

COURT FILE NUMBER 2110 00751
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE RED DEER
APPLICANT DEENA HINSHAW
RESPONDENT PATRICK JAMES KING
DOCUMENT **AFFIDAVIT**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT ALBERTA JUSTICE
CIVIL LITIGATION
#1710 639 5th Avenue SW
Calgary, Alberta T2P 0M9
TELEPHONE: 403-297-2001
FACSIMILE: 403-662-3824

Cynthia R. Hykaway

OUR FILE: LIT- 11840



AFFIDAVIT OF KRISZTINA GRECH

Sworn on July 16, 2021

I, Krisztina Grech, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SWEAR THAT:

1. I am employed with the Minister of Justice and Solicitor General for Alberta as a Paralegal in the Legal Services Division. As such, I have personal knowledge of the facts and matters in this Affidavit, except those made on information and belief, in which case I believe them to be true.
2. I am informed by my review of the file, and believe that **Exhibit "A"** to my affidavit is a copy of a Subpoena to a Witness in Provincial Court action number A87988036R that was served on our office on July 15, 2021.
3. I am informed by my review of the file, and believe that **Exhibit "B"** to my affidavit is a copy of the JOIN search of the Respondent, Patrick James King in Provincial Court action number A87988036R.
4. I am informed by my review of the file, and believe that **Exhibit "C"** to my Affidavit a copy of a Violation Ticket issued in in Provincial Court action number A87988036R.

5. I am informed by my review of the file, and believe that **Exhibit "D"** to my affidavit a copy of a transcript from May 4, 2021 in Provincial Court action number A87988036R.

SWORN BEFORE ME at the City of
Calgary, in the Province of Alberta,
this 16th day of July, 2021.



A Commissioner for Oaths in and for
the Province of Alberta

)
)
)
)
)
)



Krisztina Grech

CHRISTOPHER GHESQUIERE
BARRISTER AND SOLICITOR



Subpoena to a Witness
Assignation à un témoin

File/Ticket No. N° de dossier
A87988036R

Form 16 Formule 16
Criminal Code Code criminel
Section 889 Article 689

Insert full name, residence and occupation of witnesses
Insérer le nom complet, le domicile et la profession ou l'occupation du témoin

To Deena Hinchew MD
A Chief Medical Officer of Health of Alberta
1025 Jasper Ave NW
PC #1-X 1360 5th Main
Edmonton, Alberta T5J 2N3

State the offence as in the information.
Indiquer l'infraction comme dans la dénonciation

WHEREAS Patrick James King has been charged that a été inculpé d'avoir
ATTENDU QUE Under Section 73(1) of the Public Health Act
- Individual contravening order of
Medical officer of health

Prosecution or Defence
La poursuite ou la défense

and it has been made to appear that you are likely to give material evidence for the Defence
et qu'on a donné à entendre que vous êtes probablement en état de rendre un témoignage essentiel pour Please Select

Set out Court or Justice
Indiquer le tribunal ou le juge de paix

THIS IS THEREFORE TO COMMAND YOU to attend before a Judge
À CES CAUSES, LES PRÉSENTES ONT POUR OBJET DE VOUS ENJOINDRE de comparaître devant
on 21st day of July 2021 at 9:30 am
le Red Deer Provincial Courthouse à time hours
à

Specify any documents, objects or other things required
Indiquer les documents, les objets ou autres choses requises

to give evidence concerning the said charge, and to bring with you anything in your possession or under your control that relates to the said charge, and more particularly the following:
pour témoigner au sujet de ladite inculpation et d'apporter avec vous toute chose en votre possession ou sous votre contrôle qui se rattachent à ladite inculpation, et en particulier les suivantes:

see Attached 'Schedule A'

DATED 14 July 2021
FAIT le Red Deer, Alberta.
à (Seal if required) (Scellu, s'il est requis)

Kari Cummings
Justice of the Peace
In and for the Province of Alberta
by Commission Does Not Inspire
Juge de paix du Greffe du tribunal

NOTICE TO WITNESSES: You must report with this Subpoena to the Court Office each day you are required to attend the above hearing and have your attendance recorded thereon. Please arrive a few minutes early to clear Law Courts security.
AVIS AUX TÉMOINS: Vous devez vous présenter au greffe du tribunal munis de cette assignation chaque jour où vous êtes requis d'être présents à l'audience ci-dessus et y faire consigner votre présence. Veuillez arriver quelques minutes à l'avance pour assurer l'accès sécuritaire au Palais de Justice

CY60360 (2008/06)

Page 1 of 3

THIS IS EXHIBIT "A"
referred to in the Affidavit of
Krisztina Grech
Sworn before me this 16th
day of July AD 2021
Chw
A Commissioner in and for the Province of Alberta

CHRISTOPHER GHESQUIERE
BARRISTER AND SOLICITOR

To whom it concerns, 'Schedule A'

I request all white papers describing the isolation of the COVID-19 aka SARS-CoV-2 virus in human beings, directly from a sample taken from a diseased patient, where the patient sample was not first combined with any other source of genetic material.

Note: The word "isolate" indicates: a thing is separated from all other material surrounding it.

I am not requesting white papers where "isolation" of SARS-CoV-2 refers to:

- the culturing of something, or
- the performance of an amplification test (PCR), or
- the sequencing of something

To clarify I am requesting via disclosure all white papers showing isolation of the SARS-CoV-2 virus in human beings in your possession or in the possession of Alberta Health ministry, as these white papers would have been integral in the crafting of the statutes made under the "Public Health Act" here in Alberta.



Name of Witness Nom du témoin

File/Ticket No. N° de dossier

Affidavit of Service of Subpoena
Affidavit de signification d'assignation

I, Je, (Full Given Names and Surnames) (nom et prénom au complet)
of the, of, in the Province of Alberta,
de la (du) (City, Town, Village) (ville, ville, village) de, province d'Alberta,
(Occupation) (profession ou occupation)

MAKE OATH AND SAY/SOLEMNLy AFFIRM AND DECLARE THAT I DID:
DÉCLARE SOUS SERMENT/AFFIRME ET DÉCLARE SOLENNELLEMENT QUE J'AI:

1. on, le, date, at, time

serve signifié à (Full Given Names and Surname) (nom et prénom au complet)

the person to whom the endorsed Subpoena is directed, with the said Subpoena by:
la personne à laquelle la présente assignation est adressée, ladite assignation:

Select either of clause (a) or (b) Choisir l'une ou l'autre des clauses (a) ou (b)

- (a) delivering a true copy thereof personally to and leaving the same with him (her)
(b) leaving a true copy thereof for him (her) at his (her) usual place of abode with

(Full Given Names and Surname) (nom et prénom au complet)

an inmate thereof apparently not under 18 years years of age, after making personal inquiries which showed that he (she) could not conveniently be found, said place of abode being located.
une personne qui habite et qui paraît être âgée d'au moins seize ans, après avoir fait des recherches personnelles qui ont révélé qu'elle ne pouvait commodément être trouvée, ladite résidence étant située

at à (Local Address) (adresse locale)
In the of, in the Province of Alberta,
dans la (le) (City, Town, Village) (ville, ville, village) de, province d'Alberta,

2. THAT at the time of service aforesaid, I exhibited the original of said Subpoena to the person with whom I left the true copy, I informed that person who the Subpoena was for and, after I explained the contents thereof to him (her), said person indicated to me that he (she) understood the nature of the said Subpoena.

3. THAT on the said copy of Subpoena so served by me there was, at the time of such service, endorsed all of the endorsements now appearing upon the original Subpoena with the exception only of the endorsements contained in this Affidavit.

4. THAT to effect such service I necessarily travelled a distance of kilometers.
5. THAT the costs of such service are itemized as follows:
QUE les frais de cette signification sont détaillés de la façon suivante:

SWORN/AFFIRMED before me
DÉCLARE SOUS SERMENT/AFFIRMÉ devant moi

on/le
à/à, Alberta.

A Justice of the Peace or Commissioner for Oaths
Juge de paix ou Commissaire aux serments



Name of Witness / Nom du témoin

File/Ticket No. / N° de dossier

Information for Witness Renseignements au témoin

The following information has been designed to explain your role as a Witness and some of the "Do's" and "Don'ts" of testifying.

As a witness **you** have a very important responsibility, important not only to the party for whom you appear and yourself, but most important to the administration of justice. In order for the court to arrive at a just decision, all of the evidence put before it must be accurate and truthful.

Everyone involved knows your time is valuable and that you have other things to do and every attempt will be made to avoid wasting your time. There may be unavoidable delays, but you have not been forgotten.

Even though you may have already given an oral or written statement, it is very important that you give your evidence in court.

You may believe that you don't know anything about the case, however, you may know something very important which may seem unimportant to you.

If you have received a subpoena to attend at court, do not ignore it as it is a court order and must be obeyed. Failure to respond to your subpoena may result in a warrant being issued for your arrest.

Please ensure that you bring your copy of the subpoena and the original documents as indicated in the subpoena.

The following suggestions may be helpful to you in court:

- In testifying, you **must** tell the truth.
- Give your evidence clearly and speak up so that everyone in the courtroom can hear you.
- Be polite and be serious.
- If you do not hear a question, ask that it be repeated. If you do not understand a question, ask that it be re-phrased. In answering a question, do not guess. If you do not know the answer, say so.
- If you cannot properly answer a question with a "Yes" or "No", explain your answer.
- Answer only the question you are asked.
- If you have made a mistake in answering a question, advise the court immediately.
- Do not argue with the lawyers or the judge.
- Do not look for help to the lawyer who called you or any other person in the courtroom in answering a question.
- Direct your answers to the judge.

For more information about being a witness, contact the court administration office for a free copy of **The Witness And The Justice System**.

Les renseignements suivants ont pour but de vous expliquer votre rôle de témoin et certaines des règles que vous devrez respecter lors de votre témoignage.

En tant que témoin, **vous** responsabilité est très importante, non seulement vis-à-vis de la partie pour laquelle vous comparez et de vous-même, mais surtout vis-à-vis de l'administration de la justice. Pour que le tribunal arrive à une décision juste, il faut que toute la preuve qui lui est soumise soit exacte et vraie.

Chacun ici sait que votre temps est précieux et que vous avez d'autres choses à faire, et nous ferons notre possible pour éviter de perdre votre temps. Des délais inévitables se produiront peut-être, mais vous ne serez pas oublié.

Même si vous avez déjà fait une déclaration orale ou écrite, il est très important que vous témoigniez devant le tribunal.

Vous croyez peut-être que vous ne savez rien de l'affaire, mais il se peut que vous sachiez quelque chose de très important qui vous paraît sans importance.

Si vous avez reçu une assignation à comparaître, ne l'ignorez pas car il s'agit d'une ordonnance du tribunal qui doit être respectée. Si vous ne répondez pas à votre assignation, un mandat d'arrestation pourrait être lancé contre vous.

Veillez amener votre copie de l'assignation ainsi que les originaux des documents indiqués dans l'assignation.

Les suggestions suivantes pourraient vous être utiles au tribunal:

- Lorsque vous témoignez, vous **devez** dire la vérité.
- Rendez votre témoignage clairement et parlez à haute voix de façon à être entendu par toutes les personnes présentes dans la salle d'audience.
- Soyez poli et sérieux.
- Si vous n'entendez pas une question, demandez qu'on vous la répète. Si vous ne comprenez pas une question, demandez qu'elle soit reformulée. Lorsque vous répondez à une question, ne devinez pas. Si vous ne connaissez pas la réponse, dites-le.
- Si vous ne pouvez pas répondre à une question par un "oui" ou par un "non", expliquez votre réponse.
- Ne répondez qu'à la question qui vous est posée.
- Si vous vous êtes trompé en répondant à une question, informez-en immédiatement le tribunal.
- N'argumentez pas contre les avocats ou le juge.
- N'espérez pas que l'avocat qui vous a appelé ou toute autre personne dans la salle vous aide à répondre à une question.
- Adressez vos réponses au juge.

Si vous avez besoin d'autres renseignements sur le rôle du témoin, veuillez vous adresser au greffe du tribunal pour obtenir une copie gratuite de la brochure intitulée **The Witness And The Justice System**.

