with other, other Ottawa parents for March break and I, I went on a holiday in Cuba. And I believe the alleged breach is dated for March 30th saying, you know, I wasn't living in Ottawa anymore. So I actually - so and then of

course Covid happened I believe about the third week of March and then after that, well, I mean I'll save that for the, the hearing for my alleged breaches because there was no stipulation on that in the previous release order from J.P. Lauzon that I
5 was not permitted to travel.

THE COURT: Ms....

A. And so....

THE COURT: Ms. Moore?

A. Yes?

10 THE COURT: I believe you've answered the question.

A. Thank you.

MR. BOYCE: Q. Thank you. And just to confirm, Ms. Moore, after you left the Ottawa Inn in mid-March, you never did return back there, did you?

15 A. Well, well no. Again, I - I can go - I don't have the, I don't have the specifics of the correspondence between myself and John Howard Society at that time. I look forward to that, to presenting that to the court at trial.

20 Q. All right. And I'm going to suggest to you, Ms. Moore, that you were - you had contact with the police in, in Niagara in September, last month? Correct?

25 A. Yes. I actually went to the St. Catharines office. I don't have the exact date. I believe it was September 8th and that I went to file a police complaint against Mr. - your colleague, Mr. Savage. But the process in filing a police complaint in St. Catharines is quite different. You just call someone at dispatch and they send an officer to speak to you. Well, to my surprise, several hours later, instead of the officer coming to speak to me about my, my police complaint, he
30 arrested me for some, some warrant for my arrest out I guess it's the one outstanding from, from March. Interestingly, he - the only piece of his police report that I have claims some sort

of mental health thing. So you know one of the things I'm going to do at the JPT for this is for general production orders. I guess I have to order a copy of the video that showed me entering the St. Catharines police station on the 8th. I guess there's phone records stating that I was trying to submit a police report, because that would show that the statement and Officer - Constable Tennant (ph) remarked saying he attended a mental health matter, you know, are, are false.

Q. Ms. Moore? I don't have any questions....

A. I'm sorry. What other....

MR. BOYCE: I don't have any questions generally but I have just a very specific question that I'm, I'm going to ask you, okay?

A. Certainly.

Q. So it doesn't, it doesn't depend on whether, you know, whether you went to the police or they came to you. I'm simply going to suggest to you that on, on September 8th at some point you had a conversation with a police officer, Officer Tennant (ph), and you indicated that since March 2020 you had been living out of hotels and that you were running from the corruption within the Ottawa Police, the Ottawa judicial system and the Ottawa Child and Family Services. I'm going to suggest to you that you told Officer Tennant that on September 8th.

A. Well, Mr. Boyce, you can suggest really anything you like...

MS. HUOT: Ms. Moore?

A. ...I didn't take notes of it. I was arrested.

MR. BOYCE: Q. Do you agree with me?

A. I don't know what this has...

THE COURT: Ms. Moore?

A. ...I don't know what your question has to do...

THE COURT: Ms. Moore?

A. ...with, with this bail review.

THE COURT: Ms. Moore?

A. Yes?

THE COURT: Ms. Moore, can you hold on a minute?

Ms. Huot, we couldn't hear what you were saying.

MS. HUOT: No, I know. I was trying to suggest -
I, I'm not sure where Mr. Boyce is going with this
question but if this is at all dealing with any
evidence that would be used at a future breach
trial at all I would urge Mr. Boyce to stay away
from any questions that might illicit incriminating
answers from Ms. Moore at the bail hearing.

MR. BOYCE: Right. So, Your Honour, just in
response to that, Ms. Moore is not charged with
failing to appear in court. She is charged with
failing to reside at an address approved of by her
bail supervisor. But my question there's no,
there's no issue that she was in Niagara, she
acknowledges that. I want to put to this witness a
question that goes directly to the primary grounds
which is her concern about being in the City of
Ottawa. It has nothing to do with her specific
address in Ottawa or anything of that nature. But
I'm going to suggest or I'd like to suggest with
the court's permission, to the witness that she
spoke to the police officer and made comments that
give rise to concerns that I'll submit Your Honour
should have on the primary grounds about her
remaining in Ottawa. Irrespective of notifying of
a particular address.

MS. HUOT: Your Honour, based on, on Mr. Boyce's
explanation, I, I'm going to retract my objection.

5 I just wasn't sure and it's difficult through Zoom to know exactly where he was going with that question. And so if it, if it's simply about addressing that insular issue on the primary ground, I don't think I have any cause to object at this point.

A. I'm sorry. Mr. Boyce, can you ask your question again? Can you - maybe - specifically, what would you like to know?

10 MR. BOYCE: Q. Sorry. We got cut off. My connection cut off part way through as well, Ms. Moore, so I'll just ask it again and I, I think I missed part of your answer in any event. So I'm going to suggest to you then on September 8th you told Officer Tennant that you had been living at a hotel
15 since March 2020 and that you were running from the corruption involved with the Ottawa Police Service, the Ottawa judicial system and the Ottawa Child and Family Services. Do you agree that you told Officer Tennant that?

A. I don't remember the specific wording, but I
20 haven't been running from anyone. This reminds me of Quebec last year when they accused me of flight from peace officer and the judge said, well, you - how could you have been fleeing? You stopped at every stop sign. You never broke the speed limit. You - I was just looking for a safe place to stop. Now,
25 I would argue that letting everyone know where I am via my website which I'm sure you're aware of, pfi.rocks, which basically details my daily activity as well as, you know, all of my interactions with Mr. Savage, the Crown prosecutor's office in general, the CAS, yeah, I'm trying to coordinate events with
30 the CAS as well as the complainant's lawyer. I don't believe the....

THE COURT: [*Indiscernible*]. Ms. Moore. Ms.

Moore, I have to...

A. Yes?

THE COURT: ...interrupt a little bit.

5 A. Well, no, you know, I - for the record, I
would like it to show that the Crown is preventing me from
providing an answer to his question which is now down to one
sentence. I will say I do not believe that going to a travel
agency at St. Laurent Shopping Centre and requesting a one-week
holiday in Cuba and letting everybody know where I'm going,
10 including my bail supervisor, is called fleeing.

THE COURT: Okay. Thank you.

A. Or running.

THE COURT: Okay.

A. Thank you.

15 THE COURT: Thank you.

MR. BOYCE: Q. So I understand that's your
explanation, Ms. Moore, but I'm just asking whether you recall
saying to Officer Tennant....

THE COURT: She answered that.

20 MR. BOYCE: Okay.

THE COURT: She answered that. She doesn't recall.
Right?

MR. BOYCE: She doesn't recall. Thank you.

25 MR. BOYCE: Q. I'm going to suggest to you, Ms.
Moore, you also during a psychiatric assessment in February
told the doctor that you believe that the judicial system was
corrupt, does that - do you agree that you would have said
that?

30 A. Do I agree that I would have said the judicial
system is corrupt? No, I don't believe I would have said that.
No, because I don't believe the judicial system is corrupt. I
worked at Justice Canada for two weeks. Do I believe that the

current judicial system is challenged? Absolutely. Do I believe that there are individuals who hold certain roles within the judicial system who should be relieved of their duty based on their ability to - well, we'll just leave that aside for now.

5 But absolutely. Like in any profession, there are great teachers, there are lousy teachers. And in the judicial system, I would argue that there are - it is the same sort of balance between those who are dedicated to upholding the system of justice and those who are not. So perhaps I said something like
10 that and perhaps the psychiatrist who is not familiar at all with how the justice system, the law enforcement system or the correctional services systems work, perhaps the psychiatrist summarized my five-minute explanation of why I'm so frustrated with this process by saying, you know, she's saying it's
15 corrupt. I mean, the, the report from the Royal Ottawa, the very first paragraph has three errors of fact and only four sentences. And three of them are factually incorrect. So it's quite possible she just cannot comprehend the, the situations that I was describing to her. I mean, maybe that's what
20 happened. I have no idea.

MS. HUOT: Your Honour?

THE COURT: Yes?

MS. HUOT: Just, just if I may, if I may speak at this point. It's, it's my understanding that the
25 Crown hopes to advance an NCR hearing. So if there's going to be extensive questioning on that report, I am going to raise an objection given that that's the very foundation of a future proceeding and in my respectful submission, it's not relevant
30 to this proceeding.

