

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES COURT

HER MAJESTY THE QUEEN

v.

PALL CHANI

P R O C E E D I N G S

BEFORE HIS WORSHIP JUSTICE OF THE PEACE D. LEE
on APRIL 11, 2012 at BURLINGTON, Ontario

CHARGE: s.130 - *Highway Traffic Act*
Careless driving

APPEARANCES:

G. Larson

Municipal Prosecutor

G. Ellis

Agent for the Defendant

1.
Proceedings

WEDNESDAY, APRIL 11, 2012

MR. LARSON: Thank you, Your Worship, line
number two, Pall Chani.

PUNJABI INTERPRETER: Yes, good afternoon, Your
Worship, Punjabi interpreter at this matter....

COURT CLERK: I'm sorry, sir, your voice will
not be recorded whatsoever, you're standing -
there isn't a single microphone there.

PUNJABI INTERPRETER: Good afternoon, Punjabi
interpreter on this matter. Last name Shafiq S-
H-A-F-I-Q, initial 'M'.

THE COURT: And could the other gentleman give
us his name.

MR. CHANI: Pall Chani.

THE COURT: Thank you.

MR. ELLIS: Yes, Your Worship, I am appearing as
a paralegal service provider for Mr. Chani who
is before the Court, Your Worship. Prior to
proceeding I have a question to ask you and no
disrespect to yourself, Your Worship. One time
up before you recused yourself from this
particular matter and with giving no reasons to
the court. I am just asking as to question why
you can unrecuse yourself. Or are you de-
functus?

THE COURT: No, I am not functus. The reason
for recusing myself at the time has corrected
itself. The situation has corrected itself and
the cause for that recusal does not exist
anymore so I can carry on.

P/C Micheal Korn - in-Ch.

MR. ELLIS: Okay, very well, Your Worship, I just had to ask.

THE COURT: No, that's fine and I thank you for that.

MR. LARSON: This is to be a trial matter, Your Worship, prosecution is ready to proceed.

THE COURT: Okay, Madam Clerk I will get you to do the honours.

COURT CLERK: Pall Chani, you stand charged that on the 12th day of August of 2011 at 1:50 p.m. at Highway 6 northbound in the City of Hamilton, did commit the offence of careless driving contrary to the *Highway Traffic Act* section 130. To this charge how do you plead guilty or not guilty?

MR. CHANI: Not guilty.

THE COURT: Thank you. Alright if you care to sit down and listen to the....

COURT CLERK: Would you like the interpreter sworn?

THE COURT: Yes, sorry we better do that. My apologies.

INTERPRETER MUHAMMAD SHAFIQ: AFFIRMED

MR. LARSON: Thank you, Your Worship, if I could call Constable Korn to the stand please.

CONSTABLE MICHEAL KORN: SWORN

EXAMINATION IN-CHIEF BY MR. LARSON:

P/C Micheal Korn - in-Ch.

Q. Good morning, officer.

A. Good morning.

Q. Officer by whom are you employed, how long have you been so employee and in what capacity, please?

5 A. I am with the Ontario Provincial Police, I am a provincial Constable. I have been a police officer since 1992 and my current position is Regional Headquarters traffic support unit in Aurora.

10 Q. Thank you. I see you have a book in front of you could you tell the Court what that book is, please?

A. A binder containing my trial notices and notes.

Q. Okay, and what - will you be referring to any of the material in that binder?

15 A. With the Courts permission I do have an independent recollection of the events at hand but I would require my notes to refresh my memory.

Q. Okay, thank you. And when did you make those notes, sir?

20 A. At the time of the incident and immediately thereafter. They are in my handwriting. There have been no additions or deletions of any kind since the incident.

MR. LARSON: Q. Thank you. Your Worship, if the officer may be permitted to use his notes?

25 THE COURT: Mr. Ellis?

MR. ELLIS: I've had a chance to peruse them, I have no objections.