FILEDET JOIN - APP006 - 0150248693 JNJD016I
GRECK EDMCL NONE PRODUCTN 2021-07-16 10:11:05

FILE/TK NO.: A87988036R FILE OPENED: 2021JAN15 PAGE: 1 OF 1

ASSIGNED PROSECUTOR:

SEL AGENCY RRDC R.C.M.P. RED DEER CITY INFORMANT HANUSICH, DWAYNE

ACCUSED NAME	SEX	DOB	FPS ID	HIGH INTIM RISK OF JUST	PRIORITY PROLIFC
KING, PATRICK	M		C014405951	N N	N

ACC CHRG	OFF DATE	VICTIM	AGENCY FILE #
1 PHA 73(1)	2020DEC05		20-1758493

STAT	ACC	CHG	DATE	APPEARANCES	LOC	ROOM	TIME	PROS
A			2021JUL21	TRIAL CONTINUATION	RDDP	103	09:30	
E			2021MAY18	TRIAL CONTINUATION	RDDP	203	09:30	
E			2021MAY04	TRIAL	RDDP	102	13:30	
E			2021APR20	TO SPEAK TO	RDDP	101	09:30	BELT
B			2021MAY04	TRIAL	RDDP	102	13:30	
E			2021FEB03	FIRST APPEARANCE (TICKET)	RDDP	101	09:30	

PF11 GO TO --> FIND

PF1=HELP PF3=PREV SCREEN PF7=PREV PF8=NEXT PF12=MAIN

PF13=DISP PF14=BAIL PF15=FINE PF16=REST PF21=WITNESS PA2=REFRESH

THIS IS EXHIBIT " B "
referred to in the Affidavit of
Krisztina Grech
Sworn before me this 16th
day of July A.D. 2021
Chw

A Commissioner in and for the Province of Alberta

CHRISTOPHER GHESQUIERE
BARRISTER AND SOLICITOR

TKDET JOIN - APP006 - 0150134316 JNED020I
GRECK EDMCL NONE PRODUCTN 2021-07-15 09:56:35

TICKET: A87-9880-36R FILED IN: RED DEER PROV. COURT CRIMINAL
OFFENCE DATE: 2020DEC05 RED DEER COLL.TYPE: R
NAME: KING, PATRICK
ADDRESS: 370 1417 B LUCINA ST
PENHOLD
CHARGE: 73(1) F/T COMPLY WITH AN ORDER OF A

ACT: PHA REGUL: BYLAW: PROS:
COMPLAINANT: HANUSICH, DWAYNE AB FPS/ID: C014405951
AGENCY: R.C.M.P. RED DEER CITY BDG: 54692 POLICE FILE: 20-1758493
APPEARANCE: 2021JUL21 09:30 103 TC RED DEER PROV. COURT CRI
PAY CENTRE: GOVERNMENT OF ALBERTA FINE: 1200.00 FINE+LP: 0.00
ACCUSED: DOB: 1977AUG02 SEX: M LIC NO: 147495-923 AB
MVID: 0458-83790 VEH.PLATE NO: N.SAFETY NBR:

SEL E V E N T S SEL DATE ADDED: 2021JAN15
2021MAY28 EAF EXHIBITS ATTACHED TO 2021MAY28 EXE EXHIBITS ENTERED
2021MAY18 ADJ ADJOURNED 2021MAY04 TRO TRANSCRIPT ORDERED
2021MAY04 PRO PROCEEDED MORE

PF11 GO TO --> FINEINQ
PF1=HELP PF3=PREV PF4=FILEDET PF7/PF8=PREV/NEXT PF12=MAIN PF13=DISP
PF14=BAIL PF15=FINE PF21=WIT PA2=REFRESH

TKDET JOIN - APP006 - 0150134316 JNED020I
GRECK EDMCL NONE PRODUCTN 2021-07-15 09:57:00

TICKET: **A87-9880-36R** FILED IN: RED DEER PROV. COURT CRIMINAL
OFFENCE DATE: 2020DEC05 RED DEER COLL.TYPE: R
NAME: KING, PATRICK
ADDRESS: 370 1417 B LUCINA ST
PENHOLD
CHARGE: 73(1) F/T COMPLY WITH AN ORDER OF A

ACT: PHA REGUL: BYLAW: PROS:
COMPLAINANT: HANUSICH, DWAYNE AB FPS/ID: C014405951
AGENCY: R.C.M.P. RED DEER CITY BDG: 54692 POLICE FILE: 20-1758493
APPEARANCE: 2021JUL21 09:30 103 TC RED DEER PROV. COURT CRI
PAY CENTRE: GOVERNMENT OF ALBERTA FINE: 1200.00 FINE+LP: 0.00
ACCUSED: DOB: 1977AUG02 SEX: M LIC NO: 147495-923 AB
MVID: 0458-83790 VEH.PLATE NO: N.SAFETY NBR:

SEL E V E N T S SEL DATE ADDED: 2021JAN15
2021MAY04 ADJ ADJOURNED 2021APR20 ADJ ADJOURNED
2021APR20 RAC REMOTE ORD/APP CROWN 2021APR16 FBF FILE BROUGHT FORWARD
2021FEB03 PLN PLEA NOT GUILTY

PF11 GO TO --> PINEINQ
PF1=HELP PF3=PREV PF4=FILEDET PF7/PF8=PREV/NEXT PF12=MAIN PF13=DISP
PF14=BAIL PF15=FINE PF21=WIT PA2=REFRESH

A 87988036 R

VIOLATION TICKET CANADA Province of Alberta

PART 1

TICKET# A87988036R

PG 1

On or about December 5, 2020 at or near Red Deer place in Alberta

NAME KING Patrick last first middle

ADDRESS 370 Forestside 1417B Lucina St. Pembold Alberta postal code

DID UNLAWFULLY CONTRAVENE SECTION 73(1) individual contravening order of medical officer of health

- Traffic Safety Act, Use of Highway & Rules of the Road Reg., Vehicle Equipment Reg., Operator Licencing & Vehicle Control Reg., Commercial Vehicle Safety Reg., Gaming & Liquor Act, Municipal Bylaw, Public Health Act, Other Act or Regulation

Certificate of Offence and Service, Complaint, I believe on reasonable and probable grounds and swear that the person named above committed the offence as indicated and certify that I served a Summons personally upon the person charged on the offence date.

YOUR COURT APPEARANCE DATE AND LOCATION TO APPEAR BEFORE A JUSTICE IS Provincial Court, 4909 - 48 Avenue, Red Deer, Alberta on Wednesday, February 3, 2021 at 1:30 p.m.

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE Speed Limit, Recorded Speed, Clocked, Aircraft, Estimated, Camera, Radar/Laser

Court Appearance Required, Voluntary Payment Option \$1200, Adult, Youth, National Safety Code No.

Particulars / Place of Offence 49 Ave / 50 St, CT, Hall Park, Offence Time 1:30 p.m.

Pay Centre Code, Operator Lic. No. 1147495-923, Prov. AB, Sex F

Birth Date 11/9/77, M.V.I.D. No. 8045883790, Vehicle Licence No., Vehicle Make, Year, Color, Licence Year

ADJUDICATION Charge Read & Plea, Finding of Court: Guilty, Quashed, Withdrawn, Dismissed, Convicted in Absence and Fined Specified Penalty

Fine and Surcharge, In Default, Time to Pay to

A 87988036 R R Date Adjudicating Provincial Judge or Justice

CROWN ELECTION: SUMMARY, INDICTABLE

ACCUSED ELECTION: READ/WAIVED, PCJ, QBJ ALONE, QBJ & JURY

PLEA: GUILTY, NOT GUILTY

SECTION 530(3)- ADVISED OF LANGUAGE RIGHTS, WARRANT: TO HOLD/VACATED/CONTINUE/RELEASED, UNENDORSED, ENDORSED, PUBLIC INTEREST, CERTIFICATE OF DEFAULT

referred to in the Affidavit of Krisztina Grech Sworn before me this 16th day of July A.D. 2021

JRT, CROWN CONSENTS, SUMMONS, AGENT, NCS, BY CONSENT

DISCLOSURE, EARLY CASE RESOLUTION, REASON GIVEN, ACCUSED UNAVAILABLE, DATE SCHEDULED, OTHER

COURTROOM: 102, IN PERSON, CCTV, Notations, Peremptory on crown/defence/accused, INTERPRETER: LANGUAGE LINE, IN PERSON

K. Thorsrud is assigned counsel. crown

CROWN ELECTION: SUMMARY, INDICTABLE

ACCUSED ELECTION: READ/WAIVED, PCJ, QBJ ALONE, QBJ & JURY

PLEA: GUILTY, NOT GUILTY

SECTION 530(3)- ADVISED OF LANGUAGE RIGHTS, WARRANT: TO HOLD/VACATED/CONTINUE/RELEASED, UNENDORSED, ENDORSED, PUBLIC INTEREST, CERTIFICATE OF DEFAULT

JRT, CROWN CONSENTS, SUMMONS, AGENT, NCS, BY CONSENT

DISCLOSURE, EARLY CASE RESOLUTION, REASON GIVEN, ACCUSED UNAVAILABLE, DATE SCHEDULED, OTHER

ADJ: @ COURTROOM: IN PERSON, CCTV, HEARING TYPE: Judicial Directions/ Undertakings/Other Notations, PEREMPTORY ON CROWN/DEFENCE/ACCUSED, INTERPRETER: LANGUAGE LINE, IN PERSON

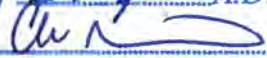
Action No.: A87988036R
E-File Name: RCP21KINGP
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF RED DEER

HER MAJESTY THE QUEEN

v.

PATRICK KING

THIS IS EXHIBIT " D "
referred to in the Affidavit of
Krisztina Grech
Sworn before me this 16th
day of July A.D. 2021

A Commissioner in and for the Province of Alberta
CHRISTOPHER GHESQUIERE
BARRISTER AND SOLICITOR
Accused

TRIAL
(Excerpt)

Red Deer, Alberta
May 4, 2021

Transcript Management Services
1901-N, 601 - 5th Street SW
Calgary, Alberta T2P 5P7
Phone: (403) 297-7392
Email: TMS.Calgary@csadm.just.gov.ab.ca

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TABLE OF CONTENTS

Description	Page
May 4, 2021 Afternoon Session	1
Discussion	1
DWAYNE HANUSICH , Affirmed, Examined by Ms. Kai	14
The Witness Cross-examined by the Accused	33
EDWIN SMITH , Affirmed, Examined by Ms. Kai	44
The Witness, Cross-examined by the Accused	50
The Witness Re-examined by Ms. Kai	57
The Witness Re-cross-examined by the Accused	58
Certificate of Record	65
Certificate of Transcript	66

EXHIBITS

No.	Description	Page
1	Photograph of Patrick King	25
2	Photograph of Doug Force, Patrick King and Unknown Protester	26
3	Public Health Act Document	31
4	Four Clips on USB	60

1 Proceedings taken in the Provincial Court of Alberta, Courthouse, Red Deer, Alberta

2

3 May 4, 2021 Afternoon Session

4

5 The Honourable Provincial Court of Alberta

6 Judge Snider

7

8 M. Kai For the Crown

9 (No Counsel) For the Accused

10 L. Sonnenberg Court Clerk

11

12 **Discussion**

13

14 THE COURT: And, Ms. Kai, are you here -- you are here on

15 the King matter?

16

17 MS. KAI: I am.

18

19 THE COURT: All right. Is Mr. King present?

20

21 MS. KAI: Good afternoon. He is here.

22

23 THE COURT CLERK: Patrick King?

24

25 THE COURT: That is you, sir? All right. Thank you.

26

27 THE ACCUSED: Yes, Ma'am.

28

29 MS. KAI: Your Honour, I can advise that the Crown has

30 two police witness for this matter.

31

32 THE COURT: Okay.

33

34 MS. KAI: Mr. King, I understand is self-represented. I

35 anticipate this being a - a lengthier matter due to his self-representation.

36

37 THE COURT: Okay.

38

39 MS. KAI: Perhaps the Court wishes to canvass with him

40 how he wishes to proceed today?

41

1 THE COURT: Sure. Thank you.
2
3 MS. KAI: And disclosure.
4
5 THE COURT: All right. Mr. King?
6
7 THE ACCUSED: Yes. First thing, I'd like to establish something
8 for and on the record, is this a court of law or an administrative office for the enforcement
9 of public policy under colour of law for the corporation of the Province of Alberta.
10
11 THE COURT: Sir, I am not going to entertain this today. This
12 is a court of law, you are here for your trial --
13
14 THE ACCUSED: This is for a court - a court of law --
15
16 THE COURT: -- and if you --
17
18 THE ACCUSED: -- that's all I need to know. Thank you.
19
20 THE COURT: Are you planning on representing yourself
21 today on this matter?
22
23 THE ACCUSED: Yes.
24
25 THE COURT: All right. So, there are some other matters that
26 we are going to deal with before we deal with this, because I hear that there a couple of
27 witnesses and it is likely to be a bit lengthier. The Provincial Crown has asked for just a
28 few moments to deal with the rest of their matters to see if we can clear any of those off
29 before we deal with the trials.
30
31 THE ACCUSED: Okay.
32
33 THE COURT: So, just have a seat in the back and be patient.
34
35 THE ACCUSED: So, we are recessed then?
36
37 THE COURT: Well, we are going to take a break here. At least
38 your matter is going to stand down until we have dealt with the other matters.
39
40 THE ACCUSED: Okay. So, I can walk out or should I just stay
41 here?

1
2 THE COURT: You can walk out of the courtroom, but you still
3 have to stay here until we --
4
5 THE ACCUSED: Yeah.
6
7 THE COURT: -- deal with your matter, okay? All right.
8
9 THE ACCUSED: Okay. Thank you.
10
11 MS. KAI: Sorry, Your Honour. Can I just inquire whether
12 he has his disclosure and --
13
14 THE COURT: Sure. Mr. King, can you confirm that you got
15 all the disclosure from the Crown office? Do you have a copy of the --
16
17 THE ACCUSED: I have nothing.
18
19 THE COURT: Have you made that request for any?
20
21 THE ACCUSED: I have made requests, yes, and never received
22 nothing.
23
24 THE COURT: Okay.
25
26 THE ACCUSED: There's an address error.
27
28 THE COURT: Okay.
29
30 THE ACCUSED: That's what I was told when I got here by the
31 officer.
32
33 THE COURT: An address error, you were told --
34
35 THE ACCUSED: They had the wrong address.
36
37 THE COURT: Okay. So, when were you told that and by who?
38
39 THE ACCUSED: Well, I can -- she can give me the -- copy of
40 disclosure can she not?
41

1 THE COURT: Of course she can, but I don't know if she has a
2 copy here for you today. And generally speaking, you want that in advance to prepare for
3 your trial.
4

5 THE ACCUSED: M-hm.
6

7 THE COURT: But --
8

9 THE ACCUSED: I think I'm okay.
10

11 THE COURT: All right.
12

13 And do you have a copy of the disclosure to provide to him?
14

15 MS. KAI: Yes, and I will sit with the investigator and Mr.
16 King, and see what we can provide for him with some of his body worn camera, so that's
17 going to be more difficult to share.
18

19 THE COURT: Okay. Yes.
20

21 MS. KAI: I have a copy.
22

23 THE ACCUSED: I was there. I was present. I don't need to see
24 the cameras.
25

26 THE COURT: Well, no, I understand you were there, sir, but it
27 is -- it does form the basis of the Crown's case and the evidence that they are going to be
28 presenting, so you are certainly entitled to copy that in advance and to be able to view it
29 to prepare your --
30

31 THE ACCUSED: Sure.
32

33 THE COURT: -- case, so.
34

35 MS. KAI: We'll take a few minutes in the ante room, Your
36 Honour.
37

38 THE COURT: All right. Sounds good. Let's -- we will adjourn
39 until 2:00 unless anybody is ready to go beforehand. Okay. Thank you.
40

41 (ADJOURNMENT)