THE COURT: And how is it relevant to your basis for detention also?

5 MR. BOYCE: So, first of all, in response to my
friend's objection, I can keep the question on a
more general level rather than referring
specifically to the report. My - how it's relevant
to my basis for seeking detention, Your Honour, is
that my position then in the materials that have
been filed with the court, this witness has
expressed on multiple occasions that the judicial
system as it applies to her is corrupt and that, I
10 submit - I will submit feeds directly into whether
the court can have confidence that this accused
will feel compelled to follow any direction from
any court whatsoever.

15 THE COURT: Okay. Next Question?

15 MR. BOYCE: Q. All right. So the last question
I have for you, Ms. Moore, is that as it, as it applies to you,
the judicial system, as it applies to you and your
circumstances both in family court and criminal court, I'm
going to suggest to you that you've expressed on several
20 occasions that you believe the system is corrupt. Do you agree
or disagree?

A. Well, before I answer that question, I would
like - are you familiar with s. 657.1 of the *Criminal Code*?

25 Q. It's not...

A. Where....

Q. ...it's not my job to answer questions. I only
ask them.

30 A. Oh, okay. Well, okay, then I'm going to put my
answer in context for you so that you understand my answer. So
according to s. 657(1) which is something to do with admissible
in evidence is an affidavit regarding, (1) lawful owner of
dwelling, (2) lawfully entitled to possessions, (3) value of the

property and (4) deprived of the property by fraudulent means. So now this is something that someone, an accused, a guess to request and it's, it's interesting how, you know, four of this seven - I think it's - yeah, it's seven on Superior court, 5 right? So four of the seven allegations in Superior Court are - and I didn't want to go here into, into the allegations but four out of seven are...

THE COURT: Ms. Moore.

A. ...are crimes, are crimes against a dwelling 10 that I am an owner of. I am lawfully entitled to possession and I have been deprived of the property by fraudulent means. So I'm not sure if you recall, Mr. Boyce, but I believe it was your colleague, John Ramsay, who two weeks after my arrest, added the B and E charge and what that actually did was it forced me to 15 elect judge or judge and jury without the benefit of reviewing the *Criminal Code* at all. And so also at that point, when, when I chose judge versus judge and jury, because I wanted a judge who was familiar with not just the *Criminal Code* but also the *Courts of Justice Act*, which contains the family law rules. 20 Obviously, I am going through a divorce with the complainant as well as the *Child and Family Services Act*, and I'm dealing with the CAS. But what happened on that day also....

THE COURT: Ms. Moore - this is Judge D'Amours.

Ms. Moore, this is Judge D'Amours.

A. Yes.

THE COURT: I can understand, I don't want to put 25 words in your mouth that you've had challenges with the legal system, that's right?

A. Correct, Your Honour.

THE COURT: Okay. So, is that sufficient, Mr. 30 Boyce?

MR. BOYCE: If Your Honour feels it is then I have,

I have no other questions for Ms. Moore.

THE COURT: All right. Thank you.

MS. HUOT: No re-examination, Your Honour.

THE COURT: Thank you.

MS. HUOT: And that's all the evidence for the defence.

THE COURT: All right. Thank you. We'll have to take a break, a health break for now. What's - what's the usual break time here?

MS. HUOT: I'm in Your Honour's hands.

THE COURT: I know but I'm asking for direction.

MS. HUOT: Oh.

CLERK REGISTRAR: We....

MS. HUOT: An hour for lunch, I think, is, is commonplace or 20 minutes if it's a morning break. But it's 10-to-1.

THE COURT: Yeah. Do they break at 1? And what about the video? Is, is that going on the whole - in the morning and the afternoon?

MS. HUOT: I believe the ODCDC will make itself available at two o'clock if that's when Your Honour wishes to return, or I think whatever time Your Honour wishes to return.

THE COURT: Okay. So we'll come back at 1, I don't know if there was other matters that need to be - we'll come back at 2, sorry. We'll break for the lunch break. Madam Clerk, is there any other things that I need to address before we break for lunch?

CLERK REGISTRAR: I don't think so. I think we're good to break for lunch now.

THE COURT: Okay. So we'll come back at 2.

CLERK REGISTRAR: Okay.

MS. HUOT: Thank you, Your Honour.

DEIRDRE MOORE: Thank you, Your Honour.

CLERK REGISTRAR: Thank you, Your Honour.

THE COURT: Thank you.

MR. BOYCE: Thank you.

R E C E S S

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

THE COURT: Is there somebody on for OCDC?

CLERK REGISTRAR: I did tell them to call back in at 2. Maybe they're just taking a minute.

THE COURT: Okay.

...UNRELATED MATTERS DISCUSSED

THE COURT: I don't know who is speaking but is that somebody from OCDC? Okay.

MS. HUOT: Your Honour, I believe that was Madam Clerk.

CLERK REGISTRAR: No, it was not me, but - sorry.

MS. HUOT: Sorry.

CLERK REGISTRAR: It's okay.

...UNRELATED MATTERS DISCUSSED

CORRECTIONS OFFICER: Okay, would you like us to call back in a few minutes?

THE COURT: Who is speaking?

CORRECTIONS OFFICER: This is Officer Fallon (ph) from OCDC's female unit.

THE COURT: Do you have Ms. Moore with you?

CORRECTIONS OFFICER: I do.

THE COURT: Okay. No, we will address that matter now.

CORRECTIONS OFFICER: Okay. I will pass the phone

to her.

THE COURT: Okay. Thank you.

CORRECTIONS OFFICER: Thank you.

DEIRDRE MOORE: Hello?

5 THE COURT: All right. So hang on, Ms. Moore.
We've just got to iron out the other matters.

...UNRELATED MATTERS DISCUSSED

THE COURT: All right. So I guess there was no
other witnesses for now?

10 MS. HUOT: No, thank you, Your Honour. I'm
prepared to proceed to submissions.

THE COURT: All right.

15 MS. HUOT: Thank you. Since it's a reverse onus, I
take it that I will be proceeding first if that's
all right?

THE COURT: Yes.

20 MS. HUOT: Thank you. Your Honour, I intend to
address the grounds in order, although I believe
the Crown's main concerns rely on primary ground
and the secondary ground. I don't intend to speak
at length on the tertiary ground.

25 So with respect to the primary ground, has Ms.
Moore shown why her detention is not necessary in
order to ensure her attendance at court
appearances? So the first thing that bears
30 mentioning of course is that she has no criminal
record, Your Honour. She's never been convicted of
failing to attend court and I don't believe that
there are any allegations currently before you that
she has ever missed a court appearance. Although
she was incarcerated after her arrest in July of

2019 for a period, she was released I believe at the end of October. There have been a number of court appearances both in family court, Children's Aid Society court as well as the criminal matters. It's my submission there's no allegations or evidence before you that she's ever failed to attend any of those court appearances.

Having said that, I believe that the Crown attorney's principal concern is that Ms. Moore is a flight risk and that she may flee the jurisdiction in order to evade criminal charges. So, Your Honour, in order to address those concerns, we have put together the GPS ankle bracelet monitoring. As candidly admitted by Mr. Tan, it is not a means to prevent further crimes, that it acts as a deterrence and a tool to risk management in the community. And it's precisely for that reason that the ankle bracelet was suggested and encouraged to be implemented by the court. You can, you can tell with the GPS monitoring, Your Honour, that Ms. Moore is in and around her hotel room within a few hundred feet radius. It's not perfect; however, if she's not within that 200 feet of the hotel or presumably her hotel room, I understood Mr. Tan's evidence to indicate that Recovery Science would be notified, police would be contacted and that this would be done within 15 metres [sic], this being what we call an inclusion zone.

It was also mentioned by Mr. Tan and I would invite the court to consider the following exclusion zones

5 as part of the bail release with GPS monitoring. The first one would be, clearly, the exclusion zone of the Ottawa International Airport. I would suggest an exclusion zone around the Ottawa train station. I would also suggest an exclusion around the Ottawa bus terminal. And probably most importantly, having considered the allegations before the court, despite her presumption of innocence, an exclusion zone that would provide a radius around 1244 Lampman Crescent. Now, that's the residence that Ms. Moore is alleged to have broken into and the residence of the complainant and the children. My understanding from Mr. Tan's evidence, Your Honour, that when someone is within the exclusion zone, there is a five-minute alert whereby Recovery Science is notified and the police are contacted within five minutes. I, I stand corrected if I misheard it. That was my understanding, as it pertains to the exclusion zone, the response time is within five minutes.

