

**SUPERIOR COURT OF JUSTICE
(East Region)**

BETWEEN:

HER MAJESTY THE QUEEN

Applicant

-and-

DEIRDRE MOORE

Respondent

NOTICE OF APPLICATION

Re: Application by Crown for the Review of a Release Order

TAKE NOTICE that an application will be brought by the Crown, on the 8th day of November, 2019, at the Court House, located at 161 Elgin Street, Ottawa, Ontario, at 10:00 a.m. or so soon thereafter as the application may be heard for an Order pursuant to Section 521 of the *Code*, vacating the Order made by Justice Hackland, on the 30th day of October, 2019 at the Superior Court of Justice, Ottawa, Ontario, whereby the Respondent was granted interim release, and substituting therefore an Order granting interim release pursuant to s. 515 of the *Code* with amended conditions, namely, adding a condition not to post on social media.

THE GROUNDS FOR THIS APPLICATION ARE:

- 1) That Ms. Deirdre Moore stands charged with Unlawfully in a Dwelling House, Mischief x 2, Disobey Court Order, Criminal Harassment x 2, and, Break and Enter (Dwelling).

- 2) That the allegations arise out of an ongoing family law dispute between Ms. Moore and her estranged husband, Jonathan Kiska. Ms. Moore and Mr. Kiska share two children together.
- 3) Specifically, Ms. Moore is alleged to have breached a Family Court Order prohibiting contact with Mr. Kiska on several occasions, including having broken into Mr. Kiska's home (the former matrimonial home). The exact nature of the allegations are laid out in the prosecution summary in the Application materials.

Application Materials, Tab 2.

- 4) That Ms. Moore has been diagnosed with various mental health issues. She has consistently displayed a pervasive belief that Mr. Kiska is conspiring with the Children's Aid Society, the Police and the Judiciary in order to frame her as mentally ill and to take her children away.
- 5) That on Oct. 30, 2019, Ms. Moore was granted interim release after a detention review pursuant to s. 525 of the *Code*. A copy of this order is in the Application materials. This order makes no mention of posting on social media or other online activities.

Application Materials, Tab 3.

- 6) That shortly after her release of custody, Ms. Moore began posting on social medial sites, such as LinkedIn, regarding belief in Mr. Kiska's involvement in the above-mentioned conspiracy. These posting cause Mr. Kiska considerable anxiety and impact his professional reputation. Mr. Kiska's employment is often engaged through social media sites such as LinkedIn on which Ms. Moore's postings are visible to his clients.

Application Materials, Tabs 4-8.

- 7) That such social media postings form part of the allegations of criminal harassment against Ms. Moore. She is alleged to have posted the same, or similar posts prior to her arrest for these charges. As a result of these pre-arrest postings,

Mr. Kiska has received communications from clients indicating that they have seen Ms. Moore's posting.

Application Materials, Tab 9.

- 8) That Ms. Moore's social media postings constitute continued harassment of Mr. Kiska that cause him harm such that Ms. Moore should be prohibited from making them.

IN SUPPORT OF THIS APPLICATION THE APPLICANT WILL RELY UPON THE FOLLOWING:

The submissions of counsel;

The Applicant's Materials filed for this Application;

Such further and other materials as counsel may submit and this Honourable Court may permit.

THE ORDER SOUGHT:

An order vacating the Order made by Justice Hackland, on October 30th, 2019, releasing the Respondent granting interim release and substituting therefore an Order releasing the Respondent on interim release with amended conditions.