1
2 THE COURT: All right. Thank you.
3
4 THE ACCUSED: Can I request --
5
6 THE COURT CLERK: Recalling Patrick King.
7
8 THE COURT: Okay.
9
10 THE ACCUSED: I just -- I have a handicap, so getting up and
11 standing up is difficult. Do I have to stand up every time?
12
13 THE COURT: Well, normally you stand up when you talk, like
14 when you ask questions or when you are making submissions.
15
16 THE ACCUSED: Okay.
17
18 THE COURT: If there is some medical issue that means you
19 need to sit down --
20
21 THE ACCUSED: I wear a prosthetic leg and I'm going --
22
23 THE COURT: That --
24
25 THE ACCUSED: -- through some back issues at the moment.
26
27 THE COURT: I don't mind if you sit down when you are
28 asking questions or when you are talking. That is fine.
29
30 THE ACCUSED: Okay. Thank you.
31
32 THE COURT: Okay? Thank you for asking permission for
33 that.
34
35 So, madam clerk, can I see the file, please? Thank you. All right.
36
37 All right. So, did you -- Mr. King, did you have an opportunity, sir, to go through your
38 disclosure with the Crown?
39
40 THE ACCUSED: I did.
41

1 THE COURT: All right. And you are satisfied with what you --
2 with the chance you had, you don't want any additional time to get a copy of the
3 disclosure?
4

5 THE ACCUSED: No, they were nice enough to give me a copy.
6

7 THE COURT: You have a copy. All right. Good. So, you
8 understand the charge that you are here for today?
9

10 THE ACCUSED: I do, yes.
11

12 THE COURT: Okay. So, I am just going to make sure, I am
13 going to read it to you. So, you are charged that on December 5th of 2020, that you
14 contravened an order of the Medical Officer of Health contrary to section 73(1) of the
15 *Public Health Act*. Do you understand that?
16

17 THE ACCUSED: I do.
18

19 THE COURT: All right. Now, a couple of things. I realize this
20 is sort of a quasi-criminal trial, but I want to make sure you understand the trial process,
21 because, of course, I am not your lawyer and I am not going to be able to assist you
22 throughout. You have chosen to represent yourself and you are entitled to do that. But, I
23 just want to give you a bit of a brief rundown on how the trial is going to unfold, okay?
24 All right.
25

26 So, first of all, you have to understand that it is the duty of the Crown here to prove this
27 charge. You don't have to prove anything. You don't have to prove you did or didn't do
28 anything it is the Crown that has to prove that, all right? And that means that in order to
29 do that they are going to call evidence. And evidence is either documents or maybe it is
30 video or audio that they put before the court, or it is witnesses that are getting up on the
31 stand and swearing under oath and providing testimony, all right? So, they are going to
32 call witnesses and they are going to ask -- the Crown is going to ask questions of those
33 witnesses. And once they are finished asking questions, you are going to have an
34 opportunity to cross-examine those witnesses, okay?
35

36 THE ACCUSED: Yes.
37

38 THE COURT: So, the types of questions you are able to ask a
39 witness when you are cross-examining, you can ask them leading questions which means
40 you can put things to them and ask them whether they agree or not, or whether that in fact
41 happened. The Crown has to ask different questions. They are not allowed to ask leading

1 questions. They can't put words in their witnesses' mouth. I want to hear what the
2 witness saw and heard themselves, so they have to be the ones to provide that evidence to
3 me, okay?
4

5 So, by contrast, if you choose to at the end of this call evidence, and you don't have to,
6 once the Crown is finished their case, they are going to close their case and they are
7 going tell me they have closed their case, and then that is your opportunity to decide if
8 you are going to call evidence. You don't have to, you can just argue and rely on the fact
9 that you don't think the Crown has met their burden and proved their case. And that is
10 fine, you are entitled to do that. But, if you choose to and you want to provide evidence to
11 the Court, you can call witnesses. That can be other witnesses or it can be yourself. If you
12 choose to do that, you have to come up on the stand and you have to do it under oath or
13 affirmation. And then that would mean that the Crown will have an opportunity to ask
14 you questions on cross-examination as well, okay?
15

16 THE ACCUSED: Yes.

17
18 THE COURT: Do you have any questions so far about that?
19

20 THE ACCUSED: No.
21

22 THE COURT: You understand that?
23

24 THE ACCUSED: Yes.
25

26 THE COURT: Okay. Do you have any witnesses here that you
27 think you may call at the end of the day?
28

29 THE ACCUSED: Not today.
30

31 THE COURT: All right.
32

33 THE ACCUSED: But I do need -- I will be, yes.
34

35 THE COURT: Well, today is the trial, so if you don't --
36

37 THE ACCUSED: I do not have any witnesses to call.
38

39 THE COURT: So, I just want you to know that today is the
40 trial, if you don't have witnesses here today --
41

- 1 THE ACCUSED: Okay. So, one witness I would like to call is Dr.
2 Deena Hinshaw.
3
- 4 THE COURT: Have you subpoenaed her?
5
- 6 THE ACCUSED: I have not. I did not know. I figured that the
7 Crown would have all their evidence ready for the trial.
8
- 9 THE COURT: Well, the Crown, I am sure has the evidence
10 ready that they want to call.
11
- 12 THE ACCUSED: Well ...
13
- 14 THE COURT: But, if it is not that particular individual, then if
15 you have a witness you want to call it is your responsibility to subpoena them and have
16 them present. So, if you haven't done that and they are not here today they do not get to
17 testify for you.
18
- 19 THE ACCUSED: Fair enough.
20
- 21 THE COURT: All right?
22
- 23 THE ACCUSED: So, do we adjourn to subpoena Dr. Deena
24 Hinshaw?
25
- 26 THE COURT: Well, if you have witnesses that you did not
27 subpoena that you want to rely on, and you want to make an application for an
28 adjournment, I will hear the basis for that application and I will hear the Crown's position
29 on it.
30
- 31 THE ACCUSED: I would, yes, Your Honour.
32
- 33 THE COURT: All right. So, what is the basis of your
34 application?
35
- 36 THE ACCUSED: The basis is I want to know the person that I
37 actually victimized. Deena Hinshaw basically created the Health Act. Hence I was to ask
38 her, you know, how I personally affected her under this Health Act, and basically ask
39 how I violated her code of conduct under the Health Act.
40
- 41 THE COURT: All right. And so, did you take any steps to

1 subpoena her or to make her --

2

3 THE ACCUSED: I have not because I assumed that they would
4 do that seeing as that she's the one that wrote the Act, therefore she's the one I violated.
5 Or how should I say it, the person I victimized.

6

7 THE COURT: All right. Ms. Kai?

8

9 MS. KAI: Yes, Your Honour. Just a trial was set on
10 February 3rd, 2021. The Crown is relying on a certification by the Deputy Minister of
11 Health pursuant to section 29 of the *Alberta Evidence Act* and also a solemn declaration
12 made, and I'm ready to provide a copy of that to the Court. I have provided one to Mr.
13 King.

14

15 THE COURT: Okay. So, Mr. King, you heard what the Crown
16 just said? That they are relying the certification that they were -- that they provided to
17 you? You got a copy of that this morning?

18

19 THE ACCUSED: That is the Act, is that what she's saying, the
20 certification?

21

22 THE COURT: Well, no what she is --

23

24 THE ACCUSED: That is the - the Province of Alberta's, Lorna
25 Rosen, Deputy Minister of Health under the CMOH order 382020?

26

27 THE COURT: Yes.

28

29 THE ACCUSED: Is that the document you're speaking of?

30

31 THE COURT: Yes.

32

33 THE ACCUSED: Yes, I have a copy of that.

34

35 THE COURT: All right. And you --

36

37 THE ACCUSED: So, that's what the Crown is -- this represents
38 Deena Hinshaw?

39

40 THE COURT: No, that doesn't represent --

41

- 1 THE ACCUSED: Okay.
- 2
- 3 THE COURT: -- Deena Hinshaw. That represents the evidence
4 that the Crown is relying on to prove the - the underlying --
5
- 6 THE ACCUSED: Okay. But, the person that made that should be
7 here and present to justify -- to be -- ask questions with regards to this.
8
- 9 THE COURT: Well, that's the purpose of the certification, sir,
10 is that that person does not have to be produced. There's a section under the *Evidence Act*
11 that allows the Crown to rely on in order to produce sworn documents as opposed to
12 having individuals testify. And that's the - the section that she's relying on and the
13 documents are provided under that section. So, then this becomes evidence.
14
- 15 THE ACCUSED: So, I cannot subpoena?
- 16
- 17 THE COURT: Well, you can subpoena whoever you want.
18 But, today is the trial, so you should have subpoenaed whoever you wanted to subpoena
19 to be here for the trial.
20
- 21 THE ACCUSED: I didn't know that.
- 22
- 23 THE COURT: So, I guess, Ms. Kai, I am asking in response to
24 his application for an adjournment on the basis that he hadn't subpoenaed the witnesses
25 that he intends to produce or wants to produce. What do you have to say about that?
26
- 27 MS. KAI: Your Honour, the -- Mr. King is free to call
28 whoever he wants and subpoena whoever he wants. From the Crown's perspective, to
29 make good use of the court time that's already been scheduled today, I propose the
30 Crown call its case, and then if need be I will return to -- and we can defence case. I have
31 two witnesses present today.
32
- 33 THE COURT: All right.
- 34
- 35 THE ACCUSED: My - my reason for not knowing that was with
36 all this COVID stuff that's going on, it's hard to access the services and the people and --
37 that I need to access. Now that I can and I know that she never brought them, I didn't
38 know, I figured they would have that. So, I figured now if that's the case she's not here,
39 then I would like to ask for an adjournment to subpoena Ms. Deena Hinshaw to be
40 present.
41

1 THE COURT: All right. So, here -- what the Crown is
2 suggesting is that she is here, her witnesses are here, that we start the trial today and she
3 will present her side of things. She will present her case with her witnesses. You will
4 have an opportunity to cross-examine them.

5
6 THE ACCUSED: Okay.

7
8 THE COURT: When she is finished her case today, if you
9 decide that you still want an adjournment so that you can call some witnesses on your
10 behalf, we can talk about adjourning the trial over to another day so that you will have an
11 opportunity to do that and to present your side of things.

12
13 THE ACCUSED: Oh, okay. Yeah. Sure.

14
15 THE COURT: All right.

16
17 THE ACCUSED: I'm okay with that.

18
19 THE COURT: So, you are prepared to continue?

20
21 THE ACCUSED: Yes.

22
23 THE COURT: Okay. So, I just want to make sure I have
24 covered everything I wanted to cover with you.

25
26 I guess the one thing I should review with you, sir, is the types of questions that you are
27 allowed to ask, okay? So, there are some questions that neither you nor the Crown are
28 allowed to ask because they are improper questions. And so, I am just going to give you
29 some examples of those so that you understand what kinds of questions those are.

30
31 The first one is leading questions and I touched on this a few minutes ago. So, that is a
32 question that will suggest the answer to a witness, or that will encourage a witness to
33 testify a certain way or to give you a certain answer. So, you cannot ask those questions
34 of your own witness and the Crown can't ask those types of questions of their own
35 witness.

36
37 The second type of improper questions is one that asks people to speculate on something
38 or on events or circumstances. I am not interested in having people speculate about things
39 that may have or could have happened. I am only interested in hearing what did happen,
40 okay?

41

1 And the last type of question that I want to alert you to is asking a witness to testify about
2 facts that someone else told that person for the purpose of proving those facts. So, that is
3 called hearsay and that is not allowed. That is what I said people have to testify about
4 what they saw with their own eyes and heard with their own ears.

5
6 THE ACCUSED: Yes.

7
8 THE COURT: That is what I mean, okay?

9
10 THE ACCUSED: Yeah.

11
12 THE COURT: And so, there are a number of other rules and
13 there are some exceptions to that which I am not going to get into right now because it
14 can be quite confusing. If it arises in the trial we will deal with it. But, if you feel for
15 some -- at some point that the Crown is asking one of those types of improper questions
16 you can object. And the way that you do that is to stand up and say that you object. I will
17 ask you what your objection is and I will hear from you. I will hear from the Crown and I
18 will make a ruling on the objection, all right? And it is the same the other way, if when
19 you are asking questions the Crown feels that some of the questions are improper they
20 have that same opportunity.

21
22 THE ACCUSED: Okay.

23
24 THE COURT: All right? And I will follow the same procedure.

25
26 THE ACCUSED: Thank you.

27
28 THE COURT: Then, the other thing is in terms of exhibits. So,
29 the Crown may have -- like this for instance that they just gave me, paperwork, video,
30 anything like that that they want to enter as exhibits. And you may have -- if you decide
31 to call evidence you may have the same thing. And so, the way that that needs to -- unless
32 there is an agreement between yourself and the Crown ahead of time that whatever it is
33 you are trying to have made an exhibit, or whatever she is trying to have made an exhibit,
34 come before me by consent, then that has to be put in through a witness, and it has to be
35 authenticated through a witness before it can become an exhibit, all right?

36
37 THE ACCUSED: Yes.

38
39 THE COURT: So, that is going to apply to the Crown, but it is
40 also going to apply to you if you decide to call evidence in your case.

41

1 Once the Crown has closed their case and once you have decided whether or not you are
2 going to call witnesses, and if you do once you have closed your case, then I will hear
3 submissions from -- I will start with the Crown in this case. I will hear submissions from
4 the Crown first about why they think they have proven their case, and then I will from
5 you, your submissions on why you think they haven't proven their case. Okay?
6

7 I just want to be very clear, however, if you choose not to testify or choose not to present
8 evidence, that submissions are not a time for you to say things to me that should have
9 come through witnesses on the stand, okay? It is really just an opportunity for you to
10 summarize your position and to point out to me why you think the Crown has not proven
11 their case.
12

13 THE ACCUSED: Okay.

14
15 THE COURT: Okay?

16
17 THE ACCUSED: Yes.

