

ONTARIO COURT OF JUSTICE

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HER MAJESTY THE QUEEN

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- versus

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WARREN ROSE

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TRANSCRIPT OF PROCEEDINGS

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Heard before Mr. Justice B. Zabel
at The Ontario Court of Justice
45 Main Street East, Hamilton, Ontario
on October 5, 1999

APPEARANCES:

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Ms. M. GOOD

Counsel on behalf of the Crown

R. STEINMILLER, ESQ.

Agent on behalf of Mr. Rose

October 5, 1999

MS. GOOD: Number 38 on the docket, Warren Rose.

MR. STEINMILLER: Good morning Your Honour. My name is Steinmiller, that's spelled S-T-E-I-N-M-I-L-L-E-R, initial R. I appear as agent this morning on behalf of Mr. Rose.

MS. GOOD: May I just have the court's indulgence to check the back of the notation Your Honour. Your Honour this matter appeared on a fail to respond docket and the defendant was convicted in that manner. It has been since determined that there is a fatal error on the certificate of offence, the original certificate of offence, that is the date of service is not appropriately noted.

HIS HONOUR: Yes.

MS. GOOD: As a result the actual charge should be quashed. So perhaps the appeal...

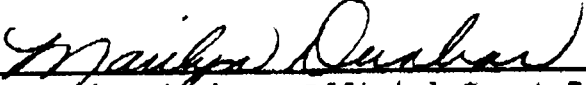
HIS HONOUR: The appeal is allowed and an acquittal is entered.

MS. GOOD: Thank you.

MR. STEINMILLER: Thank you Your Honour.

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THIS IS TO CERTIFY THAT I HAVE, to the best of my skill, ability and understanding, accurately reported and transcribed the foregoing and I have signed:


(Mrs.) Marilyn Dunbar, Official Court Reporter.