THE RESPONDENT MAY BE SERVED WITH DOCUMENTS RELATING TO THIS APPLICATION:

By service in accordance with Rule 5 at:

OFFICE OF THE CROWN ATTORNEY
161 ELGIN ST, 3RD FLOOR
OTTAWA, ONTARIO

(613) 239 - 1200 (tel.)
(613) 239 - 1214 (fax)

ATTENTION: Malcolm Savage
Assistant Crown Attorney

DATED at Ottawa, this 6th day of November, 2019

TO: Ms. Deirdre Moore, the Respondent

AND TO: John Hale, *Amicus Curiae*

AND TO: The Office of the Trial Coordinator

AND TO: The Office of the Court Clerk

Index

1. Notice of Application
2. Prosecution Summary
3. Judicial Interim Release dated Oct. 30, 2019
4. Email 1
5. Email 2
6. Email 3
7. Email 4
8. Email 5
9. Email 6

02. PROSECUTION SUMMARY

Police Service: OTTAWA POLICE SERVICE
Occurrence Number: 19-193182

Police Case ID: 394997

Author: CST JEAN M. BENOIT 1774
Date/Time: 27 07 2019 07:29
Type: PS - PROSECUTION SUMMARY
Subject: MOORE, DEIRDRE ANN

PROSECUTION SUMMARY
*** FAMILY VIOLENCE ***

CHARGES:

[CC 264(2)(b) - criminal harassment - repeatedly communicating
CC 430(4) - Mischief under \$5000
CC 348(1)(a) - Break and enter with intent
CC 264(3)(b) - criminal harassment]

Form of Release:[SHOW CAUSE]
If SHOW CAUSE, Request 515(12) Detained 516(2) Remanded
Endorse warrant for release:[No]
PSYCH EXAM Requested: [YES]
ODARA - Yes or No: [NO]
If yes, indicate score: []
(assault, male vs female relationship only, couple has or does live together)

ACCUSED:

Name:[MOORE, DEIRDRE A]
Injuries to Accused:]
[none]
Statement Provided: []
Criminal Record: [NO]
Is the accused breaching any conditions:[YES]
If YES, indicate the substantive officer's name:
Ottawa Police Officer:[]
Other agency officer: [FAMILY COURT RESTRAINING ORDER]
(Other officer can be found on the Civilian Witness List as per their CW)

VICTIM

Name:[KISKA, JONATHAN W]
Injuries to Victim:]
[none]
Medical Authorization:[NO]
Statement Provided: [No]
Type of Statement: [KGB]
Injury Photographs: [N/A]

INCIDENT DETAILS

Seized Evidence/Weapon:[N/A]
If Yes, describe:
[]
Return to Justice for Property Seized:[N/A]

Forfeiture Requested?:[NO]
Property Damage:[YES]
If Yes, describe:
[broken basement window]
911:[YES]If yes, date ordered:[2019-08-05]
Damage Photographs Taken:[YES]
Minor children in relationship (under 18):[YES]
Children present during incident?: [NO]
CAS Notified:[YES]

OTHER RELEVANT DETAILS

Notice of Intent, other victims, any other relevant information:
[Notice of Intent served with copy of the restraining order]

***** SYNOPSIS *******HISTORY OF RELATIONSHIP:**

(Status of relationship, children, alcohol/drugs/physical-mental health issues, and any other stressors/risk factors in the relationship, summary of pertinent in-house contacts).

[the accused and the victim have been together since 1996. They were married in 2013. The victim describes their relationship as "best friends" until 2013. In April 2013, the accused began demonstrating bizarre behaviour which ultimately ended with the accused being apprehended for a psychological assessment. Upon assessment, the accused was found to be bipolar, psychotic features, psycho effective disorder and psychosis. The accused began treatment. According to the victim, the accused does not follow her treatment plan, which results in an uncontrolled mental health condition.]

SUMMARY OF OFFENCE:

[Your Honour,

On 8 April 2019, the accused, Deirdre MOORE, was placed on a restraining order with several conditions including abstaining from communicating with her children except while supervised. She was also required to stay 500m away from 1244 Lampman Cres, the residence of the victim, John KISKA, who is the father of the involved children.

On 26 June 2019 the accused was denied visitation with her children at the discretion of the Children's Aid Society of Ottawa. The accused called the victim, left a voice mail, asking to drop off some gifts for the children. The victim did not respond and the accused sent the gifts to the victim's residence using a taxi.