18
19 THE COURT: All right. So, again, this is a very quick
20 overview. As I said, I am not your lawyer, but I want to make sure you have an
21 understanding of how this is going to proceed today.
22

23 THE ACCUSED: Yes.

24
25 THE COURT: Do you have any questions before we get
26 started?
27

28 THE ACCUSED: No.

29
30 THE COURT: No? All right. So, the first thing I am going to
31 do is issue an order excluding any witnesses. So, if there is any witnesses other than the
32 Crown's first witness, or any people who may be called or who you think may be called
33 as a witness at some future date if we adjourn over, then I am going to ask that they leave
34 the courtroom, please, because we don't have them in here listening to testimony and
35 potentially tainting their evidence, okay? So, I saw that you had somebody in the back
36 with you, is that somebody that you think may be a witness at some point?
37

38 (WITNESSES EXCLUDED)

39
40 THE ACCUSED: Never. No.
41

- 1 THE COURT: No? Okay. Do you have -- you said you have
2 your disclosure. I see you have a pen and you have some paper.
3
- 4 THE ACCUSED: Yes, Ma'am.
5
- 6 THE COURT: And you are ready to go?
7
- 8 THE ACCUSED: Yes, Ma'am.
9
- 10 THE COURT: Okay. Crown, go ahead with your first witness.
11
- 12 MS. KAI: Thank you, Your Honour. The Crown calls
13 Corporal Hanusich - Hanusich - Hanusich.
14
- 15 THE COURT: All right, Corporal, come on up here. We --
16 sorry, we don't - we don't a Bible because of the COVID procedure so I am just going
17 have you affirm --
18
- 19 CORPORAL HANUSICH: Okay.
20
- 21 THE COURT: -- to tell the truth, okay? Go ahead.
22
- 23 **DWAYNE HANUSICH, Affirmed, Examined by Ms. Kai**
24
- 25 THE COURT: All right. I will say at the outset, if you are
26 comfortable removing your mask while you are behind the plexi, you are certainly free to
27 do that. If you would rather keep it on that is up to you. Okay? Go ahead, Ms. Kai.
28
- 29 MS. KAI: Thank you, Your Honour.
30
- 31 Q MS. KAI: Good afternoon, Corporal. I see that you have
32 some documents with you there?
33 A I do, yeah, just - just the basis of the file, that's all.
34
- 35 Q That's fine. Can you just keep them turned over for now?
36 A Yeah, absolutely. They're in - they're in my file folder.
37
- 38 Q Oh, fantastic, I just can't see. If you need to refer to them at any point just let me
39 know and I'll ask the judge for permission, okay?
40 A Yeah.
41

- 1 Q Corporal, can you tell us who are you employed with?
2 A I'm a member of the Red Deer City RCMP.
3
4 Q Okay. And how long have you been with RCMP for?
5 A Just going into 15 - 15th year.
6
7 Q And how long have you been in Red Deer for?
8 A Eight years.
9
10 Q Okay. Can you briefly tell us what your responsibilities are?
11 A I'm currently the NCO/IC of the downtown patrol unit. We're a unit downtown.
12 We're on - on bikes, on Segways, in vehicles and - and we patrol -- we provide a
13 proactive presence downtown.
14
15 Q And I think you said NCO/IC, can you just --
16 A NCO/IC, so I'm in charge of the unit.
17
18 Q What do those letters stand for?
19 A Non-commissioned officer/in charge.
20
21 Q Thank you. I understand you were in uniform and on duty on December 5, 2020, is
22 that correct?
23 A That is correct.
24
25 Q Can you tell us what you were doing that day?
26 A There was a protest downtown, and of course because it's downtown, my team was
27 mobilized to help monitor the -- this protest. For this day, I was on Segway and I was
28 capturing video surveillance throughout the day.
29
30 Q And just to be clear, what is a Segway?
31 A A Segway is a little two wheeled motorized vehicle.
32
33 Q Okay.
34 A I don't know if --
35
36 Q All right. A motorized -- a two wheeled motorized vehicle, is that what you said?
37 A That's correct, yeah.
38
39 Q Okay. Thank you. And you were operating one on that date?
40 A I was.
41

- 1 Q Okay. You were capturing video I believe you said?
2 A Video - video surveillance, yeah --
3
4 Q Video.
5 A -- just of the - of the protest. The detachment was contacted by Alberta Health
6 Services. They wanted a police presence on this day at - at this protest because there
7 was new restrictions put in place a couple of weeks prior.
8
9 Q All right. And what were those restrictions that you're speaking of?
10 A The one - the one that - that was in play with the protest was a -- it prohibited groups
11 of people of 11 or more gathering outdoor or indoor.
12
13 Q Okay. You said that Alberta Health Services requested some police presence?
14 A That's correct, yeah.
15
16 Q And do you have any information as to what this protest related to?
17 A I don't. Oh, the protest?
18
19 Q Yes.
20 A The - the protest was an anti-mask, anti-COVID protest. We've seen rallies downtown
21 every - every weekend.
22
23 Q Okay. And where did you get this information from?
24 A Which information?
25
26 Q About what the protest is about?
27 A They had signs. They have signs -- they're - they're - they're actively protesting anti-
28 COVID, anti-lockdown, anti-restrictions, anti-anti-Kenney, anti-Hinshaw.
29
30 Q Okay. And you said they, who -- what do you --
31 A The protesters. The group that - that's usually there.
32
33 Q All right. Can you tell the Court how big this group would be?
34 A On this day, we put estimates of - of around a hundred people.
35
36 Q All right. And what time of day was this?
37 A The protest started at 1 PM.
38
39 Q Okay.
40 A And - and lasted throughout the afternoon. I believe it ended around 4 -- 3:30, 4ish.
41

- 1 Q What time were you on scene?
2 A I was on scene roughly -- approximately 12:30.
3
4 Q Okay. And where were you?
5 A I was on a Segway, so I was just patrolling the area. We were downtown, 50th - 50th
6 Street and 49th Avenue. So, I'd been hanging around in the area. I had two bike teams
7 also into play that day.
8
9 Q Okay. And that's Red Deer, Alberta?
10 A That's Red Deer, Alberta, correct.
11
12 THE COURT: Sorry, can you say that again, you were 50th
13 and?
14
15 A 49th Ave.
16
17 THE COURT: 49th, okay. Thank you.
18
19 A On the corner there.
20
21 Q MS. KAI: How big was your - your team, Corporal?
22 A Now, this would be just a rough estimate, 2, 4, 5, 7 -- 7 to 10 members.
23
24 Q Okay. Were they in uniform as well?
25 A They were.
26
27 Q Were they on Segways as well?
28 A Some were doing static surveillance, four or five were on bike.
29
30 Q Okay.
31 A Mountain bike.
32
33 Q Please tell us what happened that day?
34 A So, the - the protester rally started. I would make regular patrols past the - the group
35 of people that were gathered. They had three individuals provide speeches to the
36 group. A Lexi Hanna (phonetic), a Doug Force (phonetic) and Mr. King.
37
38 Q Okay.
39 A After the - after the speeches there was a - a small walk. I believe they walked -
40 walked around the block or a couple of blocks.
41

1 Q Okay.

2 A And then, they just continued to stand along the corner waving their signs, cheering
3 whenever somebody would drive by and honk their horns, or - or acknowledge their
4 presence.

5

6 Q All right. Now, you mentioned three individuals who were giving speeches, is that
7 correct?

8 A Correct.

9

10 Q Can you tell us a little bit more about how these people were positioned or where it
11 was?

12 A So, the group of people were gathered around the corner -- the intersection, so it
13 would be right at the northwest corner of City Hall Park, right on the intersection
14 corner. Most of the speeches were done just off the crosswalk, still on the sidewalk,
15 and then people would gather around the individuals that were giving speeches.

16

17 Q Okay.

18 A Lexi Hanna, I believe, used a microphone. I don't believe Mr. King did.

19

20 Q All right. How did you know it was Mr. King?

21 A I'm very familiar with Mr. King. I've done -- I've - I've monitored probably a dozen
22 protests. Mr. King is - is well known as -- in the Alberta Yellow Vest Movement. He
23 was also a counter-protester to one of the Black Lives Matter walk for peace.

24

25 Q Okay. Do you know his full name?

26 A Patrick King.

27

28 Q All right. And did you obtain any sort of identification from him on December 5th,
29 2020?

30 A I don't believe I did, no.

31

32 Q Okay. Do you know was there a name to this protest?

33 A I - I can't recall what the protest -- but they usually do name them. Right now it's a -
34 it's a Red Deer freedom rally.

35

36 Q Okay.

37 A I don't recall what the protest designation was that day.

38

39 Q All right. Is this --

40 A Some - something about against the - the current restrictions.

41

1 Q Is this information noted anywhere by yourself?

2 A It could be in my general report.

3

4 Q Did you make the general --

5

6 THE ACCUSED: Objection. She's leading him into the question,
7 trying to make sure he answers it properly.

8

9 THE COURT: Well, sir, she -- sorry, I will give Ms. Kai -- no,
10 I will give you an opportunity to respond to that.

11

12 MS. KAI: Your Honour, I'm asking whether this
13 information exists, and I think the Crown and Mr. King will have some latitude into
14 asking follow-up questions to try to arrive at the evidence that we think is -- we're
15 seeking to tender.

16

17 THE COURT: All right. So, Mr. King, generally speaking, I
18 mean he has answered that he doesn't recall but that that information may have been
19 contained in his notes. Generally speaking, if that is the case, and I am sure the Crown is
20 going to ask him some questions in a moment about when those notes were taken and
21 who took them. And then, if the practice is -- if the normal practice is followed, I suspect
22 she is going to be asking to have leave for him to refer to his notes for the purpose of
23 refreshing his memory.

24

25 THE ACCUSED: Okay.

26

27 THE COURT: That is not an unusual thing. I will hear from
28 him about the process of that note taking --

29

30 THE ACCUSED: Okay.

31

32 THE COURT: -- and whether I am going to allow him to
33 refresh his memory with the notes.

34

35 THE ACCUSED: Sorry.

36

37 THE COURT: No, that is fine, you are entitled to do that. Go
38 ahead, Ms. Kai.

39

40 MS. KAI: It's like you read my mind, Your Honour.

41

1 Q MS. KAI: Corporal, did you make notes on the day?

2 A I made a general report at the end of the day, correct.

3

4 Q All right. Are they made by yourself?

5 A They were.

6

7 Q Any changes, alteration or deletions since that day?

8 A No.

9

10 Q And do you require them to refresh your memory?

11 A I do.

12

13 MS. KAI: Your Honour, the Crown would ask for
14 permission for - for the Corporal to refer to his general report.

15

16 THE COURT: And, Corporal, you have that permission. I
17 would just ask that going forward if you refer to your notes again to please make sure you
18 let us know so that we can distinguish on when you are testifying by memory and when
19 you are referring to your notes.

20

21 A Absolutely.

22

23 THE COURT: Okay? Thank you.

24

25 A Protect liberty and freedom rally.

26

27 Q MS. KAI: Thank you. Now, Corporal, can you tell us how
28 long you observed Mr. King for on that day?

29 A And this would be an estimation, possibly 2 hours, two and a half hours.

30

31 Q Okay.

32 A And Mr. King didn't go on the walk because of his prosthetic leg.

33

34 Q Okay.

35 A Oh no, he was there after because we conducted a traffic -- so three, three and half
36 hours.

37

38 Q Three to three and a half hours?

39 A Yeah.

40

41 Q Okay. Was Mr. King by himself or accompanied by anyone else?

1 A So, on that - on that day he arrived by himself.

2

3 Q Okay.

4 A We were aware that Mr. King was a suspended driver.

5

6 Q All right.

7 A So, when he left, he left with Mr. Force who was driving him and the traffic stop was
8 conducted just a - a little ways away from the area.

9

10 Q All right. What --

11

12 THE COURT: Sorry, did you say Mr. Forrest (phonetic)?

13

14 A Mr. Force, Doug Force, he's another individual --

15

16 THE COURT: Force.

17

18 A -- that provided a speech that day, Your Honour.

19

20 THE COURT: Thank you.

21

22 Q MS. KAI: All right. What was the purpose of the traffic
23 stop?

24 A Because Mr. King was then charged with driving while suspended under the *Traffic*
25 *Safety Act*.

26

27 Q Okay.

28 A And this ticket was issued as well.

29

30 Q Who was it issued by?

31 A This ticket was issued by me. The *Public Health Act* ticket was issued by me.

32

33 Q All right.

34 A Constable Daniel Roussel issued the drive while suspended.

35

36 Q Okay.

37 A Or drive while unauthorized, sorry.

38

39 MS. KAI: Madam clerk, do you have the ticket on the file?

40 Do you have a --

41

- 1 THE COURT: Are we talking about the Public Health order
2 ticket?
3
- 4 MS. KAI: The - the -- yes.
5
- 6 THE COURT: Yes, I have the file. Do you need it?
7
- 8 MS. KAI: Thank you.
9
- 10 THE COURT: Do you need it?
11
- 12 MS. KAI: Can I show it to the witness --
13
- 14 THE COURT: Yes.
15
- 16 MS. KAI: -- Your Honour? If you could pass it up to the
17 witness?
18
- 19 Q MS. KAI: Corporal, do you recognize this document?
20 A I do.
21
- 22 Q And what is it?
23 A It's a violation ticket.
24
- 25 Q Okay. And what does it pertain to?
26 A It's charging Mr. Patrick King with contravening section 73(1) of the *Public Health*
27 *Act*.
28
- 29 Q Do you see your name anywhere?
30 A I do.
31
- 32 Q Where is it?
33 A It's - it's on the signature block.
34
- 35 Q Okay.
36 A Certificate of offence and service.
37
- 38 Q And that's your signature?
39 A That is.
40
- 41 Q Okay. Thank you very much.

- 1
2 MS. KAI: And return that, please.
3
4 A Your Honour.
5
6 THE COURT: Thank you.
7
8 MS. KAI: Thank you.
9
10 Q MS. KAI: Now, Corporal, what section are you -- were
11 you charging Mr. King under?
12 A Section 73(1) --
13
14 Q And what is --
15 A -- of the *Public Health Act*.
16
17 Q Okay. And what is your understanding of that section?
18 A That's an individual who's in contravention of the current health restrictions that have
19 been put in place.
20
21 Q Okay. And what specifically was he contravening?
22 A Taking part in a - in a gathering or group of people 11 or more.
23
24 Q Okay. Do you - do you recall what Mr. King was wearing that day?
25 A Camouflage jacket.
26
27 Q Okay. Anything else?
28 A I believe a camouflage hat as well.
29
30 Q Okay.
31 A He had sunglasses on. No mask.
32
33 Q All right.
34
35 MS. KAI: Your Honour, permission to approach the
36 witness?
37
38 THE COURT: Yes. Go ahead.
39
40 Q MS. KAI: Corporal, I'm going to show you two
41 photographs.