30 THE COURT: Okay, thank you. Alright, officer you may refer to your notes to assist your memory.

P/C KORN: Thank you, Your Worship.

Q. Go ahead please.

A. On Friday August 12th 2011 I was working day shift from 06:00 a.m. to 06:00 p.m. on that date. I was operating a fully marked black and white Ontario Provincial Police Chevrolet Tahoe. This vehicle was fully equipped with all police equipment including emergency lights. I had the occasion to be patrolling northbound on Highway 6 near Carlisle Road in the City of Hamilton, Flamborough Township. In this area Highway 6 consists of two northbound lanes and two southbound lanes. I was northbound and I was in the right lane of the two northbound lanes. I observed that there was a motor vehicle travelling directly in front of me and that it was a G.M.C. Savana van. It appeared to be maroon in colour and had an Ontario licence plate affixed to the rear of 3-2-9-9-X-N as in November. What drew my attention to this motor vehicle was that through the rear windows on the van I observed a person or a passenger rather than was immediately next to that window. When I observed the person's face it appeared to be from the side and that the person was looking in a westerly direction, as related to the direction we were travelling north. This appeared to me to be odd because in that type of motor vehicle the seats would be requiring the people to face - the passengers to face in the direction of travel, which would have been north. This person appeared to be seated sideways. I activated my cruiser's emergency equipment. I stopped the motor vehicle. Approached the rear of the van and opened the two doors that were on the rear of the motor vehicle. Inside, immediately in the cargo area I observed four males, two on the right and two on the left side. All four....

P/C Micheal Korn - in-Ch.

Q. Officer, I'm sorry, I'm finding it very, very difficult to keep up with you.

A. I'm sorry, I'll slow down.

Q. If I could just ask you to slow down...

A. Certainly.

Q. ...just a touch for me, please.

A. Okay.

Q. You opened the rear doors and in the cargo area.

A. Yes, I observed that there were four passengers in the cargo area. All four were male. There were two on the right side and two on the left. All four were facing each other and were seated on milk crates. Plastic milk crates. I then moved to the right side of the van and opened the sliding door that was located on the right side. Inside the motor vehicle I observed that there was a driver, a passenger in the front seat in the bucket seats. Immediately behind the driver there was a two person bench seat. Behind that seat there was a three person bench seat. And behind that there was another three person bench seat.

THE COURT: Hang on.

P/C KORN: Yes, sir.

THE COURT: And so the driver, the passenger, a two person bench seat and three person bench seat and then another two person bench seat?

A. Another three person bench seat, Your Worship,

THE COURT: Okay, so there are two three person bench seats.

A. That is correct.

P/C Micheal Korn - in-Ch.

THE COURT: Okay, thank you.

A. I observed that a side from the driver and front passenger there were no occupants wearing any sort of seatbelts device. I observed that on....

5

THE COURT: Just before we go any further.

P/C KORN: Yes, sir.

THE COURT: There was a two - you told us about the bench seats.

P/C KORN: I'm sorry.

10

THE COURT: Were those bench seats occupied?

A. Yes.

THE COURT: Fully occupied?

A. Yes, and I....

15

THE COURT: So you're telling us that in addition to the four males in the back there was an additional eight people seated in the bench seats?

A. There was actually more than that, Your Worship, but yes.

20

THE COURT: Okay.

A. Beginning with the two person bench seat...

THE COURT: Okay.

A. ...there were two males, adults. I would refer to that as row one.

25

THE COURT: Yes.