The accused sent an email to the victim containing photos of the gifts, a street sign at the corner of Prince of Wales Drive and Maryland Ave (which is close to the residence of the victim) and a photo of her luggage in the same general area.

On 27 June 2019 the accused was observed by the victim at the intersection of Prince of Wales Drive and Dynes Road. While passing by, the accused waved and called out to her son, Sean KISKA.

The victim was contacted by his crying 11 year old daughter, Cate KISKA, who was home alone. Cate stated that her mother had come to the house and was at the house at the time of the call. The accused yelled out to Cate

using a nickname only used by the accused to refer to Cate.

Police were called. The accused was arrested approximately 239 metres from the victim's residence.

On 19 and 20 July 2019, the accused attended 1244 Lampman Cres a second and third time. Finally, on 26 July 2019 the accused attended the residence for a fourth time. During the incident on 19 July, the accused was found in the backyard of the residence taking photographs. On 20 July the accused had attended the residence sometime after 9pm and was screaming. 911 was called on 19 and 26 July 2019. Lastly, the accused left a package for her children with a nearby neighbour on 22 July 2019.

On 17 July 2019 the accused authored two articles on LinkedIN. One article was titled "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?" and the other was titled, "Preparation of my Defense for Violating a CAS-constructed Restraining Order". The latter highlights that the accused knowingly violated the restraining order on 27 June 2019. It also contains a link to a Youtube video which depicts the accused filming John KISKA moments before her arrest.

On 25 July 2019, John KISKA forwarded a chain of emails to the Ottawa Police Service. The emails were believed to have been authored by the accused. Between 20 July and 21 July, the accused sent a total of 6 emails to various people including John KISKA, the media and members of CAS. The emails vary in content but an email dated 20 July 2019 at 10:38pm says "I have asked a taxi driver to deliver some gifts for Sean and Cate". Other email content includes calling John KISKA a narcissist and inferring he is a psychopath.

In the early morning hours of 26 July 2019 the accused sent several more emails messages to John KISKA as well as various other individuals. One email was time stamped at 02:35h and another at 03:39h.

The victim was interviewed by the Ottawa Police and said that he feels as though he and his children are hostages in their own life. He is concerned for his children because of the history of mental health issues of the accused as well as her recent behaviour. Further, the victim is concerned for his own safety because he believes the pending custody issues may trigger the accused.

On 26 July 2019, the accused attended the home of the victim at 1244 Lampman Crescent to see her son. The accused attended the backyard, but did not see her son through the windows. The accused attended the front yard. She broke the basement window and yelled into the residence that she was there. The accused gained access to the house through the window. The accused entered the house, attended the master bedroom, wrote on the living room wall in black marker "I love you Sean and Cate Love Mummy xoxo Your dad is a bad man and a liar" and left through the front door.

As the accused exited the house, police were on scene. Police arrested the accused in the process of exiting the house.

The accused was read RTC, caution and transported to cells. She was provided an opportunity to speak to a criminal lawyer, however refused stating that all lawyers in Ottawa are crooked. She was interviewed by a

Partner Assault Investigator and provided and inculpatory statement.

The accused is bound by a valid restraining order, dated 8 April 2019 and in effect until 6 August 2019 not to be within 500 m of the victim's residence, 1244 Lampman Crescent. This is the residence of the victim only. The accused has not lived at this address since Jan 2017.

The accused has been suffering from mental health diseases, diagnosed in 2013 as bi polar, psychotic features, psycho effective disorder and psychos. According to the victim, the accused is not good at following the treatment plan or taking her medication. the victim also stated that the accused's actions seem to be more paranoid and more resembling schizophrenia rather than psychosis.