- 1 A Okay.
2
- 3 MS. KAI: And I just want to show it to Mr. King first,
4 Your Honour.
5
- 6 THE COURT: Sure. Mr. King.
7
- 8 MS. KAI: This is what I'm showing him.
9
- 10 Q MS. KAI: Corporal Hanusich, do you recognize those two
11 documents?
12 A I do.
13
- 14 Q And what are they?
15 A They're - they're stills taken out of a surveillance video.
16
- 17 Q And who were they taken by?
18 A I believe they were taken by me. The - the - the video was taken by me.
19
- 20 Q Okay.
21 A And the stills were taken by me as well.
22
- 23 Q All right. And how do you create those stills?
24 A How did I create them?
25
- 26 Q Yes.
27 A Paused - paused my surveillance video and - and took the picture out.
28
- 29 Q Okay. And perhaps you can hold up one of them first and show us all what -- which
30 one you're looking at. Yeah. Can you tell us what that pertains to?
31 A That's a photograph of Mr. King.
32
- 33 Q Okay.
34 A At the protest.
35
- 36 Q All right.
37
- 38 MS. KAI: Your Honour, if that can be marked Exhibit 1?
39
- 40 THE COURT: Yes, that will become Exhibit 1. Do you still
41 want him to refer to it? We can mark it in a moment?

- 1
2 MS. KAI: No, we're fine. Thank you.
3
4 THE COURT: No? Okay.
5
6 Madam clerk, so, Exhibit 1 will be the first photograph identified as the photograph of
7 Mr. King. Thank you.
8
9 **EXHIBIT 1 - Photograph of Patrick King**
10
11 Q MS. KAI: And the second. Yes, what does that --
12 A Again - again, this is another photograph taken out of a video surveillance still -- or --
13 and created into a still. It shows Mr. King, Mr. Force and a protester on that day that
14 actually -- were looking at me when I was taking video of them.
15
16 Q Okay. So, I'm going to provide you with a pen, if you can tell us who are these
17 individuals you're - you're --
18 A I have a pen.
19
20 Q Oh, thanks.
21 A Would you like me to mark?
22
23 Q Yes, if you can mark the exhibit with -- you - you just mentioned Mr. King and Mr.
24 Force, if you can mark them on the photo, please?
25
26 And so, can you just read for us what you've written down?
27 A Sure. On the side with Mr. Force, I wrote Doug Force. On the side with Mr. King, I
28 wrote Patrick King. And above the unknown protester, I wrote just unknown
29 protester.
30
31 Q Thank you.
32
33 MS. KAI: Your Honour --
34
35 THE COURT: Yes.
36
37 MS. KAI: -- if that could be the next exhibit?
38
39 THE ACCUSED: Can I see that a little closer? I can't even make
40 that out.
41

1 THE COURT: Sure, if you want.
2
3 THE ACCUSED: Is that possible?
4
5 THE COURT: Yes. Put your mask on and if you want to
6 approach.
7
8 THE ACCUSED: Okay.
9
10 THE COURT: All right?
11
12 THE ACCUSED: Yes, thank you.
13
14 THE COURT: Thank you.
15
16 That will become Exhibit 2. Thank you.
17

18 **EXHIBIT 2 - Photograph of Doug Force, Patrick King and Unknown Protester**

19
20 Q MS. KAI: Corporal Hanusich, you mentioned that you had
21 taken some surveillance video on that day?
22 A I did.
23
24 Q I'm going to ask you to watch the screen and tell us if you recognize this video?
25 A Okay.
26
27 MS. KAI: Your Honour, I'll provide this -- the electronic
28 clips later. I'll just keep it on my video --
29
30 THE COURT: Sure.
31
32 MS. KAI: -- for now. I'm going to a folder called Corporal
33 Hanusich, and I'm starting a video called GoPro 015.
34
35 (VIDEO PLAYED)
36
37 Q MS. KAI: So, I'm just going to stop for a moment.
38 Corporal Hanusich, do you recognize this footage?
39 A I do.
40
41 Q And what is it?

1 A That's me starting off on the Segway.

2

3 Q Okay.

4 A At - at the location, I'm at the north hall, City Hall - City Hall Park that's 50th - 50th
5 Street, and you'll see me now scoot down and I'll turn around head back towards --

6

7 Q All right.

8 A -- towards the west.

9

10 Q Okay. I'm going to continuing playing. Please continue watching.

11

12 (VIDEO PLAYED)

13

14 Q MS. KAI: Corporal Hanusich, is this accurate depiction of
15 what you saw that day?

16 A It is.

17

18 Q How was this footage made?

19 A With a GoPro - GoPro camera.

20

21 Q And where --

22 A I was holding it.

23

24 Q Okay.

25 A It was very difficult to manage to drive and -- but I was holding the camera
26 throughout the day.

27

28 Q Okay. Thank you. I'm going to ask you to watch a second clip?

29 A Okay.

30

31 MS. KAI: The Crown is going to play from the same
32 folder, Corporal Hanusich's folder GoPro 0017. I need to put number 3 clip.

33

34 (VIDEO PLAYED)

35

36 Q MS. KAI: And just before we get too far, do you recognize
37 this footage?

38 A I do.

39

40 Q And what is it?

41 A Same footage I took that day.

1
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41

Q Okay.

A On December 5th.

Q All right. Thank you.

(VIDEO PLAYED)

Q MS. KAI: Corporal, I'm just pausing here at 1:09 for a moment. We see a person speaking, do you recognize her -- that person?

A The person speaking?

Q Yes.

A Yes, that's Lexi Hanna.

Q Okay. And do you see Mr. King anywhere in that footage?

A I do. He's livestreaming the event right there -- or recording the event.

Q Okay. And - and just for the record can you identify what he's wearing?

A Camouflage jacket, looks like a grey hat, sunglasses.

Q Okay. And you say he's recording the event?

A He's either doing that or livestreaming. We were aware that he was livestreaming the event as well.

Q Okay.

A So, he's holding his camera up here some, and this would be just a - a guess, I'm going to suggest he was livestreaming --

Q Okay.

A -- or recording the event, one of the two.

Q Okay. But -- and what you can see is him holding his camera, is that correct?

A Correct.

Q Thank you. Please continue watching.

(VIDEO PLAYED)

Q MS. KAI: And I'm pausing at 1:46. Corporal, you had provided us with an estimate of how many people in the crowd that day, can you tell

- 1 us how many people are -- that you are -- that's visible on the screen right now at this
2 juncture?
3
- 4 A Oh, that's visible on the screen? Thirty -- approximately 30, 35, maybe -- and this just
5 a - a guess, 30 --
6
- 7 Q You - you can take the time to count if you wish?
8 A Oh, you -- okay.
9
- 10 Q There's no rush.
11 A Oh. I got 32.
12
- 13 Q Pretty good estimate. Okay, 32, thank you. Do you see Mr. King in -- visible there?
14 A I do, he's still up front with Ms. Hanna.
15
- 16 Q Okay. Thank you. Please continue watching.
17
- 18 (VIDEO PLAYED)
19
- 20 Q MS. KAI: Corporal Hanusich, is that an accurate depiction
21 of what you observed that day?
22 A It is.
23
- 24 Q Is this made the same way as the first footage?
25 A It is.
26
- 27 Q Okay. Thank you. Corporal, can you tell us, do you know the specific section that you
28 were charging Mr. King under?
29 A 73(1) --
30
- 31 Q Okay.
32 A -- of the *Public Health Act*.
33
- 34 Q And do you have a -- I guess a more precise section that - that you wrote it down?
35 A It - it -- what it -- it - it's under CMOH order 38.
36
- 37 Q Okay.
38 A It was a directive that came out November 24th, I believe, from the Chief Medical
39 Officer.
40
- 41 Q Yes. Okay.

1
2 MS. KAI: Your Honour, can I show the order to the
3 witness, please?
4
5 THE COURT: Yes. Go ahead.
6
7 MS. KAI: I think you have it.
8
9 THE COURT: Oh, you need my copy then?
10
11 MS. KAI: Oh, but I - I - I have an additional copy if the
12 Court wishes --
13
14 THE COURT: No, that's okay.
15
16 MS. KAI: -- to retain that one?
17
18 THE COURT: Thank you.
19
20 MS. KAI: Oh, thank you.
21
22 THE COURT: So, Mr. King, that is the document that we
23 talked about at the beginning of the trial that you got a copy of?
24
25 THE ACCUSED: Yes.
26
27 THE COURT: Yes. All right. Thank you.
28
29 Q MS. KAI: Corporal, do you recognize that document?
30 A I do.
31
32 Q Okay. And you had mentioned earlier that the section you were referring to refers to
33 11 or more people, is that correct?
34 A Correct.
35
36 Q Can you tell us where that can be found in this document?
37 A It's paragraph 15, part 2.
38
39 Q Okay. And can you --
40 A All --
41

1 Q Go ahead and --

2 A Read it?

3

4 Q -- tell us what it says?

5 A (as read)

6

7 All persons are prohibited from attending a private social
8 gathering at an outdoor private place or public place where 11 or
9 more persons are in attendance at the private social gathering.

10

11 Q Thank you.

12

13 MS. KAI: If that can be the next exhibit, please, Your
14 Honour?

15

16 THE COURT: Yes, that will become Exhibit 3.

17

18 **EXHIBIT 3 - Public Health Act Document**

19

20 MS. KAI: And I do have a copy for the Court if you wish?

21 Can I come up?

22

23 THE COURT: Yes, please. Thank you. I will have that. So, we
24 will make this one the exhibit, madam clerk.

25

26 THE COURT CLERK: Thank you. Is there another one?

27

28 MS. KAI: That's for --

29

30 THE COURT: That is a copy for me.

31

32 THE COURT CLERK: Oh. Okay.

33

34 THE COURT: Thank you.

35

36 Q MS. KAI: Thank you very much, Corporal.

37

38 MS. KAI: Or, sorry, Your Honour, I should say, I'm going
39 to ask for this video to be made the next exhibit as well, but if I can keep it on my
40 computer for now as I have to play it for the next witness.

41

1 THE COURT: All right. Well, the two clips that you have
2 played and that he has identified --
3
4 MS. KAI: Yes.
5
6 THE COURT: -- so that was number six -- or 17 and 15?
7
8 MS. KAI: Fifteen - 15 and 17.
9
10 THE COURT: Those can -- I guess do we want to -- if your
11 intention is to try to make the remaining videos that are contained on that drive, or
12 however you are intending on submitting it as one single exhibit, I don't know how we
13 break them up into different exhibits on one particular drive.
14
15 MS. KAI: I was hoping to just keep it all together. If I -
16 I'll only have it one drive. I've identified the clips that I've played --
17
18 THE COURT: All right. And that's fine.
19
20 MS. KAI: -- and I will only --
21
22 THE COURT: We -- they have been identified. They have
23 properly been identified those two clips --
24
25 MS. KAI: Yes.
26
27 THE COURT: -- by this particular witness. So, I will just make
28 a note of that and then if the other video clips on it are identified properly throughout the
29 trial then we can talk about making the entire drive a --
30
31 MS. KAI: And I will only --
32
33 THE COURT: -- an exhibit.
34
35 MS. KAI: -- keep what's identified to for - for the exhibit
36 purpose, of course.
37
38 THE COURT: Okay. All right.
39
40 MS. KAI: Those are my questions. Please answer
41 questions from Mr. King.

1
2 THE COURT: All right. So, Mr. King, this is your opportunity
3 now to ask any questions of the officer, okay?
4

5 THE ACCUSED: Copy that.
6

7 **The Witness Cross-examined by the Accused**
8

9 Q I'm going to stand for this because I figure you earn the respect so -- as an officer. So,
10 first and foremost, I'd like to ask did you take an oath as a police officer when you
11 first joined the force?

12 A I did at Depot, yes.
13

14 Q Do you -- can you recite that oath for the Court so that we know what that oath was
15 under the RCMP legislation?

16 A I don't remember my oath from Depot, no.
17

18 Q Okay. So, you can't recite your oath that you took when you - when you joined the
19 police force?

20 A I - I don't recite my oath every day, no.
21

22 Q Okay. Now furthermore, that was a group of people on the street. How many people
23 you say were there once again?

24 A We had estimated around a hundred.
25

26 Q A hundred. But, yet you just told the - the Crown that there was only 32?
27

28 A Her specific question was in that group.
29

30 Q Correct. So, there was only 32 in that little group there?
31

32 A There was additional people further down to the south towards 48 --
33

34 Q Yes.
35

36 A -- and there was people across the street.
37

38 Q Okay. And within your findings -- or within your - your - your investigation how
39 many people were ticketed on that day?
40

41 A I laid seven charges that day.

Q You laid seven charges that day?

A Correct.