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A. The second three person - or immediately behind that row two, there were three males on the three person bench seat, again all adults. In row three the second three person bench seat, there were four adult males. And as I just stated none of these people were wearing seatbelts. The driver and front passenger were the only two

occupants that were wearing belts. I observed that on the passenger right side of the van that the torso seat belt strap for the rear most row three and row two, the buckles and torso straps had been tied or fastened together in such a fashion that they were strapped against the roof of the vehicle, thereby making them impossible to be used by the occupants. In addition in row three the male that was seated closest to the right side of the van was wedged in the vehicle in such a fashion that he was not even properly seated on the bench seat because there was no room for him. I then spoke with the driver, identified him with his Ontario driver's licence with photo. I was satisfied that the driver was the one person that was pictured on the driver's licence and he was identified as the defendant with a surname of Chani, C-H-A-N-I a first name of P-A-L-L and Brampton address. The road conditions that day and weather it was clear, dry roads, excellent visibility. At this point I issued a provincial offence notice number 1-5-9-0-3-9-6-Z to the driver, defendant Mr. Chani for careless driving. In addition, when I was speaking with him I advised him that he would not be able to proceed any further with occupants that were not properly seated with seat belts in proper seating positions and a - he was able to call another vehicle to the side of the road that was able to take the excess passengers from this vehicle. And that was the conclusion of my involvement with the defendant.

Q. Thank you officer, I just have a few further questions for you. the speed limit on this particular road?

A. Eighty kilometres per hour.

Q. And what can you tell us about the speed of the vehicle?

P/C Micheal Korn - in-Ch.

A. I have nothing of note in my notes to indicate that it was travelling faster or slower. It appeared to me to be travelling at approximate speed limit.

Q. Okay, thank you. And just for clarity, you said that you made the traffic stop on Highway 6 in the City of Hamilton, is that correct?

A. Yes, near Carlisle Road.

Q. Thank you. Just again, just for clarity you said that the four people that were seated in the cargo area were facing each other, could you elaborate on that for me please?

A. Yes, the two people - the two males on the right side of the vehicle were facing inward and the two people on the left side of the vehicle were both facing inward. So they were facing themselves - each other, sorry, each other.

Q. Thank you, and these milk crates, I believe you indicated that they were milk crates, how were they secured into the vehicle?

A. From my observations, they were not secured at all. They were just sitting on the floor of the motor vehicle. They weren't secured in any fashion.

Q. Okay, and where were the seatbelts for those milk crates, if any?

A. There were none.

Q. Based on the information that you've given us today, I am just going to ask you, why would you lay a careless driving charge?

A. My main job with the Ontario Provincial Police is that of a Collision Reconstructionist. Ordinarily the only thing that our unit is called to are fatal

collisions and serious injury collisions. And I've been to at least three collisions that have involved vehicles similar to this configuration that resulted in serious injuries at the very least to the occupants that weren't properly restrained. It was my belief that the - an interpretation that the driver of this motor vehicle was in control of the motor vehicle and did not drive in a fashion that was with regard for other occupants of his vehicle on the highway.

MR. LARSON: Q. Thank you officer, I have no further questions for you. I believe my friend may have and I believe His Worship may have as well.

CROSS-EXAMINATION BY MR. ELLIS:

Q. Officer, okay, first off, the vehicle wasn't speeding?

A. Yes, sir, you're correct.

Q. And was in the right hand lane of two lanes?

A. Yes.

Q. Okay, and that area was - is this north of Carlisle Road or south of Carlisle Road?

A. When I initially observed it, it was just north of Carlisle Road.

Q. So there would have been a divided median at that particular point if you're right in front of the restaurant there?

A. That median is only for the length of the left turn lane - or as you are in the vicinity of that intersection. And where I initially observed it, it was beyond the actual concrete curbed median.

Q. So, if that's the case it would actually be two lanes north and two lanes south and a centre left turn lane is that correct?

A. At that exact location, yes.

5 Q. And was there any adverse driving that you observed?

A. No.

Q. Okay, the back of this vehicle, do you remember if it had tinted windows or not?

10 A. Yes, they were tinted. And that was part of the reason that I thought that it was uncommon is because with that tint if someone had been seated a distance away from the window and not immediately at the window, and when I refer to immediately at the window, this was a matter of
15 inches because I was able to clearly discern the profile of an individual seating there.