The accused was held for show cause and is recommended to attend mental health court in order to ensure proper updated diagnosis and a proper treatment plan.

end of ps]

Generated Date: August 13, 2019 10:16 AM

OPS, kt

RECOGNIZANCE OF BAIL / ENGAGEMENT DE CAUTION

ENTERED INTO BEFORE A JUDGE OR JUSTICE OF THE PEACE / CONTRACTÉ DEVANT UN JUGE OU UN JUGE DE PAIX

CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

BE IT REMEMBERED that on this day the persons named in the following schedule personally came before me (or if the signatory is the clerk of the court, before the judge or justice, as the case may be) and severally acknowledged themselves to owe to Her Majesty the Queen the several amounts set opposite their respective names, namely,
SACHEZ QUE, ce jour, les personnes nommées dans la liste qui suit ont personnellement comparu devant moi (ou si le signataire est le greffier du tribunal, devant le juge ou le juge de paix, selon le cas) et ont chacune reconnu devoir à Sa Majesté la Reine les diverses sommes indiquées en regard de leurs noms respectifs, à savoir :

Form / Formulaire 32
Sections / Articles 493, 550, 679, 706, 707, 816, 810.1 and Inf 817
of the Criminal Code / du Code criminel
CR-19-18130
(Case/File No. / N° du dossier)

East (Region / Région)

Table with columns: NAME / NOM, DATE OF BIRTH / DATE DE NAISSANCE, OCCUPATION / PROFESSION, TOTAL AMOUNT / MONTANT, CASH / ESPÈCES. Row 1: Deirdre MOORE, 1965/09/28, \$ 1.00, without deposit.

to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of Her Majesty the Queen, if the accused fails in any of the conditions set out below.
lesdites sommes devant être prélevées sur leurs biens et effets, terres et tenements, respectivement, pour l'usage de Sa Majesté la Reine, si le prévenu ne remplit pas une des conditions énoncées ci-dessous

Taken and acknowledged before me (or if the signatory is the clerk of the court, before the judge or justice, as the case may be) at the City of Ottawa in the Province of Ontario
Fait et reconnu devant moi (ou si le signataire est le greffier du tribunal, devant le juge ou le juge de paix, selon le cas) à (au) de (du) dans la province de l'Ontario
on the 30th day of October, yr. 2019 at .m. heures
Signature of Judge, Justice of the Peace or Clerk of the Court / Signature du juge, juge de paix ou greffier du tribunal
Hon. Justice C. HACKLAND

COPY

WHEREAS the said Deirdre MOORE hereinafter called the accused, has been charged that
ATTENDU QUE ledit (ladite) ci-après appelé(e) le prévenu, a été inculpé(e)

They on or about the 26th day of July, yr. 2019
d'avoir, le ou vers le jour de an

at the City of Ottawa unlawfully did commit the offence(s) of:
à (au) de (du) illégalement commis l'infraction ou les infractions suivantes :

CR-19-18130, Sec. 349(1), 430(4)x2, 127(1), 264(3)x2, 348(1)(a) CCC

NOW THEREFORE, the condition of this recognizance is that if the accused attends
À CES CAUSES, le présent engagement est subordonné à la condition que si le prévenu est présent
court on Wednes day, the 27th day of November, yr. 2019, at 12:30 o'clock in the after noon in
au tribunal le jour de an à heures dans la

courtroom / salle d'audience SCJ at / de (du) 161 Elgin St., Ottawa
and attends thereafter as required by the court in order to be dealt with according to law; or
et est présent par la suite selon les exigences du tribunal, afin d'être traité selon la loi, ou

AND FURTHER, if the Accused complies with the following conditions, the said recognizance is void, otherwise it stands in full force and effect /
Et qu'EN OUTRE, si le prévenu se conforme aux conditions suivantes, ledit engagement est nul mais qu'au cas contraire il a pleine force et plein effet