1 Q And those charges were to do with?

2 A *Public Health Act* tickets.

3

4 Q *Public Health Act* tickets which was --

5 A Yeah.

6

7 Q -- section -- sorry?

8 A 73(1) of the *Public Health Act*.

9

10 Q Okay.

11

12 THE ACCUSED: Which states -- and I'd like just to read -- re-
13 read this, Your Honour.

14

15 THE COURT: When you say 'this', are you talking about the
16 section of the Health Act -- *Public Health Act*?

17

18 THE ACCUSED: Yes, the section 15 here where he stated --

19

20 THE COURT: Okay. So, I just want -- we -- I just want to
21 make sure we are all on the same --

22

23 THE ACCUSED: Yes. I'm so sorry --

24

25 THE COURT: -- page. So, are you referring to Exhibit 3?

26

27 THE ACCUSED: I'm sorry. Yes. The --

28

29 THE COURT: Okay.

30

31 THE ACCUSED: -- yes, that one.

32

33 THE COURT: And you are on the second page, what
34 paragraph?

35

36 THE ACCUSED: I am on page, I believe it was --

37

38 A Part - part 2, paragraph 15.

39

40 THE ACCUSED: Four -- part 2, paragraph 15.

41

1 THE COURT: Okay.
2
3 THE ACCUSED: It states: (as read)
4
5 All persons --
6
7 This is the tickets that everybody was issued, please let me know if this correct? :(as
8 read)
9
10 All persons are prohibited from attending a private social
11 gathering at an outdoor private place or public place where 11 or
12 more persons are in attendance at the private social gathering.
13
14 Q THE ACCUSED: Is that correct?
15 A If that's how it reads, yeah.
16
17 Q That's correct. So, my question is, would you - would you consider that a private
18 social gathering?
19 A It's an outdoor social - social gathering. It's private --
20
21 Q Private -- is it private?
22 A Or public.
23
24 Q So, are they not on public property?
25 A They are.
26
27 Q And they are in the public?
28 A They are.
29
30 Q And we were in that --
31
32 THE ACCUSED: Can I address as myself in this or do I just speak
33 in general?
34
35 THE COURT: Sorry? Can --
36
37 THE ACCUSED: Do I address as myself in this, like when I ask --
38 I can't ask personal right?
39
40 THE COURT: What do you mean?
41

- 1 THE ACCUSED: So, I'm saying me being there in public, does it
2 -- is I'm not being private is what I'm saying. I'm not private there. I'm not in a private
3 place I'm in a public place.
4
- 5 THE COURT: Well, yes. I mean you can ask him --
6
- 7 THE ACCUSED: Okay.
8
- 9 THE COURT: -- about whether he considers that a public or
10 private place.
11
- 12 THE ACCUSED: Okay. Yeah.
13
- 14 THE COURT: And I think you just have. But, if you want to
15 ask --
16
- 17 THE ACCUSED: Yeah.
18
- 19 THE COURT: -- that again, go ahead.
20
- 21 Q THE ACCUSED: So, you - you would consider that a public
22 place?
23 A Public and private place, absolutely. It's outside, but yet public has access to it.
24
- 25 Q Yes. And how would you deem it private?
26 A Is it - is - is it a backyard, no.
27
- 28 Q No.
29 A It's not.
30
- 31 Q It's not, right? And it's public property in a public place. Okay. And you said you
32 issued seven tickets that day?
33 A That's correct.
34
- 35 Q And there was a total of 32 that you counted and then a hundred on your report -- in
36 your disclosure there's a hundred people?
37 A Approximately, correct.
38
- 39 Q Why was there only seven people ticketed, not 32 or a hundred that you guys have
40 investigated?
41 A Well, I'll - I'll just talk to you why - why we ticketed you, because you spoke at the

1 event. Okay? I won't give the criteria of why I charged the other people. I - I spoke to
2 -- or you spoke at the event, Mr. Force spoke at the event, Ms. Hanna spoke at the
3 event, and all three of you were charged.
4

5 Q Okay. So, targeting three individuals that spoke at the event that was what your basis
6 was?

7 A That's why you were charged that day. I didn't target you, but that's why you were
8 charged.
9

10 Q But, that's why I was charged was because I spoke?

11 A Correct.
12

13 Q So, you charged me under the Health Act because I spoke. Correct?

14 A Yeah, you spoke -- you - you --
15

16 Q I thought you were charging under the Health Act?

17 A You were one of the organizers of the event.
18

19 Q Okay. Can you establish that I was one of the organizers?

20 A Not at all, but you spoke at the event.
21

22 Q Okay. So, I was not one of the organizers. You can --

23 A I - I didn't see that.
24

25 Q -- confirm that?

26 A I didn't see - I didn't see your name down on a piece of paper stating you were one of
27 the organizers.
28

29 Q Oh, correct. So --

30 A But - but you --
31

32 THE COURT: Just let him finish.
33

34 THE ACCUSED: Sorry.
35

36 THE COURT: You have to let him finish answering, okay?
37

38 THE ACCUSED: Okay, sorry.
39

40 A But, you were speaking at the event. You were either recording or livestreaming the
41 event.

- 1
2 Q THE ACCUSED: Okay.
3 A Okay?
4
5 Q Yeah.
6 A That's why you were charged.
7
8 THE ACCUSED: I just want it to be known that I was not, and he
9 verified that I was not, an organizer of the event.
10
11 THE COURT: Well, that is something that if you choose to
12 testify, you can --
13
14 THE ACCUSED: Oh. Oh.
15
16 THE COURT: -- speak to, but at this point it is just your
17 opportunity to ask him questions.
18
19 THE ACCUSED: Okay.
20
21 THE COURT: Okay? Not to tell me about your side of things.
22
23 THE ACCUSED: Fair enough. Fair enough.
24
25 Q THE ACCUSED: Next question, what do you think the mood of
26 the crowd was? Was the crowd in a good behaviour, were - were they polite, were
27 they nice?
28 A They've always been polite.
29
30 Q They've always been polite?
31 A Yeah, for the most part.
32
33 Q And how long would you say that they were there and have been on the corner of
34 Gaetz and Ross Street, how long have they been there?
35 A What do you mean?
36
37 Q The duration, you said you've attended several protests there over the -- over how
38 long of a period?
39 A There - there's one lady in the video that's told me with quite -- with pride that she's
40 been there since 2018.
41

- 1 Q That's right.
- 2 A They've been there every Saturday since 2018.
- 3
- 4 Q That's right. So, that weekend was -- would you say you - you confirm that it's a
5 protect liberty and freedom rally?
- 6 A Correct.
- 7
- 8 Q Correct. So, at no point did you say it was a -- or no point was it a COVID against
9 COVID against anti-masks or anything?
- 10 A That's what the signs were. That's -- I -- what you - what you spoke to that day, I
11 can't - I can't testify to because I wasn't - I wasn't near you when you - when you
12 spoke. I was across the street.
- 13
- 14 Q Okay. So, you were not present when I spoke?
- 15 A I was present, I was across the street.
- 16
- 17 Q But, not in the vicinity to verify other than by camera?
- 18 A Were you in contravention of the *Public Health Act*? Yes.
- 19
- 20 Q Okay.
- 21 A Okay.
- 22
- 23 Q Under your - under your legal position that you can say. Okay?
- 24
- 25 THE ACCUSED: That -- I'd - I'd like to treat the witness as
26 hostile. He's laughing and snickering at me.
- 27
- 28 THE COURT: Well --
- 29
- 30 THE ACCUSED: Like it's -- I've given him respect when he was
31 -- he doesn't need to laugh at me.
- 32
- 33 THE COURT: Well, I don't know that he is laughing at you. I
34 don't -- I will just ask him not to do that if that is the perception that is being presented.
- 35
- 36 THE ACCUSED: Thank you.
- 37
- 38 THE COURT: This isn't a situation where you have to treat
39 him as hostile. You are cross-examining him he is not your witness.
- 40
- 41 THE ACCUSED: Okay. I'd just like to respect, that's all.

- 1
2 THE COURT: So, that -- and that is fair enough, everybody in
3 here will show each other respect.
4
- 5 THE ACCUSED: Okay.
6
- 7 THE COURT: I, personally, when -- you know I don't observe
8 what he has been doing is disrespectful, but I will just ask him to refrain from laughing in
9 response to your questions, okay?
10
- 11 THE ACCUSED: Thank you.
12
- 13 Q THE ACCUSED: So, you -- sorry, we'll go back, so, you say the
14 mood of the crowd was good?
15 A Yes.
16
- 17 Q Nobody was belligerent, nobody was rude, nobody was mean, nobody in --
18 A Not - not that I saw.
19
- 20 Q Okay. There was even signs, I don't know, maybe do you recall the signs saying
21 support the police?
22 A I have, yes.
23
- 24 Q Yes. A lot of times these groups are there to -- you know, they're very polite. They're
25 very -- they work alongside with you guys on many events, such as myself, on phone
26 calls several times with your officers and with your members with regards to holding
27 these peacefully. Now, when I -- have I not done that? Have I not worked with the
28 RCMP several times in conjunction with holding these peacefully?
29 A Not that I can talk to because I wasn't the one that spoke with you.
30
- 31 Q Okay. You said that you're very familiar with who I am?
32 A Yes.
33
- 34 Q So, therefore, you should be privy to all the conversations that were given between
35 your staff sergeant at the Red Deer detachment?
36
- 37 THE COURT: Well, sir, I am just going to interrupt you. He --
38 as I said at the outset, he can't tell you what other people have told him --
39
- 40 THE ACCUSED: Okay. Okay.
41

- 1 THE COURT: -- that is hearsay. So, he has answered saying he
2 hasn't had any direct conversation with you.
3
- 4 THE ACCUSED: Okay. I'm - I'm asking his - his colleagues have
5 had.
6
- 7 THE COURT: But, he can't answer that --
8
- 9 THE ACCUSED: Okay.
10
- 11 THE COURT: -- because he is -- you would have to ask the
12 colleagues, but he can't tell you what the colleague -- he can't tell me what the --
13
- 14 THE ACCUSED: Okay.
15
- 16 THE COURT: -- colleagues have said. Okay?
17
- 18 THE ACCUSED: I guess what I'm doing, Your Honour, is just
19 trying to base the fact that I've always worked with the RCMP and have been very polite
20 with them in doing this.
21
- 22 THE COURT: Okay.
23
- 24 THE ACCUSED: That day I was contacted by their staff sergeant
25 with regards to this prior -- actually 2 days prior.
26
- 27 THE COURT: Okay, just a minute. So, I will -- I am going to
28 make a comment and if it doesn't address what you are about to object to you can let me
29 know. What you are telling me right now that is testimony --
30
- 31 THE ACCUSED: Okay.
32
- 33 THE COURT: -- and if you want me to -- if you want that to
34 become evidence, when it is your turn --
35
- 36 THE ACCUSED: Okay.
37
- 38 THE COURT: -- to present a case you can take the stand and
39 you can tell me that.
40
- 41 THE ACCUSED: Okay.

1
2 THE COURT: But, right now this particular officer is telling
3 you that he didn't have any conversations with you, so he can't speak to that particular
4 issue. Okay?
5
6 THE ACCUSED: Okay. Yeah.
7
8 THE COURT: All right. Did that address it?
9
10 MS. KAI: I'm fine. Thank you.
11
12 Q THE ACCUSED: All right. So, in seeing what you saw and you
13 observed, you said that this was actually in the public, but it was - it was actually --
14 sorry, it was private according to section 15, when it obviously was public. There's no
15 video in the evidence of me speaking, so, therefore, when it says here that you
16 observed that I was speaking that doesn't appear to be in the video that I'm talking.
17 We --
18
19 THE COURT: It --
20
21 Q THE ACCUSED: We showed the videos there and I -- at no time
22 was I talking. You addressed and said that Lexi Hanna was speaking, correct?
23
24 THE COURT: Okay. Sorry, is there a question here?
25
26 THE ACCUSED: I'm asking the credibility of the witness.
27
28 THE COURT: Okay. We have to ask him a question then.
29
30 THE ACCUSED: That is the question. Did you see me speaking?
31
32 THE COURT: Okay, that is the question. So, go on.
33
34 A I did.
35
36 Q THE ACCUSED: You saw me speaking?
37 A Yes.
38
39 Q And you'll -- you're - you're under oath, sir.
40 A I saw you speaking.
41

1 Q Okay. But, just a minute ago you said you were across the street.

2 A Can I not see you across the street speaking?

3

4 Q I'm -- whereabouts were you across the street?

5 A Maybe straight west of you. I can't recall exactly where I was.

6

7 Q So, you can't recall where I was at the time?

8 A I can --

9

10 Q Or where you were at the time, sorry?

11 A Know where - where I was, yes.

12

13 Q Okay. I believe you said seven people were - were ticketed, correct?

14 A Correct.

15

16 Q Three being people that spoke?

17 A Correct.

18

19 THE ACCUSED: No further questions.

20

21 THE COURT: All right. Is anything arising, Ms. Kai?

22

23 MS. KAI: No. Thank you.

24

25 THE COURT: All right. Thank you, Corporal.

26

27 A Thank you.

28

29 (WITNESS STANDS DOWN)

30

31 MS. KAI: Crown's next witness is Constable Edwin
32 Smith. I wonder if Corporal could send him in?

33

34 CORPORAL HANUSICH: Sure.

35

36 MS. KAI: Thank you.

37

38 THE COURT: Thank you.

39

40 Come on up here, Constable. All right. So, Constable, we -- because of COVID, we are
41 not swearing because we don't have the Bible, so I am not having you swear on the

1 Bible, I am just going to ask you to affirm to tell the truth, okay?

2

3 CONSTABLE SMITH: Yes, Your Honour.

4

5 THE COURT: Go ahead, madam clerk.

6

7 **EDWIN SMITH, Affirmed, Examined by Ms. Kai**

8

9 THE COURT: If you want to remove your mask while you are
10 behind the plexiglass, you certainly can but you don't have to that is your choice.

11

12 A Thank you.

13

14 THE COURT: And go ahead, Ms. Kai.

15

16 MS. KAI: Thank you.

17

18 Q MS. KAI: Good afternoon, Constable Smith.

19 A Good afternoon.

20

21 Q Constable Smith, how -- who are you employed with?

22 A I'm employed with the Royal Canadian Mounted Police here in Red Deer, Alberta.

23

24 Q All right. And how long have you been with the RCMP?

25 A I've been with the RCMP for 8 years, and prior to that I was with the military police
26 for 5 years, so 13 years in total.

27

28 Q Thank you. And how long have you been posted in Red Deer for?

29 A Three years.

30

31 Q Okay. Can you tell us what your general duties are?

32 A I'm with the drug section, so my duties are plain clothes in nature investigating
33 organized -- serious organized crime and drug investigations.

34

35 Q All right. Sorry, I missed the last bit?

36 A Just drug investigations.

37

38 Q Drug investigation, thank you. Were you involved in an investigation on December 5,
39 2020?

40 A I was. I was working an overtime shift for the protest.

41

1 Q Okay. Can you tell us about your involvement that day, please?

2 A My involvement was simply just to stand across the street and use a video camera to
3 try and capture individual's faces so that later on they can be identified.

4

5 Q Do you recall when you arrived on scene that day?

6 A I arrived approximately 12:00.

7

8 Q Okay.

9 A And the protest didn't start until about 1:00 PM.

10

11 THE COURT: Sorry, what time did you say you got there?

12

13 A 12 PM.

14

15 THE COURT: All right. Thank you.

16

17 Q MS. KAI: Constable Smith, can you tell us what you
18 observed when the protest started?

19 A It was approximately 1:00 in the afternoon, 1 PM.

20

21 Q Yes, and what did you observe?

22 A Oh, sorry, I observed a - a crowd gathering just at the corner of, I guess it would be
23 Ross and 49th at the City Hall Park. And I just used a - a standard camcorder just to
24 record just various aspects of the protest, mostly just trying to capture individual's
25 faces.