Q. When you opened the door did these people call for help?

A. No.

20 Q. Did they appear to be there voluntarily?

A. I had no reason to think otherwise.

Q. Now, you said that one of the reasons you gave the driver a careless driving fee is because you've dealt with a lot of accidents where people have fatalities or
25 people have been seriously hurt, is that the gist I was trying to get?

A. That was part of my justification, yes.

Q. Okay, and would you agree that every time that you've come to an accident that somebodies not wearing
30 a seat belt for the most part they usually get injured?

A. I've never been to an accident. I've been to a lot of collisions.

Q. Well, I'm sorry, collisions, where somebodies not wearing their seat belt that they get hurt?

A. I wouldn't be able to give you exact statistics on that.

Q. You've been on the police force for some twenty years now, is that correct?

A. Yes.

Q. Okay, and you've done probably a number of collisions per year or even per month, would that be correct?

A. Yes.

Q. Okay, and would you - have you ever handed out a seatbelt to the driver of say a passenger vehicle where the passenger wasn't wearing a seatbelt and they've had - got hurt?

A. Yes.

Q. Okay, do you give it to the driver...

A. Yes.

Q. ...for careless?

A. I've given a ticket out. In this particular case I thought it was exceeding the circumstances. This was the first time that I've actually given a careless ticket to a driver in this circumstance.

Q. Now, these people who were in the van, did you get there names and addresses?

A. No, I did not.

Q. Did you ask for identification?

COURT CLERK: Sorry.

A. No, I did not.

Q. Okay, so - and you didn't ask for that you had the ability to do that is that correct?

A. Yes.

Q. And you could've given them all tickets, is that correct?

A. Yes.

Q. And you choose not to?

A. That's correct.

Q. Instead you choose the driver?

A. That's right.

Q. Okay, would you agree with me that every day in public transit that buses don't have seat belts, school buses don't have seat belts, street cars, subways?

A. I would agree.

Q. Okay, and yet you don't give the driver of those particulars things seatbelts - charged for careless do you?

A. That's correct.

Q. Okay, and yet people do get hurt on these vehicles?

A. Yes.

Q. Okay, now, we are talking about the cargo area, the side of the cargo area, the seating area, where there's seatbelt positions to be had for those?

A. Can you - sorry to clarify are you talking about the positions in the rear most?

Q. Yes, other than the - on the milk crates.

A. Yes.

Q. Were there actual seatbelts on some of these areas?

A. For the seated positions...

Q. Yes.

A. ...in rows one, two and three?

Q. Yes.

A. Yes, there was.

Q. And were they - they weren't wearing them?

A. That's correct.

Q. Okay, now this particular - the nature of this particular vehicle, it's a - would you consider it's a - how many passenger vehicle is it normally?

A. If all seat positions were occupied it would be ten total including the driver.

Q. With the configuration?

A. In the configuration it was in that day.

Q. That day, but did you observe to see whether or not there is a potential for another - yet another seat?

A. Short answer on that would be, no. With the milk crates if there were any sort of hardware fastening on the floor for another seat I would not have been able to see it due to the milk crates obstructing my view and what furthered my interpretation of that was the driver had a - of the motor vehicle, had a 'G' licence, had there been the capacity for 14 passengers he would have required another type of licence.

Q. Okay, so what kind of licence did he have?

A. As far as I know he had a 'G' at that time.

Q. Okay, so if I suggested that you look in your own disclosure that he had an 'A.C.Z.' licence?

A. It's possible he had one, I don't have that in my notes, but irregardless if it was a bus I believe he would have needed a 'B' but it's a moot point because of the seating configuration as it was.

MR. ELLIS: Q. Thank you officer, I have no further questions.

MR. LARSON: My friend opened the door, Your Worship, into what may have happened in other situations.

REPLY EXAMINATION IN-CHIEF BY MR. LARSON:

Q. Officer in recent years could you tell the Court please of any fatal....

MR. ELLIS: Your Worship, just objected. My friend started that door open, I just walked down it.