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25 In addition to an ankle bracelet, Your Honour, that would have exclusion zones from the Ottawa International Airport, the train station and the bus station, as well as the complainant's residence, I would also add the condition as been suggested that she remain in Ottawa. How she deals with retrieving the belongings from St. Catharines, some of her property did travel with her, however, there is a significant portion of property remaining. That would be my suggestion, Your Honour, something that she could deal with with the

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investigating officer as well as the Crown attorney
and possibly a consent, provided there is a very
specific itinerary with a departure time, a return
time and what not. In any event, that, that's not
something I think that should be at bar. As Ms.
Moore said, she could always purchase new
materials, however, given her income I would hope
that some kind of exception could be carved.

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She is agreeing to a curfew, Your Honour. I have
suggested 11:00 p.m., she suggested as early as
9:00 p.m. and of course she agreed to deposit her
passport. And this is important. Under ordinary
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circumstances we are, however, Your Honour, in a
pandemic making travel outside of the country even
more difficult at this stage. So in my respectful
submission, given the ankle bracelet with the GPS
monitoring, the conditions to remain in Ottawa,
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deposit her passport and a curfew in place, this
plan goes a long way, Your Honour, to reassuring
the Crown on the primary ground.

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It also bears mentioning, Your Honour, that she is
not taking a significant period of jail. There has
been no failure to attend in court since July of
2019. And even while not in Ottawa, Your Honour,
and in quarantine, she has appeared in the CAS
court twice, she has appeared in a Superior Court
assignment court on September 4th, virtually, and
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appeared at a Superior Court pre-trial virtually on
September 11th. She also, Your Honour, filed
materials intending to bring a bail review

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application here in Ottawa with respect to the Superior Court criminal charges. Despite, Your Honour, any belief that Crown will suggest Ms. Moore has or corruption within our judicial system and its various actors, it's my respectful submission that not only has she not failed to attend court, she is actively participating in the criminal court proceedings and the various other proceedings in the court. She is not an individual, Your Honour, who is evading criminal proceedings. In fact, she's working on retaining counsel on the criminal proceedings and has already retained counsel on the Children's Aid Society proceedings.

She does have ties to this community, Your Honour. Not only are there ongoing court cases that are very important to her, her children reside in this community as well. Her prior form of release, Your Honour, did not strictly prohibit her from travelling, nor did it indicate she needed to deposit a passport or remain in Ottawa. In my respectful submission, with the addition of these conditions as proposed by this bail plan and the GPS monitoring that, in my respectful submission, there is no reason that Ms. Moore's bail plan does address concerns on the primary ground and that she has shown why she does not need to be detained in order to ensure her attendance in court. In my respectful submission, the bail plan satisfies any concerns the court might have on the primary ground.

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With respect to the secondary ground, is her detention necessary firstly to protect the public and in particular the complainants in this case? There are breach allegations, Your Honour, for failing to reside at an approved residence and not abiding by the rules of the Lotus House. It is very significant, Your Honour, that there are no alleged breaches for contacting the complainant or the children since July of 2019. It is very significant, Your Honour, that there are no alleged breaches that Ms. Moore attended the address at 1244 Lampman Crescent since her release back into the community I believe at the end of October 2019. In my respectful submission, there is no evidence before Your Honour that she needs to be detained in custody in order to provide sufficient protection to the complainant as there are no allegations of any breaches in that regard. For the added benefit, Your Honour, of an exclusion zone on the...

CLERK REGISTRAR: Sorry.

MS. HUOT: ...GPS monitoring.

CLERK REGISTRAR: Sorry to interrupt. I think we lost the female unit.

MS. HUOT: Okay.

CLERK REGISTRAR: Sorry about that.

MS. HUOT: That's all right.

CLERK REGISTRAR: I'm sure they will call back in if we give them a moment.

THE COURT: If it helps, Ms. Huot, I think it was only about five seconds ago. So....

CLERK REGISTRAR: Yeah, it was.

MS. HUOT: Oh, I'm not going to, I'm not going to start again.

CLERK REGISTRAR: No, no. It just happened.

MS. HUOT: Thank you. I think that everyone thinks I won't start again.

...DISCUSSING UNRELATED MATTERS

DEIRDRE MOORE: I'm sorry. This, this, this is Deirdre Moore speaking. Just shortly after Ms. Huot began her submissions regarding secondary grounds, the phone at OCDC went dead. I've only just been dialed in now.

MS. HUOT: I'm going to restart, Ms. Moore, with the court's permission just at the secondary ground argument.

DEIRDRE MOORE: Thank you.

THE COURT: Yes, please do so.

MS. HUOT: Thank you. As Your Honour knows, the test for detention on the secondary ground is sort of two-fold. The first part being is it necessary to detain Ms. Moore in order to protect the public and in particular or including the complainant. As I indicated earlier that although there are breach allegations for which she is presumed innocent, the breach allegations are for failing to reside in an address approved by her bail supervisor and failing to comply with the house rules at Lotus House and for failing to reside there. There are no alleged breaches since her release into the community and I believe that's at the end of October for contacting the complainant or for the children. A year has passed and there are no - there is no evidence to

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support, Your Honour, that she's alleged to have breached those particular conditions. In my respectful submission, Your Honour can infer from that absence of contact breaches that Ms. Moore has demonstrated an ability to comply with those particular conditions of bail. They ought to be imposed again and she ought to follow them again. But in my respectful submission, it's not necessary to detain her in order to protect the complainant in this case.

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Given that she has a lack of criminal record and a lack of history with any crimes, in particular, crimes of violence, in my respectful submission, we need not detain her in order to protect the public in general, Your Honour. An added layer of assurance to the court on the secondary ground is of course that exclusion zone that would prevent her from attending within a specific radius of that Lampman Crescent address which would add an added layer of assurance to the court that she need not be detained in order to protect the complainant.

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In my respectful submission, Ms. Moore has shown that her bail plan is sufficient and that it is not necessary to ensure - to detain her to ensure the protection of society or the complainant in particular.

With respect to her children, she does have counsel, Your Honour, for, for her CAS matters. You could, if it's possible, negotiate conditions

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under which Ms. Moore could have access to her children. Regardless, there's been no breaches alleged where she's contacted her children since her last release. She's testified to Your Honour that she would be prepared to abide by a condition, Your Honour, where she would have no contact with her children who she hasn't seen in 19 months, unless the Children's Aid Society approves of that access and under whatever constraints or conditions [indiscernible]. So in my respectful submission, there isn't any likelihood that she needs to be detained to protect her - to protect the children from her.

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What might give Your Honour some pause would be whether her detention is necessary should she - is her detention necessary as there is a substantial likelihood that if she is released, she will reoffend. I do understand, Your Honour, that there are some allegations before the court. I think it does bear in mind that she has no convictions for failing to appear. These remain allegations. Of course Your Honour need not be reminded she is presumed innocent of these allegations and is presumed entitled to bail.

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With respect to the breach by failing to reside at Lotus House, Your Honour, as you can read from the synopsis, Ms. Moore was in the process of being evicted. So whether or not she could comply with the conditions that she reside there strictly speaking, in my respectful submission, the Crown

will have some difficulty in proving that failure to comply under the circumstances. Certainly there are triable issues to whether or not she is guilty of the *actus reus* or the *mens rea* of that offence.

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With respect to the failing to reside in an address approved, obviously this case for the Crown is a bit stronger. I do find it significant, Your Honour, that she has not breached failing to report. There seems to be continuous contact with her supervisor. Again, as I indicated earlier, there were no travel restrictions. She's been in custody, also, Your Honour since September 19th to today's date. So even if she were found guilty of that particular breach, it's not likely she would stay in further jail. It's also noteworthy, Your Honour, with respect to the fail to comply, the one where she's not abiding by the rules of Lotus House in January of this year, even the charge sheet, Your Honour, indicates that upon arrest, she could be released. So I think it's important that even looking at the circumstances with this latest charge, it - the police don't even - are not even looking to detain her with respect to that breach. And again, she is presumed innocent until proven guilty and there are triable issues.