26

27 Q Okay. Did you speak to anyone in the protest?

28 A No, I did not.

29

30 Q Okay. I'm going to show you a video clip if you can watch?

31

32 MS. KAI: The Crown is going to this -- a folder called
33 Constable Smith, and I'm going to play the clip called MAH00138.

34

35 (VIDEO PLAYED)

36

37 Q MS. KAI: Constable Smith, I don't know if we've
38 watched enough, but do you recognize this clip?

39 A Yes, I do. This is a clip that I recorded myself.

40

41 Q Okay. And can you tell us what we're looking at there?

1 A This is the protest that is taking place at the corner of City Hall Park, and right now
2 you have it frozen on Mr. Pat King's face.

3

4 Q And just for clarity, can you tell us what -- which - which person you're referring to
5 as Mr. Pat King?

6 A The gentleman with the sunglasses, the green hat with the skull, and the camo jacket.

7

8 Q Okay. Please continue watching.

9

10 (VIDEO PLAYED)

11

12 Q MS. KAI: And I'm just stopping the video at 1:17, can
13 you tell us what we're looking at here, Constable Smith?

14 A Again, it's the protest at the corner, and we're again looking at Mr. King in the
15 camouflage jacket with the sunglasses.

16

17 Q Okay.

18

19 (VIDEO PLAYED)

20

21 Q MS. KAI: Constable Smith, is that an accurate depiction of
22 what you observed that day?

23 A It is. That - that is the recording that I took that day and that's - that is what I saw.

24

25 Q Okay. I'm going to ask you to watch a second clip.

26

27 MS. KAI: This is in the same folder, Constable Smith, and
28 I'm going to play video MAH00141.

29

30 (VIDEO PLAYED)

31

32 Q MS. KAI: And, Constable Smith, do you recognize this
33 footage here?

34 A I do. This is also footage that I took on the same date, at the same intersection, the
35 same protest.

36

37 Q Okay. Thank you. Please continue watching.

38

39 (VIDEO PLAYED)

40

41 Q MS. KAI: And Constable -- I'm pausing the video at 37

1 seconds and can you tell us what we're watching here?

2 A Again, we're watching the same protest. You can see Mr. King in the camouflage
3 jacket, he's holding a cell phone in his right hand and still wearing his black
4 sunglasses.

5
6 Q Okay. And could you -- were you able to tell what he was doing at the time?

7 A He was livestreaming of -- on Facebook talking into his phone.

8
9 Q Okay. And how do you know that?

10 A I - I pulled up his Facebook and was able to see that through --

11
12 Q All right.

13 A -- on my phone.

14
15 Q All right. And can you tell us how many people are there on the screen that you can
16 see right now?

17 A I estimated approximately 50 to 80 people in total at the protest.

18
19 Q Okay. And on the screen right now, you can count if you wish, can you tell us how
20 many people are there?

21 A I'm going to say at - at minimum there's 22 people on the screen right now.

22
23 Q All right. And can you comment on the distance of any between the people that are
24 present?

25 A There - there's no physical spacing or distance and there's nobody wearing masks.

26
27 Q Okay. And please continue watching.

28
29 (VIDEO PLAYED)

30
31 Q MS. KAI: We just heard -- this a video at 45 seconds, we
32 just heard someone speak. Do -- were you able to tell who was speaking?

33 A It's Mr. King that's speaking.

34
35 Q And can you tell who he was speaking to?

36 A Again, I believe it was for an audience on his - his live Facebook stream --

37
38 Q Okay.

39 A -- and the people around him in the crowd it appeared he was speaking to.

40
41 Q Thank you. Please continue watching.

1
2 (VIDEO PLAYED)
3

4 Q MS. KAI: Constable Smith, I -- we see some signs there,
5 are you able to tell us what -- do you recall what they were about or are - are you able
6 to see?

7 A They - they were -- all the signs were in relation to anti-mask, anti-government, you
8 know purporting drugs that been proven ineffective against COVID.
9

10 Q Okay. And is this video clip an accurate depiction of what you observed that day?

11 A Yes, it is.
12

13 Q Okay. Thank you very much.
14

15 MS. KAI: Your Honour, I am going to ask those two clips
16 to be made an exhibit.
17

18 THE COURT: All right. I guess I will back up a bit too, are we
19 making these all individual exhibits, the clips?
20

21 MS. KAI: I'm happy to put all of them together. I've
22 identified them by folder, and --
23

24 THE COURT: Okay.
25

26 MS. KAI: -- I'm happy to remove anything we haven't
27 identified subject only to if Mr. King wants to play anything. That's why I - I had all of
28 them on.
29

30 THE COURT: All right.
31

32 MS. KAI: That's what I was concerned with.
33

34 THE COURT: Mr. King, do you have any --
35

36 THE ACCUSED: I don't have access to a computer, but I have
37 access to that footage. So, if I need to use --
38

39 THE COURT: No, no, but I am wondering did you intend on
40 playing any footage --
41

1 THE ACCUSED: Oh, yeah, most --
2
3 THE COURT: -- outside of your case?
4
5 THE ACCUSED: -- for this gentleman, yes, most - most
6 definitely.
7
8 THE COURT: You want to play some footage and have him --
9
10 THE ACCUSED: Yeah, probably the same clips, yes.
11
12 THE COURT: Okay. So, at this point then, Ms. Kai, why don't
13 we just leave it as they have been -- those two particular clips that have been identified on
14 the record and I will again just confirm that they are?
15
16 MS. KAI: 138 and 141, MAH.
17
18 THE COURT: Thank you. And those are under Constable
19 Smith's folder, that those have been identified and are -- will form part of the exhibit. At
20 the end of the Crown's case, we will put the one particular drive in with all of the clips
21 that have been properly identified and we will put it in as a single exhibit.
22
23 MS. KAI: Thank you, Your Honour.
24
25 THE COURT: Okay?
26
27 MS. KAI: For madam clerk, it's MAH00138 and
28 MAH00141.
29
30 THE COURT: So, madam clerk, what we are going -- we are
31 not going to mark each clip as its own individual exhibit. I am just going to mark -- I
32 have made note of the clips that were played and identified, and we will make sure at the
33 end of the day that the drive that gets put in as an exhibit has only the clips that were
34 properly identified by the Crown's witnesses --
35
36 THE COURT CLERK: Okay.
37
38 THE COURT: -- and we will put it in as a single exhibit.
39
40 MS. KAI: Thank you, Your Honour. Those are the
41 questions for the Crown.

1
2 THE COURT: All right. Thank you. So, Mr. King, now it is
3 your chance to ask --
4

5 THE ACCUSED: Thank you.
6

7 THE COURT: -- Constable Smith some questions.
8

9 THE ACCUSED: And for you, sir, I will stand and thank you very
10 much for your service, appreciate it. A lot of us, we do this because of people who have
11 served in our military and this is why we stand for you guys to do what we're doing, so
12 thank you.
13

14 **The Witness Cross-examined by The Accused**
15

16 Q Once again, I'm going to ask the same question and I'm not meaning this out of
17 disrespect, but as you're well aware in the military and in the RCMP you took an oath
18 when you were - when you were assigned your duties or joined the - the army or the
19 military and the RCMP, you took an oath, did you not?

20 A I did. Yes.
21

22 Q Do - do you remember that oath?

23 A Not word for word.
24

25 Q Not word for word? Okay. But, you remember what those oaths stood for?

26 A I - I do, yes.
27

28 Q Okay. Just want to make sure that that's put in there. And once again, same questions,
29 how many people would you say relatively were there during the day?

30 A I estimate approximately 50 -- between 50 and 80 people.
31

32 Q Fifty and 80 people, okay. What was the mood like? Mood with everybody?

33 A It was I'd say relaxed, it's --
34

35 Q Pretty calm?

36 A Yeah.
37

38 Q Okay. Nobody was belligerent or mean or rude were they?

39 A Not that I noticed when I was there.
40

41 Q Okay. And all your observations while you there you were on the other side of the

- 1 street, did you ever go into the crowd and intermingle with everybody?
2 A No, I did not.
3
4 Q Okay. Let's see, you say that you had access to my Facebook, how did you get that?
5 A I just used my own personal Facebook. I queried your name and was able to go to
6 your page and view your - your livestream.
7
8 Q Okay. I was just wondering if there was other avenues being an undercover police
9 officer that you were using?
10 A No, it was - it was - it was public in nature.
11
12 Q Okay.
13 A Anyone could view it.
14
15 Q Okay. Have you ever gone into investigating myself without anything of this nature?
16 A No.
17
18 Q No? Never?
19 A I -- you'll have to go a - a bit broad in that --
20
21 Q Okay. So, have you ever investigated Patrick King, myself, for any other reasons
22 pertaining to this?
23 A I have never investigated you. I did attend your barbeque.
24
25 Q Okay.
26 A In a - in a plain clothes capacity.
27
28 Q Okay.
29 A Back in October.
30
31 Q I remember that's why I'm asking it. Just --
32 A Yeah.
33
34 Q Okay. I remember that. Okay. Just wanting to re-establish that there was no ulterior
35 motives going.
36 A No, I've never - never personally investigated you.
37
38 Q Perfect. Okay. Now, in this video -- if we can rewind this video this one that's up
39 there, I'd just like to ask a question?
40
41 THE COURT: Is there a particular spot?

- 1
2 THE ACCUSED: I believe it's the part where she had said that I
3 was speaking. I think it was 1:14 of the video.
4
5 MS. KAI: There's only --
6
7 THE ACCUSED: Right - right there, go back.
8
9 MS. KAI: Right --
10
11 THE ACCUSED: Keep going, keep going, keep going, keep
12 going.
13
14 MS. KAI: Back?
15
16 THE ACCUSED: There. Let's go back further, further. Yeah,
17 right there, sure. Let's play that. Thank you.
18
19 MS. KAI: Forty-two for the record.
20
21 THE COURT: Thank you.
22
23 (VIDEO PLAYED)
24
25 THE ACCUSED: Now, if you wouldn't mind pausing it?
26
27 Q THE ACCUSED: Now, you think I was speaking to my camera
28 on that -- at that particular moment because I was livestreaming?
29 A Yes.
30
31 Q Okay. So, I was speaking to the camera, doing my livestreams like I normally do on
32 my Facebook.
33 A To - to the camera and the crowd before you, yes.
34
35 Q Well, it was -- okay, so you wouldn't say that I'm just speaking, I'm just talking, I'm
36 not actually speaking like to the crowds? Or would I be having a conversation?
37 A I think you're giving a speech to the crowd before you and to your - your Facebook
38 audience.
39
40 Q Okay. So, in doing that, what kind of - what kind of professionalism or what kind of
41 background do you have to understand if that was -- I'm trying to -- are you geared in

- 1 understanding what public speakers look like?
2 A I'm just --
3
4 Q Do you know what to see?
5 A -- I'm just calling it as I see it. I believe that it appears to me that you are speaking to
6 the crowd before you and --
7
8 Q Okay. So, this is your own personal judgment. Your judgment is your personal feeling
9 that there was somebody making speeches?
10 A That's - that's what I believe I witnessed that day.
11
12 Q Okay. So, it wasn't a professional --
13 A I have no training in recognizing speech givers, but --
14
15 Q Okay.
16 A -- I think to myself and --
17
18 Q Okay.
19 A -- clearly on the video you're speaking to the crowd and to your Facebook group.
20
21 Q Okay. Under that, you - you had said that you're a plain clothes undercover drug
22 investigation officer.
23 A No, I never said I'm undercover. I was --
24
25 Q Oh, okay. Plain clothes drug investigation?
26 A That's right.
27
28 Q Okay. So, what was your purpose with being involved with the other member who
29 was the NCO/IC, why were you there with them?
30 A They put out an overtime call out for members to work on - on that day, and I signed
31 up and showed up in uniform.
32
33 Q So, prior to you pulling the - the overtime, you had no recollection of anything that
34 was going on that day with this?
35 A No, not until I received the - the briefing that morning on what was going to take
36 place.
37
38 Q Okay. Okay. Now, you see in one of those -- we've seen it in the past but I'll just ask
39 for your observation, you saw the gentleman carrying a big sign, right, and it said
40 support our police?
41 A I did not notice that. If you want to play it back?

1
2 Q Okay. You don't have to see it, but there was several there that day. I just want to
3 make that into - into note that there was several of those. That there were people there
4 that are you know supporting the police basically they're not doing any harm.
5
6 THE COURT: Mr. --
7
8 Q THE ACCUSED: I just wanted to make sure that there was no
9 animosity between the officers and members.
10
11 THE COURT: Mr. King, I am just going to stop you again --
12
13 Q THE ACCUSED: That's evidence, right?
14
15 THE COURT: -- because that's evidence.
16
17 THE ACCUSED: Okay. I realize what I said.
18
19 THE COURT: And you can certainly say that when you are --
20 if you choose to take the stand.
21
22 THE ACCUSED: Okay.
23
24 THE COURT: But, if there is not a question about that for this
25 officer, then --
26
27 THE ACCUSED: Okay.
28
29 THE COURT: -- I am just going to ask you to move on.
30
31 THE ACCUSED: I'm really sorry. I'm sorry --
32
33 THE COURT: That is all right.
34
35 THE ACCUSED: -- I realized that as I was saying.
36
37 THE COURT: That is all right.
38
39 Q THE ACCUSED: How would you say -- I guess my question is,
40 were you -- okay, next question, were you part of the - the team that went around
41 giving tickets to people? Did you issue tickets to anybody?