THE COURT: Well, the doors open.

Q. Can you tell the Court of any fatal accidents that you're aware of involving this type of vehicle in the past few years?

A. The most recent was the multi fatality that occurred in Hampstead in, I can't remember the County, but just west of Kitchener, northwest of Kitchener where a vehicle of a similar configuration, a van with a lot of passengers was involved in a collision that resulted in quite a few fatalities. I myself just after this particular charge attended a serious accident, or collision on the Highway the Queen Elizabeth Way near Walkers Line. Where a passenger in one of these vans was also seated in the cargo area where a seat had been removed and was using it to sleep. And that van was partially crushed on a rollover and that person was injured. I've been made aware; not personally, it would just be through media of a van that rolled on Highway 6 several years ago that resulted in multiple fatalities as well from unrestrained passengers.

Those are the ones that jumped to mind. I don't know if there are others but I can't think of any at this point.

Q. Okay, thank you. No further questions.

MR. ELLIS: Redirect, Your Worship, now that we've opened that door.

RE-DIRECT CROSS-EXAMINATION BY MR. ELLIS:

Q. Did you investigate these accidents?

A. The one on the Queen Elizabeth Way, yes.

Q. Okay, and was there any other advent[sic] driving behavior attached to these?

A. Yes.

Q. Okay, so there was a cause for the accident?

A. Not by the driver of the van, no, but as a result of a second party, yes.

Q. I'm - just listening to the news and that - I'm the Hampstead matter.

A. Yes.

Q. Okay, I'm lead to believe that the driver of that thing went through a stop sign.

A. I am not familiar with the details of that.

Q. So you didn't investigate that?

A. That's correct.

Q. Okay, and we're talking about the rollover here, what caused the rollover?

A. Of?

Q. The van that we're talking about that rolled over.

A. The one that I investigated, or the Hampstead one?

Q. The....

P/C Micheal Korn - Re-Cr-ex.

A. Because they both rolled.

Q. Yes, okay, the one that you investigated?

A. That was a rollover as a result of {the
initial investigation is not complete yet} as a result of
being cut off and redirected into the side of a tractor
trailer.

Q. Somebody else's behavior?

A. Yes, the results - it's going to be my
conclusion in my reconstruction report that the person had
they been properly restrained would not have been injured in
that particular position in the vehicle.

Q. But still the accident - or the collision
occurred because of somebody else's bad driving?

A. And the injury was sustained due to being
unrestrained.

Q. I agree with you, just like a motorcycle.
Get in an accident with a motorcycle, every accident is a
pre - personal injury for the most part, is that correct?

A. I wouldn't know.

Q. Okay, thank you.

THE COURT: Thank you officer.

P/C KORN: Your Worship.

MR. LARSON: That is the case for the
prosecution, Your Worship.

MR. ELLIS: Could I have a couple of minutes to
confer with the defendant, Your Worship, I want
to see if I can stream line this?

THE COURT: Okay, thank you.

MR. LARSON: Your Worship, if I may suggest that
we have a maybe - a morning recess maybe at this
point.

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THE COURT: Yes.

MR. LARSON: Maybe five to ten minutes.

THE COURT: How about fifteen.

MR. LARSON: Sounds good. Thank you, Your
Worship.

R E C E S S

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

COURT CLERK: Order. Court is resumed please be
seated.

PUNJABI INTERPRETER: Your Worship, the
interpreter is only available until 11:30 I have
bail hearing in Toronto so I already advised Mr.
Prosecutor.

THE COURT: Alright, I wish I'd been aware of
that. Okay.

PUNJABI INTERPRETER: Thank you.

THE COURT: Okay, let's carry on.

MR. LARSON: Yes, Your Worship, I believe
it's....

MR. ELLIS: Yes, I think it's my turn to play,
Your Worship.

THE COURT: Yes, sir.