With respect to the tertiary ground, Your Honour, she has no criminal record. As indicated, there are triable issues on some of the offences but is presumed innocent and entitled to bail. Entitled to bail on the least onerous conditions. The

nature of the offences, Your Honour, are serious. I am not going to belittle that. The break and enter being the most serious allegation against her. The Crown will need to prove which indicatable offence he intends to submit upon entering her home. But those are matters that remain for trial. There was no firearm being used. The Crown - she has, was incarcerated for at least 90 days prior to her last release. It's, in my opinion, doubtful she would state any further jail. Certainly not a significant enough period of jail that one would consider her a flight risk under the tertiary grounds. And in my respectful submission, the Crown is seeking an NCR. They're not even looking at jail. Certainly, Ms. Moore is entitled to her day in court. She is not agreeing with the NCR assessment. She is not agreeing with an NCR finding. She is trying to find counsel. All that to say, there are certainly some triable issues before the court. This is not a case, Your Honour, where Ms. Moore ought to be detained on the tertiary ground. These are not the types of offences for which one would be detained having considered her lack of antecedence and the time she's already spent in jail and just the nature of the offences themselves.

In my respectful submission, Your Honour, the proposed plan addresses both the primary, secondary and tertiary grounds. Ms. Moore has indeed shown that it is not necessary to detain her on either of those grounds and that she should be released

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today. Your Honour, with respect to the two cases provided by Mr. Boyce, I don't know if Your Honour wishes him to make submissions on them or if you wish me to just address them right now. It's entirely up to you. I don't intend to be very long with respect to my submissions but I, I don't want to take away from Mr. Boyce's presentation of those cases. I can reply after, if you wish.

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THE COURT: Okay. We'll leave it to reply, I think.

MS. HUOT: Thank you, Your Honour. Those are my submissions.

THE COURT: Go ahead, Mr. Boyce.

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MR. BOYCE: Thank you, Your Honour. The Crown is seeking Ms. Moore's detention on the primary and secondary grounds. Ms. Moore bears the onus to show cause why her release is justified on those grounds. And it's the Crown's position that the crux of the inquiry for Your Honour both with
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respect to the primary and secondary grounds is whether the court can conclude that Ms. Moore will probably follow court-imposed conditions if released. And it's my position that based on the record before the court including the materials
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filed by the Crown, the court cannot simply conclude that it's probable that Ms. Moore will follow court-imposed conditions. And so it's just, Your Honour, I'm getting a lot of feedback on the line. I'm wondering if, if anyone who is not
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speaking can just mute the phone?

CLERK REGISTRAR: I believe it's just the female unit with that background noise, so Ms. Moore, if

you don't mind just muting your phone until we need to speak to you?

DEIRDRE MOORE: Okay. That - I'll have to find a way but it's probably the ventilation is pretty loud. Perhaps that's it...

CLERK REGISTRAR: Yes.

DEIRDRE MOORE: ...so I will try to mute the phone. Hopefully I don't hang up.

THE COURT: I think you can do star-six. All right. You've done it.

CLERK REGISTRAR: Great.

THE COURT: That's fine.

MR. BOYCE: Thank you. So, yes, the crux of the issue is whether or not Ms. Moore will be able to follow court-imposed conditions. I submit that the record demonstrates that she simply cannot. So the focus of my submissions will be on how the allegations before the court demonstrate Ms. Moore's inability to follow conditions. So I just want to make comments first with respect to the substantive offences that go back to the summer of 2019. First of all, the allegations that Ms. Huot points out are serious ones. They are offences committed against Ms. Moore's former spouse. They are allegations that if proven will, I think, lead a court to conclude that the featured offences committed in the presence of the teenaged children, they are essentially repeated attendances by Ms. Moore at the home contrary to a court order on I believe four different occasions between June and July, as well as repeated communication with Mr. Kiska. And the, the crux of those substantive

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allegations when Your Honour reviews the synopsis at Tab 1 is a belief on Ms. Moore's part that the family law restraining order that was in effect, that she was alleged to have breached during this period of time by attending the home and communicating with the complainant is a CAS-constructed restraining order. So it's a belief on Ms. Moore's part right from the get-go in the illegitimacy of a court order. And that's important for Your Honour to consider when determining or assessing whether Ms. Moore is likely to follow court-imposed conditions if released.

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Now, following those charges in the summer of 2019, Ms. Moore was actually detained at first instance on July the 27th, 2019. She spent some time in custody before being released after a contested 90-day detention review on October 30th, 2019. What's important to note from the Crown's prospective is that that release was to a supervised residential bail bed program, so in other words, a release that is - when we look at the bail ladder in *Antic*, it's a release that's fairly far up the ladder so to speak and despite that, despite that level of supervision, within essentially a month and a half, by early December while residing at the bail beds program, Ms. Moore begins experiencing some difficulty. And the difficulty is that she is alleged not to be willing to follow the rules of the residence. And my friend indicates that there may be some triable issues because Ms. Moore was

5 evicted and she's charged with a fail to reside.
But if Your Honour refers to the actual bail
release order, she was also required to follow the
routine and discipline of the bail bed residence.
And starting as early as early December, there are
a series of three occasions where Ms. Moore is
essentially warned for either bringing alcohol into
the residence, which is contrary to the, the rules
or for being intoxicated.

10 Your Honour will see that there is an affidavit at
Tab 9 of the Crown's bail materials which
essentially sets out this chronology of Ms. Moore
not complying with the rules of the bail beds
15 program and that is an affidavit from the manager
of that program at the time and so in addition to
that conduct that I've already mentioned. And it's
indicated in the affidavit that Ms. Moore was
verbally aggressive and threatening towards staff
20 and the TMHA and importantly, at paragraph 34 of
that affidavit, an indication that Ms. Moore had
verbalized the staff that she did not believe she
needed to follow the rules of the program. Those
are important things to consider in Your Honour's
25 assessment today as to whether Ms. Moore will
follow court-imposed conditions if released, after
spending almost three months in jail, within a
month, she is alleged to have been non-compliant
under a very strict supervised bail plan. And
30 ultimately, she was evicted and she was charged
with breaching her bail conditions on January the
28th I believe it is.

Ms. Moore then had a bail hearing on January the 31st and the Crown contested her release, and she was released with the supervision of the John Howard Society, albeit not in a residential manner and she was released with ultimately at the same address that is being proposed now. So effectively, in January of 2020, she was released on a bail plan that is one step down the ladder, I would suggest. And the result, at least in terms of the allegations before the court and I would submit that these allegations are particularly strong, that within 60 days of that release on January the 31st, 2020, Ms. Moore is again alleged to be in breach of a bail release for failing to reside at an address approved of by the John Howard Society. And my friend makes the point that during this intervening six-month period, Ms. Moore did attend court virtually, and that's true. But the point that is missed here is that she's doing that on her own terms. So in other words, in mid-March, she essential absconds from the residence that had been approved of by her bail supervisor, and this is the residence on Montreal Road where she is proposing to go again. And as Your Honour will see at Tab 5, there's an affidavit from the bail supervisor setting out some contact that she had with Ms. Moore over the intervening period between March - mostly in March, in fact, and, and not very much thereafter. What is clear from that report, that John Howard Society report at Tab 5, is that Ms. Moore's bail supervisor, Ms. Bradford, received

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word that Ms. Moore was initially in Ireland, and then [*indiscernible*] to go to Mexico, and in the statement at Tab 5, it's very clear that Ms. Bradford is indicating to the accused that the bail supervision program is not approving of her going to these places or residing at these places. That is made very clear to Ms. Moore and Ms. Moore's response was that she planned to stay in Mexico until her Irish passport arrived, and then she was going to go back to Ireland. That was her response to being told by the bail supervision program that she was not being approved to live in those various locations. So that's an important point when it comes to both the primary and the secondary grounds in looking at her unwillingness to follow the direction of her bail supervisor.

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And, in fact, what happens next is several months go by, Ms. Moore does not return to Ottawa, but she's actually arrested on the outstanding warrants from Ottawa while she's in St. Catharines. And my submission is that her statement to the police in St. Catharines are telling and at Tab 6 of the Crown bail brief, there is an interaction between the police officer, Officer Tennant, from the St. Catharines Police and Ms. Moore where Ms. Moore tells the police that she is, quote, "running from the corruption from the OPS, the Ottawa judicial system and the Ottawa Child and Family Services." And that clearly has to be a compelling and important factor when considering the primary grounds here. Notwithstanding the fact that Ms.