- 1 A I did not issue tickets to anybody.
2
- 3 Q You did not issue tickets to anybody?
4 A No, I did not.
5
- 6 Q Okay. But, are you aware of the amount of tickets that were issued?
7 A No, I'm not.
8
- 9 Q Okay. And once again, how many you said you figured you -- were there? Sorry.
10 A Approximately between 50 and 80.
11
- 12 Q Fifty and 80, okay. I think -- and how long would you say you were there for?
13 A I was there for the entire duration.
14
- 15 Q Okay.
16 A I don't recall our end time that day.
17
- 18 Q So, do you remember what time you arrived? I don't remember what time you --
19 A I arrived approximately noon, 12.
20
- 21 Q Noon?
22 A Yes.
23
- 24 Q Okay. And - and you were just overtime -- we've established that.
25
- 26 THE ACCUSED: I think that's about it. I know what happened
27 that day. It's the evidence that needs to be provided, I guess. I just wanted to make sure
28 that the -- that I got an opportunity to hear it from their voices, that's all.
29
- 30 THE COURT: No, that is fine. It is completely your --
31
- 32 THE ACCUSED: Yeah --
33
- 34 THE COURT: -- you are entitled to ask questions. So, if you
35 think you -- you are finished with questions, that is fine. If you have any more, this is
36 your chance.
37
- 38 Q THE ACCUSED: For this still, you didn't interact with the crowd
39 at all? You didn't go in amongst the - the crowd at all at any time?
40 A No, the closest I came, there was a - a gentleman who was recording on a cell phone,
41 and another officer radioed and asked me to stop him, so I stepped out onto the road

- 1 and flagged him in. That - that's about my involvement.
2
- 3 Q So, when you were recording you were across the street, how far would you say that
4 would have been from three lanes, I guess, across?
5 A Yeah, I was on the sidewalk --
6
- 7 Q Would you say 60 feet, 70 feet?
8 A I'm bad with - with distances but it - it would literally be those - those three lanes.
9
- 10 Q Okay.
11 A Would be the only distance between us.
12
- 13 Q So, 10, 20, 30 -- 50, 60 feet across away from would you say?
14 A I'll - I'll say three lanes of --
15
- 16 Q Yeah.
17 A -- of standard lane traffic.
18
- 19 Q Ten feet of lane, 10, 20, 30 -- that's okay. Yeah. No. So, roughly 50 feet -- can we -
20 can we say roughly 50 feet?
21 A Again, I'm - I'm terrible with distances. I can I was directly on the sidewalk where
22 that parking lot is right across the street from City Hall Park.
23
- 24 Q Correct.
25 A So, you'd be -- just those three lanes of traffic.
26
- 27 Q You said the parking lot of City Hall Park?
28 A There's a -- the parking lot directly across the street from --
29
- 30 Q Right. Which is adjacent --
31 A -- city -- where the old -- the old Service Canada building.
32
- 33 Q Yeah, so you were in the park -- oh, so you were even further away.
34 A No, directly -- right by the Service Canada --
35
- 36 Q At the parking lot?
37 A Yes.
38
- 39 Q The parking lot of that Service Canada?
40 A Yes.
41

1 Q Okay, so that's quite a distance away. Okay. So, then that's kind of looking out. So,
2 where this is, you would say this position where I'm at right here is on the corner of
3 Gaetz and Ross Street?

4 A Yes.

5

6 Q So, that's up on the corner of Gaetz and Ross, and then you're back 100 or so feet?

7 A I'd say --

8

9 Q Even further.

10 A -- three - three lanes of traffic and the sidewalk on each side --

11

12 Q Okay.

13 A -- and that's --

14

15 Q Okay. Awesome. Thanks.

16

17 THE COURT: Okay? That is all you have got?

18

19 THE ACCUSED: Yeah, that's it. Yeah, you bet.

20

21 THE COURT: Anything arising, Ms. Kai?

22

23 **The Witness Re-examined by Ms. Kai**

24

25 Q Corporal Smith, you mentioned a barbeque, can you tell us what that means?

26 A That was a - a different protest. It was a - a counter protest to a Black Lives Matter
27 and Missing and Murdered Indigenous Women march. This was held at the Jubilee
28 Park and it was -- Mr. King was there other members of that group. And I just
29 attended the barbeque and just provided information to leadership if they were
30 planning on walking or marching, just basically collecting intel.

31

32 Q Was Mr. King known to you at that time?

33 A I had never personally met him until that time but he was known to me.

34

35 Q All right. And when was that barbeque?

36 A It was in October -- beginning of October of 2020.

37

38 Q So, 2 months before this event?

39 A Yes.

40

41 Q Okay. Thank you.

1
2 MS. KAI: Those are the questions, Your Honour.
3
4 THE COURT: Okay. Thank you.
5
6 THE ACCUSED: Can I re (INDISCERNIBLE)?
7
8 THE COURT: If there is something that is arising --
9
10 THE ACCUSED: Absolutely.
11
12 THE COURT: -- of her questions and you want to ask another
13 question, go ahead.
14
15 **The Witness Re-cross-examined by the Accused**
16
17 Q You said -- you brought up the barbeque part, that doesn't pertain to any of -- I guess
18 the question is to you -- it's more of an objection -- it doesn't obtain (sic) to any of
19 this, so why --
20
21 THE COURT: Well, I -- well, because when you asked him
22 questions --
23
24 THE ACCUSED: Yeah.
25
26 THE COURT: -- part -- one of the answers that came up was
27 him responding saying --
28
29 THE ACCUSED: Oh, oh.
30
31 THE COURT: -- he had been at a barbeque -- one of your
32 barbeques in the past.
33
34 THE ACCUSED: Copy that. Okay.
35
36 THE COURT: So, Ms. Kai is just clarifying or asking some
37 questions to clarify what that is and what that was about.
38
39 THE ACCUSED: Okay. I guess.
40
41 THE COURT: The relevance of it to this particular incident or

1 these -- this particular charge, I don't think there is any at this point, but I think she's just
2 clarifying the testimony that way.
3
4 THE ACCUSED: Okay. Other than that, then I'm done.
5
6 THE COURT: Okay.
7
8 THE ACCUSED: And yeah. Okay.
9
10 THE COURT: Okay. All right. Thank you. Constable --
11
12 A Thank you, Your Honour.
13
14 THE COURT: -- you are free to go.
15
16 (WITNESS STANDS DOWN)
17
18 THE ACCUSED: Thank you, sir.
19
20 THE COURT: Ms. Kai, do you have any other witnesses?
21
22 MS. KAI: No, Your Honour. I'm going to take out the
23 other clips and --
24
25 THE COURT: Okay.
26
27 MS. KAI: -- submit the ones we have identified and
28 played --
29
30 THE COURT: Sure.
31
32 MS. KAI: -- for an exhibit.
33
34 THE COURT: Do you want to take a few moments and do that
35 now, and we will --
36
37 MS. KAI: I need 30 seconds.
38
39 The four clips that were played for the officers are now on an USB. I'm giving it to the
40 clerk.
41

1 THE COURT: All right. And then that USB will become
2 Exhibit number 4.
3
4 **EXHIBIT 4 - Four Clips on USB.**
5
6 THE COURT CLERK: Yes.
7
8 MS. KAI: Thank you.
9
10 THE COURT: Okay. And that is the case for the Crown?
11
12 MS. KAI: Case for the Crown, Sir -- Your Honour.
13
14 THE COURT: So, Mr. King, that is the Crown's case against
15 you. They are done calling evidence. So, now this is your opportunity to decide whether
16 you want to call any evidence yourself, whether that is yourself or other witnesses.
17
18 THE ACCUSED: I don't have any evidence per se, other than the
19 *Canadian Charter of Rights and Freedoms*.
20
21 THE COURT: All right. I am going to stop you right there.
22
23 THE ACCUSED: Yeah.
24
25 THE COURT: Because this is the trial --
26
27 THE ACCUSED: Yeah.
28
29 THE COURT: -- if you were going to make any arguments that
30 your rights under the *Charter* have been breached, there is a requirement that you provide
31 notice of that --
32
33 THE ACCUSED: Oh.
34
35 THE COURT: -- and that you do it in advance of the trial --
36 written notice --
37
38 THE ACCUSED: Oh.
39
40 THE COURT: -- provided copies to the Crown, provided
41 copies to the Court. So, that has not been done, so that is not something that can be

1 argued at this point.

2

3 If you have a response to the Crown's case in terms of evidence, witnesses, documents,
4 video, whatever it is, this is your opportunity to present your case if you so choose. If you
5 wish to simply argue that you don't think the Crown has made out their case against you
6 then you can do that as well. But, there has not been a *Charter* notice filed in this case,
7 and so there is not an opportunity at this point for a *Charter* argument.

8

9 THE ACCUSED: There is not an opportunity for a *Charter*
10 argument?

11

12 THE COURT: Not if you have not filed a *Charter* notice and
13 given the Crown notice, and served them properly with notice that you intend to make an
14 argument under the *Charter*.

15

16 THE ACCUSED: The -- then the only evidence I do have then is
17 the evidence on the front of a Canadian passport. And that is the issuance of the passport
18 speaking of the Minister of Foreign Affairs: (as read)

19

20 Allowing the bearer of this passport to travel freely without
21 hindrance or without delay or hindrance to afford the bearer such
22 assistance and protection as may be necessary.

23

24 THE COURT: All right. Again, sir, that particular clause, I
25 don't know how that relates to this particular case because this isn't a case about your
26 travel rights. And again, you have not raised any *Charter* argument or provided *Charter*
27 notice. So --

28

29 THE ACCUSED: So, am I able to adjourn and bring those back
30 forth in front of the courts in a week or two?

31

32 THE COURT: For a *Charter* notice, no, that is something that
33 has to be done in advance of the trial.

34

35 THE ACCUSED: Okay. So, then as for the subpoena of Dr. Deena
36 Hinshaw as a witness, am I able to still address that?

37

38 THE COURT: Well, if there is witnesses that you want to call
39 that you didn't subpoena --

40

41 THE ACCUSED: There is, yes.

1
2 THE COURT: All right. One, I am going to remind you that
3 those witnesses have to be relevant --
4
5 THE ACCUSED: Yes.
6
7 THE COURT: -- and have to have relevant information --
8
9 THE ACCUSED: Absolutely.
10
11 THE COURT: -- evidence to provide in this particular
12 proceeding and it is your responsibility to ensure that you subpoena them properly and
13 have them attend court.
14
15 THE ACCUSED: Absolutely.
16
17 THE COURT: So, if you are saying that you have not had an
18 opportunity or you did not properly subpoena those witnesses, as we talked about at the
19 beginning of the trial, the Crown -- I think I gathered from your position at the beginning
20 of the trial that you were -- the Crown was agreeable to presenting their case and
21 adjourning for you to subpoena your witnesses and to come back to present your case. I
22 am going to be clear with you that that is not a *Charter* argument, that is your evidence
23 through witnesses --
24
25 THE ACCUSED: That's correct.
26
27 THE COURT: -- and your own testimony if you choose.
28
29 THE ACCUSED: Yeah.
30
31 THE COURT: Ms. Kai, again, I will give you an opportunity
32 to weigh in here, but I am inclined to give him an opportunity to come back on another
33 day to present his case and any witnesses that he intends to subpoena.
34
35 MS. KAI: Yes, Your Honour. The Crown is in agreement
36 and want to make sure a self-represented litigant --
37
38 THE COURT: Yes.
39
40 MS. KAI: -- has full opportunity to call his case.
41

- 1 THE COURT: Of course.
2
- 3 MS. KAI: Do we schedule a continuation date here or how
4 --
5
- 6 THE COURT: Well, we will schedule it at the CMO counter. I
7 don't have the diary -- the trial diary in court here. It has to be scheduled in accordance
8 with my schedule, obviously --
9
- 10 MS. KAI: Yes.
11
- 12 THE COURT: -- I am seized with the continuation. So, that
13 means, Mr. King, you and the Crown will have to go out to the counter and I don't how
14 many -- do you have a sense of how many witnesses you intend --
15
- 16 THE ACCUSED: Four.
17
- 18 THE COURT: Four?
19
- 20 THE ACCUSED: Yes, Ma'am.
21
- 22 THE COURT: Should we set another full day for this then?
23
- 24 MS. KAI: Yes, please.
25
- 26 THE COURT: All right. So, I am going to ask that you go to
27 the counter and a set a full day, preferably a full clear day. That may be more difficult to
28 obtain. The protocol would suggest that it has to be set within the next 60 days or as close
29 to that as we can get it. If there is any difficulty, just let the clerk know and I will see
30 what I can do upstairs about clearing some days off. Okay?
31
- 32 THE ACCUSED: Yes, Ma'am.
33
- 34 THE COURT: All right.
35
- 36 MS. KAI: Your Honour, will the Court consider ordering
37 a transcript of today's proceedings since we're adjourning for a period of time?
38
- 39 THE COURT: Yes, I think that is appropriate. We can order a
40 transcript of today's proceedings. I would say on a 30 day turnaround provided, of
41 course, the trial day -- the continuation isn't before the 30 day period.

1
2 MS. KAI: I unlikely have availability before that.
3
4 THE COURT: All right. Mr. King, when you attend at the
5 counter can you also just confirm that they have your proper address so that we can make
6 sure that you get a copy of that transcript before we come back here.
7
8 THE ACCUSED: Yes, very much so. Yes.
9
10 THE COURT: All right. Thank you. All right, is there anything
11 else from either side before we adjourn for the day?
12
13 THE ACCUSED: No, Ma'am.
14
15 MS. KAI: No. Thank you very much, Your Honour.
16
17 THE ACCUSED: No.
18
19 THE COURT: Mr. King. All right. Well, thank you everyone.
20 And we will reconvene on the next -- on the continuation. Thank you.
21
22 THE COURT CLERK: And those are the matters this afternoon, Your
23 Honour.
24
25 THE ACCUSED: Thank you.
26
27 MS. KAI: Thank you.
28
29 THE COURT: Go ahead everyone.

30
31
32 PROCEEDINGS ADJOURNED, CMO
33

34
35
36
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41

1 **Certificate of Record**

2

3 I, Lil Sonnenberg, certify this recording is the record made of the evidence in the
4 proceedings in Provincial Court, held in courtroom 102 at Red Deer, Alberta, on the 4th day
5 of May, 2021, and I was the court official in charge of the sound-recording equipment during
6 proceedings.

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1 **Certificate of Transcript**

2

3 I, Trish Smith, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best of
6 my skill and ability and the foregoing pages are a complete and accurate transcript of the
7 contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record and is
10 transcribed in this transcript.

11

12 Gagné Transcription Services

13 Order Number: AL14051

14 Dated: May 9, 2021

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