MR. ELLIS: The first thing I am going to do is
- I'm going to make a motion of non-suit.
There's no advent[sic] driving here and there's
no reasonable consideration of other people
using the roadway, Your Worship. It's quite
simple, I don't think there's a case here to be
heard.

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5 MR. LARSON: The test for a non-suit, Your
Worship, is if there is evidence sufficient to
enter a conviction. There is evidence
sufficient to enter a conviction. There is
evidence that there was conduct, not necessarily
of, sorry, of driving carelessly but definitely
without reasonable consideration for other
persons using the highway. Your Worship, I'd
ask you to dismiss the non-suit.

10 THE COURT: That's where my mind is in this
matter. That there is grounds to consider a
charge of careless driving on that basis.

MR. ELLIS: Very well, Your Worship, I'm not
calling a defence at this point.

15 THE COURT: Okay.

...SUBMISSIONS BY MR. LARSON

...SUBMISSIONS BY MR. ELLIS

...REPLY SUBMISSIONS BY MR. LARSON

...REPLY SUBMISSIONS BY MR. ELLIS

20 THE COURT: And I wonder if the driver of that
van in Hampstead had survived would he have been
looking at charges of vehicular homicide. You
know, given the - that particular incident
taking into account the fact that a stop sign
25 apparently was run and taking into account the
crowded nature of the van. I don't know. But I
am going to recap the evidence. I am going to
go where no man has gone before.

R E A S O N S F O R J U D G M E N T

LEE, J.P. (ORALLY)

Officer Korn gave prosecution evidence. A seasoned O.P.P officer, an officer with experience in accident reconstruction noticed the van northbound on Highway 6 near the Carlisle Road. Noticed a passenger in the rear of the van sitting to the side, he said, "He observed the passenger at the rear window looking in a westerly direction. The passenger appeared to be sitting sideways." He approached the rear of the van, opened the rear door and found four male passengers. Two on the right side of the vehicle, two on the left side of the vehicle facing each other sitting on milk crates. The driver and the front seat passenger were sitting wearing seatbelts. Behind them was a two person bench seat with two male passengers. Behind that a three person bench seat with three male adults. And a third seat with four male adults, one who was wedged in such a fashion to be stuck in there not properly seated. The officer said that none of the passengers were wearing seatbelts. He also stated that the seatbelts for the bench positions were tied in knots and fixed above towards the ceiling so as to render them inoperable.

Now, the question was asked, 'The occupants, were they voluntarily there?' The answer was, 'Yes', they volunteered. But who were these occupants? Were they - and here the Court is speculating, were they labourers, whose only source of income was working for the driver. Or was the driver working for someone else transporting these labourers. Was there only source of income the work that they did? And the only way of getting to that work by being driven by the defendant? There are more ways to force someone to do something than putting a gun to their head. Could it be economic considerations? Could it be considerations of duty, familial responsibilities? Could it be any sort of force that put them there?

To the Court, this appears that it is a situation with manual labourers being transported either to or from a job.

Now the whole business about buses, school buses not having seatbelts is a different school of fish. I think they're called, "Red Herrings" it doesn't apply in this case. This vehicle was supplied with seatbelts. The seatbelts were rendered inoperative by someone. The driver chose to drive that vehicle with the inoperative seatbelts. The driver chose to drive that vehicle with people improperly placed on milk crates. The driver by doing so jeopardized the

Reasons for Judgment - Lee, J.P.

5 lives of all those passengers. One may say, no one forced the passengers to be in that vehicle, but no one forced the driver to drive that vehicle in that condition. After having made the stop, the officer refused to allow the vehicle to travel on with that number of passengers. Another vehicle was secured by the defendant in some manner to move the other passengers.

10 This is a most egregious example of careless driving. The Court is satisfied that all the elements of the charges have been made. That the safety of the passengers, who by virtue of being on the highway, were using the highway, was seriously jeopardized by the decision of the defendant to drive that vehicle in such a condition.