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Moore, on her terms, not on the court's terms but on her terms, continued to Zoom into certain court appearances through that period of time. There is no evidence that there was any impediment at that point, in early September, to her returning to Ottawa and her expressed statement to the police....

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DEIRDRE MOORE: Excuse me. I'm sorry. Just can I add in. My bank - it was the border patrol, Mr. Boyce. My intention was to rent a car and return to Ottawa. Border patrol insisted that I quarantine for two weeks and during that two-week period, my account was drained. Instead of \$1,500 in the plus it became \$1,500 in the minus, which prevented me...

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THE COURT: Okay.

DEIRDRE MOORE: ...thank you.

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THE COURT: Ms. Moore - oh, okay. Ms. Moore, you can't interrupt Mr. Boyce while he is making submissions, okay?

DEIRDRE MOORE: I apologize. It was just incredibly false.

THE COURT: Okay.

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DEIRDRE MOORE: I'm sorry, I apologize, Your Honour.

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MR. BOYCE: During this period of time, Your Honour, it's important to note as well that Ms. Moore makes no contact with the bail supervisor and that her whereabouts are not known to the authorities until she is arrested in St. Catharines in September. So between March and September, little is known by the authorities if anything as

5 to where Ms. Moore is. So the Crown's submission, Your Honour, is that at the end of the day, notwithstanding the fact that Ms. Moore does not have a criminal record, the court simply can't have confidence that if conditions are imposed, Ms. Moore will follow them. Particularly in light of some of the statements that she's made, that are referenced in the materials once again, for example, there are email chains that were ultimately forwarded to the Crown at tabs 10 and 11 where Ms. Moore states [*indiscernible*] thinks that she had intentionally violated the restraining order because it was illegally obtained, that she does not believe in the authority that the court has over her, that she believes that the Ottawa judicial system is conspiring against her and there are allegations that she is making against judicial officials, alleging that they are corrupt and conspiring with the complainant on the original substantive matter. Those facts are - those facts matter, Your Honour, in terms of assessing whether Ms. Moore is someone who is likely to follow conditions that a court imposes. This is an accused person who is expressly stating that she believes that the very system that is now contemplating her release is one that is corrupt and that she doesn't trust. And she has proven, in my respectful submission, through the allegations up to now that she is not willing to comply with court-imposed conditions. And in that context, the bail plan that is being proposed today, first of all, is a step down I would suggest from the more

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structured plan that Ms. Moore is alleged to have breached way back in January of this year the GPS monitoring system, I would suggest is only as good as an accused person's willingness to comply with it. And as Mr. Tan testified, the primary driver of success of the system is that it has its return value on the user. And the Crown's submission is that given the record before Your Honour, Ms. Moore is not someone who is, is likely to be deterred by the prospect of a breach for, for not complying or for leaving a jurisdiction.

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The GPS monitoring bracelet, as acknowledged by Mr. Tan, ought not be relied upon if the required standard is prevention. It cannot be relied upon for rapid response time. So in my submission, GPS may be a helpful edge up to a bail plan where there's a surety proposed, but that's not the case here. The plan being proposed by defence counsel is one where the GPS plan is the only component of the plan, the only component of the plan for an accused person who has already demonstrated an unwillingness to follow court-imposed conditions. And so that is why I had offered the, the two cases, *USA v. Khadr* and *USA v. Singh* and these are Court of Appeal decisions that have been followed on a number of occasions and really they just set out the argument that the GPS technology by itself is not a primary ground panacea. It is not an efficient plan and in my respectful submission, there is no component to this plan other than GPS and that sometimes GPS can be a helpful adjunct to

5 a bail plan where there is already some
supervision, which is not the case here. So in all
of the circumstances, Your Honour, it's the Crown's
position that both with respect to the primary and
secondary grounds, Ms. Moore has not met her onus.
And I'll just take a quick look at my notes here to
see whether there's anything I wanted to add.

10 My friend suggests that primary ground concerns
could be allayed by making certain exclusion zones
such as the airport, the train station, the bus
terminal. And, and those steps would obviously be
helpful to some degree, but it has to be recalled
15 that Ms. Moore on September 8th was located in St.
Catharines, which is within the province, not in
Ottawa. It's clear that she can [indiscernible] in
the materials that she had taken a cab or an Uber
or something to St. Catharines. So the bottom line
20 is the court can create all of the conditions and
exclusions that it wants, but ultimately, if Ms.
Moore wants to leave, she'll be able to leave and
she has proven, in my submission, that she does not
respect the limitations that might be imposed upon
her by the court. Subject to any questions, those
25 are my submissions.

30 MS. HUOT: Your Honour, all I wanted to say was
that Ms. Moore had to quarantine in St. Catharines
when she re-entered into Canada. She stated
specifically her intention was to return to Ottawa.
In fact, she had filed bail review materials and
the court was aware of Ms. Moore was. If not the
assignment on September 4th, definitely at the pre-

trial on September 11th. Mr. Savage was also aware of where Ms. Moore was located.

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My friend is trying to suggest, Your Honour, that my plan is, is less strict than the previous one, Your Honour, and the John Howard bail supervision program amounts to reporting to your bail supervisor once a week by phone and to reside at an approved residence. In my respectful submission, the GPS monitoring offers daily monitoring, 24 hours a day, seven days a week. We also have added conditions now where she is to remain in Ottawa, deposit her passport and have travel restrictions in addition to a curfew. So in my respectful submission, the plan being offered offers daily supervision and the exclusion zones allow for notification at a fairly early time of any alleged breaches. Certainly, a surety, if one were asleep and an accused person chose to leave in the middle of the night, wouldn't necessarily have five minutes in which to notify the police. In my respectful submission, the plan put in place is far different and offers a far greater level of supervision than the one on which she was released on January 31st.

With respect to the two cases provided to the two cases provided by Mr. Boyce, the first one, *United States of America v. Singh*, it's a 2014 decision, it's a bail review and in that bail review is denied and the accused was detained pending the extradition hearing for importing and trafficking

5 charges of very substantial amounts of cocaine and
MDMA in the United States, as well as similar
trafficking charges in similar quantities here in
Canada. In light of the severe penalties likely
imposed if the individual was convicted in the
United States, the court found that he is - Mr.
Singh had not discharged his onus on the primary
grounds. The fact that Mr. Singh had access to
10 large sums of money and the drug activity, he was a
flight risk as deemed by the court and the
possibility of a very long sentence also increased
in the court's mind the fact that Mr. Singh was a
flight risk. And in that case, the GPS monitoring
didn't hit the [indiscernible]. Your Honour, I'm
15 not even going to spend a significant amount of
time on pointing out the vast differences between
Mr. Singh's situation and Ms. Moore's. The Crown
isn't even seeking a jail sentence, Your Honour, in
this [indiscernible] seeking an NCR finding. And
20 so in my respectful submission the facts are so
distinguishable from the Ms. Moore's case that the
decision, the case being provided is of little
utility to the court in arriving at the decision
today.

25 Same with *United State of America v. Khadr*, a
decision in 2008, which involves offences relating
to terrorism. And that said the bail review was
dismissed primarily due to the finding that the
accused was a major flight risk. The sureties were
30 deemed be unsuitable as they were not acknowledging
ties to Al-Qaeda and in my respectful submission

5 again, albeit the charges in Ms. Moore's case are serious, they certainly do not rise to the level of terrorism activity and on that basis alone the case should be distinguishable to Ms. Moore's - to Ms. Moore's case, Your Honour. And that's all I have to add about those cases.

THE COURT: Thank you. So I am prepared to render my decision.

10 R U L I N G

D'AMOURS, J. (Orally):

15 Ms. Moore does not have a criminal record. She has no convictions for fail to comply or fail to attend. She faces allegations of breach, a serious offence of break and enter and I do agree with Ms. Huot that the proposed plan is a step up in the ladder principle as guided by *Antic*.