- 1. Do not contact or communicate in any way either directly or indirectly, by any physical, electronic or other means, with the following: Jonathan KISKA, Sean KISKA, Cate KISKA
2. Do not be within 200 metres of any place where you know Jonathan KISKA, Sean KISKA or Cate KISKA to live, work, go to school, frequent or any place you know Jonathan KISKA, Sean KISKA or Cate KISKA to be EXCEPT for required court appearances.
3. Do Not be within 500m of 1244 Lampman Cres, Ottawa
4. Do not possess
- any weapon(s) as defined by the Criminal Code (for example, but not restricted to, a pellet gun, firearm, imitation firearm, cross-bow, prohibited or restricted weapon or device, ammunition or explosive substance or anything designed to be used or intended for use to cause death or injury or to threaten or intimidate any person).
5. You are to keep the Peace and be of Good Behaviour.
6. Report in person to the Elizabeth Fry Society Supervised Bail Housing Program at 3786 Russell Rd, Ottawa ON immediately upon release and abide by all house rules, including house curfew, no violence and no consumption of alcohol or non-prescription drugs.
7. Report to the John Howard Society Bail Supervision Program at 550 Old St Patrick Street on MONDAY NOVEMBER 4 2019 AT 10am and thereafter as directed by the Bail Supervisor.
8. Reside at 3786 Russell Rd Ottawa, and not move from that address unless moving to a designated residential treatment facility that has been verified by the Bail supervisor. Once treatment is completed or in the event of a premature voluntary/involuntary disengagement from the treatment facility, return to 3786 Russell Rd, Ottawa ON within 24 hours and not move from this address without obtaining a variation from the court.
9. Bail Supervisor: Conan MacIntyre 613-789-7418 ext.245

DISTRIBUTION: / COPIE À(AU) :
Accused / accusés Surety / caution Crown / Couronn VWAP / PVAT Police / Police Chief Firearms Officer / contrôleur des armes à feu

1

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 9:43 AM
To: Savage, Malcolm (MAG)
Subject: Fwd: Harassment

Fyi

----- Forwarded message -----

From: John Kiska <[REDACTED]>
Date: Tue, Nov 5, 2019 at 9:34 AM
Subject: Harassment
To: Gervais, Daniel <[REDACTED]>

Dan

The postings r starting again. In this post she has admitted to violating the order. Again I consider this ongoing harassment. It impacts myself and my children.

John.



Deirdre Moore • Following

Making Change Happen!

7h

(posted 20191105)

On July 26, 2019, I decided that enough was enough and I violated the illegally-obtained, CAS-constructed court order so that I could tell my children Sean and Cate that I loved them and I missed them and that their dad was a liar and a bad man.

I was arrested and the Crown Attorney's office insisted that I be denied bail. After three months in jail, I argued for my release as Prosecutors Karimjee and Savage tried to keep me detained until my December 2-6 trial.

①

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 9:44 AM
To: Savage, Malcolm (MAG)
Subject: Fwd: LinkedIn

Fyi

----- Forwarded message -----

From: John Kiska <[REDACTED]>
Date: Tue, Nov 5, 2019 at 9:38 AM
Subject: LinkedIn
To: Gervais, Daniel <[REDACTED]>

Dan.

Again this is taken from her LinkedIn account. It's inappropriate and harassment.

John

Articles, posts & more...

All activity

Articles

Posts

De

Deirdre Moore published this



Is the CAS being paid by my Ex-husband to abuse my children an...

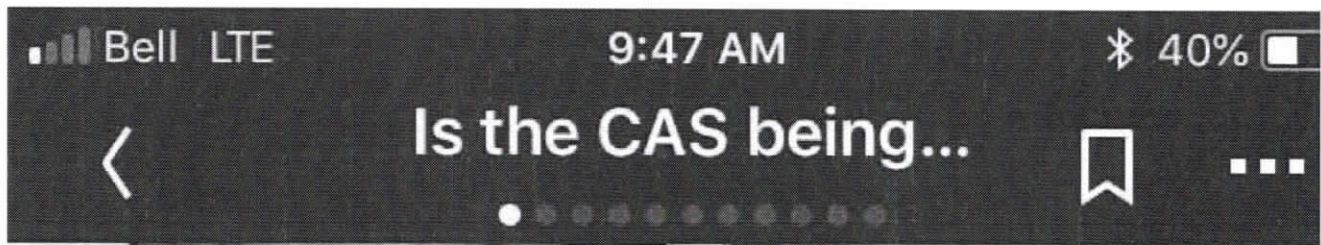
Deirdre Moore on LinkedIn 

July 17, 2019

3

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 9:48 AM
To: Gervais, Daniel; Savage, Malcolm (MAG)
Subject: This has to stop!!!