20 I congratulate the officer for laying this charge. And if the message goes out to the public that such action is contrary to the law, then perhaps we may see less huge tragedies as that one in Hampstead. There will be a finding of guilt. And there will be a conviction entered.

25 MR. LARSON: Thank you, Your Worship, the nature of the seriousness and the safety that was put into jeopardy of some fifteen or thirteen individuals. The prosecution is going to submit, Your Worship that this is deserving of a
30

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higher penalty of the set fine. The *Highway Traffic Act* does allow for a fine of up to \$2000.00. I am going to be asking for a fine of \$1000.00 please.

THE COURT: Comments on the penalty?

MR. ELLIS: Well, Your Worship, I don't agree with my friend. Nobody's hurt, no foul.

THE COURT: There but for the grace of God.

MR. ELLIS: Well, Your Worship....

THE COURT: I have not commented on the nature of Highway 6, as I was asked by the prosecutor to take official notice of it. But I will state that my daughter drove that highway to Guelph and I would not let her on the road in the winter time without snow tires. I am very aware of some of the tragedies that have happened on that highway.

MR. ELLIS: I am more than anybody. I happen to drive that...

THE COURT: Well, you would.

MR. ELLIS: ...on a daily basis, Your Worship.

THE COURT: Yes.

MR. ELLIS: But I am suggesting that I don't think there is any reason to put the fine up over the \$400.00.

THE COURT: Well, again this is a most egregious matter. There were at least eleven lives put at risk by this action. And that is serious.

MR. ELLIS: Yes.

THE COURT: And a message has to be sent, not only to the defendant but to the public that

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5 this is totally unacceptable behavior. That it is beyond what a reasonable person would do. It was done as a matter of expediency. It was done as a matter of economics, and no consideration was given to the potential of human harm.

10 MR. ELLIS: Your Worship, with all due respect, the fact is the defendant is going to have a conviction of six points and the word careless on his driver's licence. I'd submit that that is sufficient, that and the fact that you just finished saying in an earlier juncture in your reasons, that you didn't know what they were there for, that this wasn't for economic gain. We don't - the Court doesn't know that.

15 THE COURT: No, the Court doesn't know that, but his Court has a strong suspicion....

MR. ELLIS: Suspicion, but that's an assumption, Your Worship.

THE COURT: Well.

20 MR. ELLIS: An assumption - Your Worship, we're dealing with the facts of law.

THE COURT: Okay, but in any event the facts are there were fourteen untethered people in that car. The driver chose to drive with the vehicle in that condition.

25 MR. ELLIS: Mm-hm.

THE COURT: That is careless driving in this Courts mind, regardless of why the fourteen were there.

30 MR. ELLIS: Mm-hm.

THE COURT: Regardless of whatever.

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MR. ELLIS: Mm-hm.

THE COURT: The driver has the final responsibility as to whether that vehicle moves or doesn't move. And by putting this at a much higher level it is hope that the message gets out to anyone contemplating that type of activity they will consider that the Court looks on it as egregious. The Court will agree with the \$1000.00 fine. Does the defendant need time to pay?

MR. ELLIS: Your Worship, I am going to suggest, not likely, but I am going to ask for perhaps three months for you to consider.

THE COURT: Alright.

MR. ELLIS: I imagine it will be paid in thirty days, but....

THE COURT: Thank you.

MR. LARSON: Thank you, Your Worship. I do have one more matter - one remaining matter - sorry.

COURT CLERK: Sorry, Mr. Interpreter.

INTERPRETER: Thank you.

MR. LARSON: Thank you, Mr. Interpreter.

THE COURT: Mr. Interpreter, thank you very much...

INTERPRETER: Thank you.

THE COURT: ...for your help today.

MR. LARSON: Thank you.

MR. ELLIS: If I can be excused, Your Worship.

THE COURT: Thank you, sir.

...WHEREUPON THESE PROCEEDINGS WERE CONCLUDED