20 Furthermore, I am further convinced that the Recovery or the GPS system will monitor Ms. Moore on a 24/7 basis, and this would be an increase in the monitoring of her activities more than the previous plan. So therefore, I am convinced that this plan has more constraints to it, that it would limit the periods where Ms. Moore can be and limit the areas where she should be at all times and the fact that there is a curfew and that there be certain exclusion zones would satisfy the primary concerns and the secondary concerns as the inclusion zones would include a radius around Mr. Kiska's residence.

5 So I do not have the release conditions. I will
direct counsel to try to draft a release. So these
conditions that would include and you may take this
down, in the exclusion for Mr. Kiska's residence
and an area around his residence, an exclusion zone
for the Ottawa International Airport, the train
station, the bus station. There should be a
condition in which she remains in Ottawa. There
can be a condition that she would either report to
10 the Ottawa Police to confirm her whereabouts on a
weekly basis to the investigator if that is deemed
appropriate. I do not know what they do here in
Ottawa. There should be a curfew. By her own
admission she has indicated she is in by 9:00, so
15 there should be a curfew at nine o'clock. She has
to surrender her passport.

20 And furthermore, I am convinced that unlike the
other cases as cited by the Crown, she does have
ties to the community including ties to her
matrimonial home and especially her children. So I
am prepared to release Ms. Moore on those
conditions. And I do not know if counsel in the
meantime would entertain that either by phone that
25 you would draft conditions. In the meantime what I
would do is deal with the other matters pending
those release documents.

30 MR. BOYCE: We can draft up some conditions, Your
Honour, and send them to Ms. Huot and I'm sure
we'll be able to work something out.

MS. HUOT: I am as well. Thank you, Your Honour.

THE COURT: Mr. Boyce, is there a condition that I

may have omitted that would be crucial to the Crown?

5 MR. BOYCE: Well, the Crown will be seeking in addition to the exclusion zone for the family residence, both of the prior releases had straight no communication directly or indirectly with...

MS. HUOT: Absolutely.

10 MR. BOYCE: ...either the complainant or the kids. So I would be seeking that. But I think Your Honour covered everything else.

THE COURT: All right.

MR. BOYCE: So I'll draft something up.

15 MS. HUOT: Just prior to leaving, Your Honour, would you be prepared, with respect to the children, to have an exception only if the CAS approves or pursuant to a lawful court order made after today's date?

20 THE COURT: Yes, please. The - Mr. Boyce, the children were not involved in any of the offences excluding maybe the matrimonial home. I mean, they're not victims of anything?

MR. BOYCE: No, I, I disagree. The children were home on two of the occasions when the accused attended.

25 THE COURT: Okay.

30 MR. BOYCE: And the - she attended - the allegation is uninvited and unexpectedly and so both of the prior releases have had just straight no contact, no communication. There's been no exception for CAS. At this point, CAS is not approving of any contact, so my submission is that the conditions ought to remain as they were and as they have been

on the prior two releases.

5 DEIRDRE MOORE: I'm sorry, it's Deirdre Moore here.
The CAS - I have emails from the CAS saying they
would organize a visit with me. So, Mr. Boyce, you
- I don't believe you're familiar with the CAS file
and...

THE COURT: Okay.

DEIRDRE MOORE: ...the - thank you. I'm sorry.
But, I just....

10 THE COURT: Okay, Ms. Moore. I'll handle that.

DEIRDRE MOORE: Thank you.

15 THE COURT: What we can do is there is no harm in
including a condition that if CAS approves or there
is an order that she is permitted on a supervised
access or whatever the court deems best to order
visits. If, if another court has that proper
jurisdiction. If it's supervised, I don't think
you'll have any difficulties in regards to the
evidence that they may lead or - so I don't see any
20 problems in including that exception.

MS. HUOT: Okay.

THE COURT: All right?

MS. HUOT: Thank you.

...COURT SPEAKS TO UNRELATED MATTER

25 CLERK REGISTRAR: Sorry, Your Honour, before we
move on I just wanted to...

THE COURT: Thank you.

CLERK REGISTRAR: ...Your Honour?

MS. HUOT: Thank you.

30 CLERK REGISTRAR: Sorry, Your Honour, before we
move on, I just want to confirm the exhibits for
that. So you want to place it as Crown material

and defence material?

THE COURT: Sure. So Exhibit Number 1 will be Crown's. Exhibit Number 2 will be defence material.

CLERK REGISTRAR: Thank you.

EXHIBIT NUMBER 1: Crown's material - produced and marked

EXHIBIT NUMBER 2: Defence material - produced and marked

THE COURT: Thank you.

...UNRELATED MATTERS ADDRESSED

R E C E S S

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

...UNRELATED MATTERS ADDRESSED

MR. BOYCE: Okay, Ms. Huot, you're on the line?

MS. HUOT: I am. [*Indiscernible*].

MR. BOYCE: So we have the recommended conditions that are in line with what Your Honour has indicated. The only additional condition that I was seeking is one that was on Ms. Moore's original release order and that was the condition that she not post anything on social media including LinkedIn and Facebook. And that just goes...

DEIRDRE MOORE: I'm....

MR. BOYCE: ...back to the original allegations and....

...INDISCERNIBLE SIMULTANEOUS SPEAKING

DEIRDRE MOORE: That's, that's all....

THE COURT: [*Indiscernible*], Ms. Moore.

DEIRDRE MOORE: Yeah, but that's incorrect

information - objection, that's incorrect information. It's false information, Mr. Boyce. You were there from the very first bail hearing and there was no conditions preventing me from posting on LinkedIn.

MR. BOYCE: [*Indiscernible*].

DEIRDRE MOORE: That was required through....

THE COURT: It's okay. Just a minute, Ms....

DEIRDRE MOORE: Okay. I apologize, Your Honour.

THE COURT: Yes.

MR. BOYCE: Just to provide the history, so Your Honour will see in the original synopsis relating to the criminal harassment allegations, there's allegations that Ms. Moore posted certain information on LinkedIn relating to the complainant. It's true that on the - and sorry, on her very first release order on October 29th, that condition was not on the order. The Crown subsequently brought a, brought a bail review order or application two weeks after that release and that condition was added. There was a condition added that she not post any information on social media and that's the additional condition that I'm requesting. Ms. Huot may have some comments.

DEIRDRE MOORE: Excuse me. May I say - I was there and I haven't had the opportunity to speak to Ms. Huot about this, but I assure you J.P. Lauzon likely recognized the conditions under which that that anti-*Charter* order was placed. The Crown's arguments were that my posting factual information on my LinkedIn account

5 constituted criminal harassment and based on my
review of s. 298 to 300 of the *Criminal Code*,
posting facts on social media is not criminal
harassment. My submission materials were
effectively ignored by the Honourable - or
Justice Kevin B. Phillips, I believe, and there
were no grounds to grant that gag order. And I'm
not sure why the Crown, who's arguing that I, I
remain in jail for all sort of flight risks and
10 other reasons is now all of a sudden preventing
me from updating my 7,000 followers of this
divorce CAS fiasco on my corporate website.
THE COURT: Okay. So just a minute, I will hear
from Ms. Huot.

15 MS. HUOT: Well, Ms., Ms. Moore is accurate, Your
Honour. We didn't have an opportunity to discuss
this. It, it does seem, it does seem a little
over the top, Your Honour. I mean, you know,
she, she has a right to express, I guess, her
20 views. She's not communicating with Mr. Kiska or
her children. I think Ms. Moore accurately
indicated how she feels about it. I, I think I
would be opposed to it. I think it's overly
broad and I'm not sure just out of interest here
with her ability to either have her freedom of
25 expression - I just, I think it's overly broad.
I'm not sure it's warranted under the
[*indiscernible*]. I don't know if Ms. Moore had
anything else to add. I hesitate to open up....

30 DEIRDRE MOORE: Oh, absolutely. I can, I can
just add that even though I was very well
prepared on November 8th, if the Crown is going

5 to make a proper argument this time that there
should be some legal reason why I should be
prevented from participating in otherwise legal
activities enjoyed by the rest of the population,
then make me bring another application in
provincial court just as Mr. Savage did in
Superior Court. On that note, I would like to
add something that I forgot earlier. I would
like to request, Your Honour, if possible on
10 February 12th of 2020, I requested that there be
a publication ban on this provincial file and I -
based on the information that's come to light
since February, I respectfully request that the
publication ban be removed from this file. There
is no publication ban on the, on the Superior
15 file. I requested it out of respect for E. Fry,
however, since February 12th, the date of the
hearing, I have corresponded with both, both
middle senior management at E. Fry as well as
20 senator Kim Pate on what was going on at the bail
house. So it would be - I don't see a reason
anymore to have a publication ban on this file.
THE COURT: Just a minute, Ms. Moore. I will
just ask a question to Mr. Boyce. Can you tell
me the nature of the - was that because there was
25 a posting or something? Or what's the nature of
it?