Is the CAS being paid by my Ex-husband to abuse my children and me? Or is

4

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 9:52 AM
To: Gervais, Daniel; Savage, Malcolm (MAG)
Subject: LinkedIn

I earn my living through connections made through LinkedIn. She is defaming my professional reputation and my ability to provide for my kids. This needs to stop.

John.



Articles, posts & more...

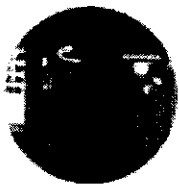
es

Posts

Documents

Interests

Be the first to react to this



Deirdre Moore • Following



Making Change Happen!

4mo

How my Ex-husband Continues to Enjoy Abusing Me ...

June 29, 2019 (10:51 p.m.)

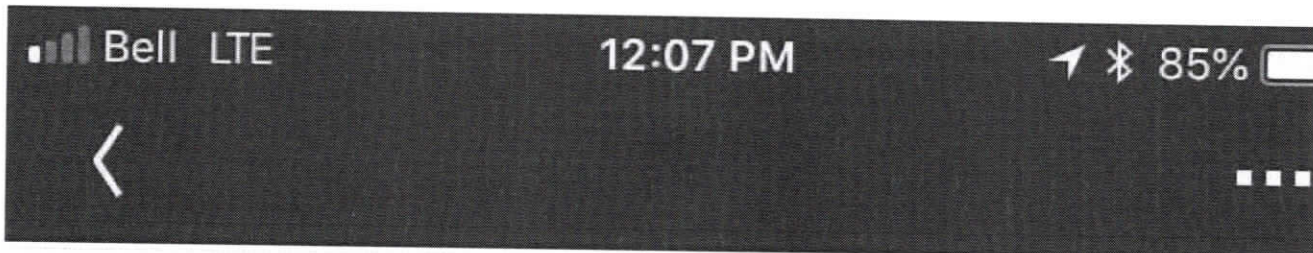
... even though I am no longer anywhere near him.

Jonathan Kiska has lied to the court to avoid meaningful spousal support, taken my children, forced me into homelessness

5

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 12:09 PM
To: Gervais, Daniel; Savage, Malcolm (MAG)
Subject: Posted within the hour



- An excerpt from the 2018 OCL report is here:

<https://lnkd.in/eYq7reB>

- The response from the LSO here:

<https://lnkd.in/ePBZNUE>

Coming Soon: Article "Corruption in the Crown Attorney's Office in Ottawa—Cracks in our Judicial System"

**#CAS #SAQOTU #PFI #Andee #Canada
#Ontario #Ottawa**

PART 3: PROCEDURAL ISSUES

14. If there is an assessment in this case, is it finished?
 Yes. *(If it is not already filed in the continuing record, file it now. Give the tab/page number(s) of the assessment: .)*

6

Savage, Malcolm (MAG)

From: John Kiska <[REDACTED]>
Sent: November 5, 2019 10:28 AM
To: Gervais, Daniel; Savage, Malcolm (MAG)
Subject: Defamation sent to LinkedIn

Attached is a message I received from a client that received one of Deirdre's LinkedIn messages this summer. These messages are defamatory and harassing and impact my professional reputation.



(613) [REDACTED]

I do not know if you can help or not, but I am trying to find a way to expose CAS Ottawa through the media. (My police reports are being blocked by a few corrupt "gatekeepers" and I am being prevented from reaching a criminal investigator.) Attached is one of my articles with links to video evidence. There is more evidence of crime and corruption in my LinkedIn articles and posts.

Link to article that is attached: <https://www.linkedin.com/pulse/preparation-my-defense-violating-cas-constructed-order-deirdre-moore/>

Link to article with evidence of the 2013

Hey John, not sure if you were aware of this but thought I should share.