MR. BOYCE: Yes, the nature of it is that some of
the posts that Ms. Moore posted particularly on
30 LinkedIn in the summer of 2019 referenced
articles titled, for example, "Is CAS being paid
by my ex-husband to abuse my children?" and, and

5
titles of that light. And so those posts
although not direct communication with the
complainant feature prominently in, in the
criminal harassment allegations directed toward
him.

DEIRDRE MOORE: No, they don't....

MR. BOYCE: The complainant himself has expressed
concern about those posts and they were part of
the basis for the criminal harassment charge.
And....

DEIRDRE MOORE: No, no, no they weren't.

MR. BOYCE: And it's on that basis....

DEIRDRE MOORE: They came after the fact.

MR. BOYCE: It's on that basis, along with other
posts, but on that basis primarily that the Crown
brought the bail review application in November
of 2019. And Ms. Moore is quite correct, that
Justice Phillips added that condition at the
time. Now, it's true that subsequently after Ms.
Moore was re-arrested on the breach, Justice of
the Peace Lauzon did not include that condition.
But that doesn't change the Crown

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20
[indiscernible]. My, my argument remains that
this condition is warranted and that it's
grounded in the allegations before the court.

25
30
DEIRDRE MOORE: Your Honour, if, if the Crown
wishes to charge me with criminal defamation and
add that to my list of charges, making it now
nine allegations and - or eight allegations in
Superior Court, I'm well prepared to defend
myself against any allegations of criminal
defamation. But to deprive me of rights granted

under the *Charter of Rights and Freedoms*, based on again an allegation by the complainant who happens to be the man I've been trying to divorce since 2013, I'm not sure....

5 THE COURT: Ms. Moore? Ms. Moore?

DEIRDRE MOORE: Yes, Your Honour?

THE COURT: Yes, I'm just interrupting and you'll see why.

DEIRDRE MOORE: Okay.

10 THE COURT: Mr. Boyce, I have a difficulty with that because I, I didn't hear anything about that in [*indiscernible*], or maybe if, if I missed it in the documentation, you can direct me to it.

15 MR. BOYCE: Yes, it is in the bail materials and I should have asked that the 12-tabbed booklet, I should have asked be made an exhibit. But at Tab 1, which outlines the allegations concerning the substantive charges from back in July - of June and July, I'll just find the page reference for Your Honour here, if I can have one moment. So the synopsis at Tab 1, this would be the 4th page of that synopsis. The third paragraph reads,

25 On July 17th, 2019, the accused authored two articles on LinkedIn. One article was entitled, "Is the CAS being paid by my ex-husband to abuse my children and me? Or is this the role of the Children's Aid Society of Ottawa?"

30 And the other article was titled, "Preparation of

my defence for violating the CAS constructed restraining order."

DEIRDRE MOORE: Court order.

5 THE COURT: But, Mr. Boyce, is, is she charged with anything - you're saying, you're linking this with criminal harassment. Is that part of the charge?

MR. BOYCE: That forms part of the basis for the criminal harassment, yes.

10 DEIRDRE MOORE: Not in the - Mr. Boyce, not in any of the Crown's disclosure did it support criminal harassment and I believe the complainant was using selected emails that were generated from his computer to support some charges of criminal harassment ignoring the fact that paragraphs 1 to 6
15 of the court order was forcing us to communicate and cooperate for the sake of the children. And it's within that court order that something that spoke to a restraining order was slid in. This, this, this assumption by the Crown that there was kind of a no contact order is entirely false. The,
20 the court order specified that we were to communicate and seeking counselling and cooperate for the benefit of the children. And it was only - just as a reminder, Mr. Boyce, it was only after
25 five months of both the complainant and the CAS being in contempt of that very order that I intentionally violated the restraining order.

30 MS. HUOT: I think, Your Honour, more importantly, since the release from Justice of the Peace Lauzon allowing Ms. Moore to post, there's not been any allegations by the Ottawa Police of any criminal harassment as a result of that. So in, in my

submission, I, I don't think it's an appropriate condition.

THE COURT: Is that accurate, Mr. Boyce, in the release?

5 MR. BOYCE: It is accurate. That is accurate. But just to answer Your Honour's question, one of the counts of criminal harassment is repeated communication between June and July of 2019 and that repeated communication is direct or indirect and it is encompassed in that in addition to direct communication with the complainant, there's also the allegation that these posts were being made referencing him on LinkedIn. So that's the basis for the Crown's....

10 DEIRDRE MOORE: But that, but that's - Mr. Boyce, that's not indirect communication.

15 THE COURT: Okay. Okay.

DEIRDRE MOORE: He has to, he has to log into my site. He has to actively follow my LinkedIn profile. So I, I didn't indirectly communicate with him and the court order stated we were supposed to be directly communicating. If he stayed off my LinkedIn profile, he wouldn't see any of my articles with factual support.

20 THE COURT: Okay. I'll rule on this. I won't include a - one of those conditions. All right?

25 DEIRDRE MOORE: Thank you, Your Honour.

THE COURT: And it's based on the fact actually that if it's opposed, I have difficulty in establishing that it's communicating. If ever there is a criminal aspect to it, Ms. Moore will be charged. If there is a defamation or a libel issue

on it, there can be a civil suit. All right?

MR. BOYCE: Thank you.

THE COURT: So other than that condition, the other conditions have been....

MS. HUOT: Agreed upon. Yes, Your Honour. They are the same conditions Your Honour suggested.

THE COURT: All right.

MR. BOYCE: That's correct.

DEIRDRE MOORE: Your Honour, would, would it be possible to remove my, my requested publication ban from this provincial file?

MS. HUOT: Ms. Moore, that might be better dealt with at a later date.

DEIRDRE MOORE: Okay. I'll submit an application. Thank you, Ms. Huot.

THE COURT: Thank you. All right. So I'm just trying to find the release documents. Ms. Farah, did I get those submissions?

CLERK REGISTRAR: Yes, I sent them over to you. Would you like me to resend it?

THE COURT: Oh, I think I have it.

CLERK REGISTRAR: Okay.

R U L I N G

D'AMOURS, J. (Orally):

Okay. So, Ms. Moore, you will be released on the following conditions.

DEIRDRE MOORE: Okay. Thank you so much.

THE COURT: You will have a bond of \$1,000, so you do not need to deposit that money, but if ever there is an allegation of breach, they can ask for an estreatment in that amount and you may be bound

to deposit that money or forfeit that money.

5
You must report to the Ottawa Police Service by phone every Wednesday between 9:00 a.m. and 5:00 p.m. and the sign in is to commence on October 14, 2020 - so I don't know. This is by phone. So how can she sign in?

10
MR. BOYCE: I'm not asking that she sign in. The wording can just be amended, Your Honour, that she is to report by phone weekly, commencing October 14th. I should have....

THE COURT: Okay. All right. Thank you.

MR. BOYCE: Thank you.

15
THE COURT: You are to reside at the Ottawa Inn, 215 Montreal Road, Ottawa, Ontario, and not move from that address without the prior approval from the court.

20
You are to remain in your residence daily between the hours of 9:00 p.m. to 6:00 a.m. except for medical emergencies involving you or a member of your immediate family.

25
You shall remain in the City of Ottawa.

You shall deposit your passport with Detective Daniel Gervais with the Ottawa Police Service or his designate within 24 hours of your release.

30
DEIRDRE MOORE: I'm sorry. What was the name of the officer, please?

THE COURT: Daniel Gervais.

DEIRDRE MOORE: Daniel Gervais. Okay. Merci.

5 THE COURT: You shall not contact or communicate in any way directly or indirectly by any physical, electronic or other means with Jonathan Kiska, Sean Kiska or Cate Kiska, except you can communicate with Sean and Cate Kiska only if approved in advance and in writing by the Children's Aid Society or pursuant to a family court order made after today's date.

10 You shall not be within 500 metres of any place that you know these persons to live, work, go to school or any place you know those persons to frequent, except be within 500 metres of any place you know Sean and Cate Kiska to live, work, go to school, frequent or any place you know them to be 15 only if approved in advance and in writing by the Children's Aid Society and pursuant to a family court order made after today's date.

20 You shall not attend within 500 metres of 1244 Lampman Crescent in Ottawa.

25 You shall not attend the Ottawa Airport, 1000 Airport Parkway Private Drive; the Ottawa Train Station at 3347 Fallowfield Road and 200 Tremblay Road; or the Ottawa Western at 265 Catherine Street.

30 You shall not possess any weapon as defined by the *Criminal Code*, for example but not restricted to, gun, firearm, imitation firearm, crossbow, prohibited or restricted weapon, device,

ammunition, those exceptions or anything designed to be used and intended for use to cause death or injury or threaten or intimidate any person.

5 You shall not - okay, so we'll take the posting out of there.

MR. BOYCE: Yes.

CLERK REGISTRAR: Yes, Your Honour.

10 DEIRDRE MOORE: If I might add, just to assist the court, there is two Via Rail stations in Ottawa.

One is in Barrhaven so it's probably wise, I mean not that I would do it, but just if you have others in my circumstance, to prevent them from attending the second train station in Ottawa as well.

15 THE COURT: Both are, both are listed.

DEIRDRE MOORE: Oh, you listed both? Oh, I'm sorry. I missed that. Okay.

20 THE COURT: And, and finally, you shall at your own expense be subject to the GPS monitoring system by the Recovery Science Corporation which shall include entering into a Recovery Science Corporation participant agreement and complying with its terms, wearing its GPS monitoring device at all times and permitting the assistance and install of supplementary equipment and to inspect, 25 place and maintain the equipment as it deems necessary.

30 You shall be complying with the system notification and battery charging requirement and cooperating fully with the Recovery Act, notwithstanding any order terminating or varying these terms, you shall

5
continue to abide by these terms until Recovery Science Corporation confirms that it has received notice of termination or variation directly from the Crown, the police or the court staff.

I believe that there needs to be a time delay for installing this equipment, right?

DEIRDRE MOORE: Ms. Huot, did you manage to speak to Mr., Mr. Tan about the timing?

10
MS. HUOT: Well, they can go to the jail and install it. I don't know if they can do so tonight. If you just hold - stand by. I'll just, I'll call him.

15
DEIRDRE MOORE: Because tomorrow morning, given it's so late - I would, I would prefer a release tomorrow morning if that's at all possible. That would give me an opportunity to go to the bank and just get things - it's just getting late to accomplish much. I mean, I can go tonight. It just means that I'll pay a couple of nights at the hotel before I pay for the whole month in advance, and you know just pay the installation before paying the whole month in advance. Just that type of thing.

20
25
THE COURT: Yes. We'll just wait for Ms. Huot to return.

30
MS. HUOT: Your Honour, I just spoke to Mr. Tan and they are able to put it on tonight. So it's just a matter of whether the jail will allow them to come in to do it tonight. I told Mr. Tan I would send him a copy of the signed order and then his technician will have to deal with the jail, Your

Honour. I have to be honest. I'm not sure...

THE COURT: Okay.

MS. HUOT: ...if they will accommodate.

THE COURT: What we'll do is we'll put 24 hours on it. Is that all right?

MR. BOYCE: I expect if Your Honour ordered it to happen tonight, the jail would facilitate it.

THE COURT: Okay.

MR. BOYCE: I've had that happen in the past and my preference would be to get it done as soon as possible.

THE COURT: Okay. That's fine.

MS. HUOT: All right.

THE COURT: Okay. So, Ms. Moore, you agree to be bound by those conditions?

DEIRDRE MOORE: Absolutely.

THE COURT: All right. So once you sign the documents or once you receive the documents you'll be released and once the apparatus is hooked up then you'll be free to go.

DEIRDRE MOORE: Thank you, Your Honour. If there is something I can anticipate with this transaction, can - if it doesn't work, do I have 24 hours to get it done?

THE COURT: You have lots of time, yeah.

DEIRDRE MOORE: I mean, I'm happy to sign it and pay for it and everything else, it's just - I just want to make sure logistically not being able to go to the - an open bank that that doesn't free - orchestrate some sort of breach of some sort.

MS. HUOT: Ms. Moore, you're not going to have to pay for it on the spot.

DEIRDRE MOORE: Okay.

MS. HUOT: Okay.

DEIRDRE MOORE: All right. Thank you.

MS. HUOT: No problem.

CLERK REGISTRAR: And sorry, can I....

MS. HUOT: I think all we need is a court date.

CLERK REGISTRAR: Yes. I was just going to say that.

MS. HUOT: Okay. Madam Clerk, would - there is already an assignment court date of November 13th on the substantive charges. Perhaps we should keep the breaches in the Ontario Court until Ms. Moore has counsel and these can all be matched up. Mr. Boyce, are you okay with that?

MR. BOYCE: Yes, that's fine.

MS. HUOT: So then if the Superior Court matter, Madam Clerk, can go to November 13th in the assignment court and then the breaches, the failure to comply, if they could go to a Thursday, perhaps I could suggest October 30th?

MR. BOYCE: That's fine.

DEIRDRE MOORE: I'm sorry. What's October 30th being scheduled for?

MS. HUOT: This is the failures to comply, Ms. Moore. They are not properly in the Superior Court of Justice yet. They're still in the Ontario Court of Justice. If you want them all joined up, we'll have to do that at a later time.

DEIRDRE MOORE: No, I was hoping to clear up the alleged breaches well in advance of the...

MS. HUOT: It's not going to happen.

DEIRDRE MOORE: ...Superior - no?

5
MS. HUOT: It's going to be October 30th. At that point, you can get some disclosure. Do you want to give me a call once you are released? I'll tell you how to do that.

DEIRDRE MOORE: Okay. I appreciate that. Thank you so much.

MS. HUOT: No problem.

THE COURT: Okay.

CLERK REGISTRAR: Sorry....

10
THE COURT: The next date is October 30th.

MS. HUOT: Thank you. Madam Clerk, if you wouldn't mind emailing me a copy of the release order? I'll need to send it to Recovery Science.

15
CLERK REGISTRAR: Yes. So just to confirm October 30th is a return date for all four infos or just the - which ones?

MR. BOYCE: All of them except for the one substantive. The one that starts with RD, that's going to assignment court on November 13th.

20
CLERK REGISTRAR: Okay.

MR. BOYCE: Everything else October 30th, 8:30, number 5.

CLERK REGISTRAR: All right.

THE COURT: All right. Have a nice day.

25
MR. BOYCE: Thank you, Your Honour.

MS. HUOT: Thank you.

CLERK REGISTRAR: Thank you.

...UNRELATED MATTERS ADDRESSED

30
THE COURT: Yes, we have a question. Or OCDC has a question. At a certain point this winter there was a 524 application in regards to the Superior Court release documents so she was detained on those. So

are you confirming that there's a 524 application and that the prior Superior Court detention order be replaced by my release order?

5 MR. BOYCE: Yes. I know that there was another - there was a contested [*indiscernible*] on November 31st, so I'm not sure if the original order was cancelled at that time. But in any event, the intention at this point is to apply under 524 to cancel all prior releases including the SCJ release and for Ms. Moore to be released on one which was imposed by Your Honour today.

10 THE COURT: All right. So OCDC, do you have that?

CORRECTIONS OFFICER: Thank you.

15 THE COURT: All right. Thank you, Mr. Boyce, for coming back.

MR. BOYCE: Okay. Thank you.

20 ...WHEREUPON THESE PROCEEDINGS WERE ADJOURNED

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FORM 2
CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))
Evidence Act

5
I, Megan Beedham, certify that this document is a true and accurate transcript of the recording of R. v. Deirdre MOORE in the Ontario Court of Justice held at 161 Elgin Street, Ottawa, Ontario, taken from Recording No. 0411 CR06 20201013 083849
10 6 DAMOURM, which has been certified in Form 1.

April 1, 2021



15 (Date)

(Signature of Authorized Person)

Megan Beedham

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