

Mr. Gil Labossiere
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May 18, 2007

The Honourable Mr. Dalton McGuinty, Premier of Ontario
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Dear Premier McGuinty

RE: Obstruction of Justice, cover-up and the altering of official court transcripts by workers/agents of the Ontario Attorney General's Office and/or Hinkson Litigation Support Services

I would like to ask you, as the Premier of my province of Ontario, to take bold and corrective action to fix what I believe has been the blatant obstruction of Justice by workers at the Ontario Court of Justice at 311 Jarvis St. and the court reporting agency which provides court reporting services to the courts called Hinkson Litigation Support Services with offices located at 2 County Court Blvd Suite 300 in Brampton, Ontario.

Specifically, I would like you to implement simple and cost-effective changes to proceedings in our family courts which would put an end to what I believe is the unlawful tampering of official court transcripts by court workers and/or agents of the court. Based on what I have experienced in my own court case and based on other evidence of wrongdoing I have found during research into the family courts, I am of the belief that corruption exists within the administration of the courts of Ontario when it comes to the processing and handling of official court transcripts and that there are people knowingly involved with a cover-up of these illegal activities. I believe that my complaint of having court transcripts altered in my own case, which I have outlined below in this letter, is not an isolated incident but part of an accepted unofficial practice of record tampering and cover-up within the family court system by court workers/agents and possibly the judges themselves.

Background

On June 13, 2002, I attended the courthouse at 311 Jarvis St. in Toronto regarding my family court matter. I was being forced into court to defend myself from the actions of a vindictive and hostile-aggressive ex-wife who was engaged in a campaign to alienate my children from me through the use of access denial to the children, false allegations, perjury and aggressive court strategies. The matter was heard that day by Mr. Justice Brian Weagant of the Ontario Court of Justice.

A number of things were said that day in court by Justice Weagant, who correctly pointed out in court how my former wife was abusing the court process and in one statement told my ex-wife how she was facing "*serious charges*" breaching Justice James July 16, 1998 Court Order as listed in the April 3, 2002 Contempt Motion before Him, In a sense, Justice Weagant gave my ex-wife a

tongue-lashing for her behaviours and actions which was far from being in the best interests of our children. On October 1, 2002, I ordered a copy of the transcripts of the court hearing so that I would have a record of just what the judge had said about my ex-wife in the court.

Slightly less than a month later, on October 28, 2002, I received the transcripts for the court hearing. After reading them, I immediately noticed glaring inaccuracies with what the judge had said in court about my ex-wife's behaviour. Things that were said could simply not be found in the transcripts! I estimated that there was over 10 minutes of the court proceedings missing, much of which were segments which cast my ex-wife in a bad light. It was as if all the things which the judge said to expose my ex-wife's wrongdoings had been stricken from the court record!

After getting over my initial shock of the glaring inaccuracies, later that same day, I faxed Hinkson Litigation Services and brought the glaring errors with the court transcripts to their attention.

The following day on October 29, 2002, I received a call from a woman called Ann at Hinkson Litigation Support Services who said that there was nothing wrong with the transcripts and that I must be mistaken. I told her that I was sure that things were missing and I requested that I be allowed to listen to the tapes myself. She agreed to allow me to come to Hinkson's offices so that I could listen to the court tapes in her presence. I drove up to Hinkson's offices in Brampton that same afternoon.

Upon arrival at Hinkson Litigation Support Services, I was ushered into a back room and allowed to listen to an audio recording which Ann claimed was the original tape of my courtroom hearing. As in the written transcripts, I immediately noticed that there was missing audio segments and that the court audio tape was not accurate. When I told Ann that I was sure that the tape was inaccurate, Ann just repeated to me again that what was on the tapes was accurate and that was the end of the issue. Ann gave me some story that the court tapes are left on continuously so that nothing is ever missed. She also told me that she had violated the "rules" by allowing me to even listen to the tape in the first place although she did not show me the "rules" to which she was referring to.

Unknown to Ann, I covertly tape recorded the court tape as it was played using my own hidden tape recorder so that I would have an indisputable record of this meeting concerning Hinkson's incomplete transcript. After listening to what was claimed to be an "original" audio tape, there was no doubt in my mind whatsoever that the transcripts and the tape I was being allowed to listen to were fraudulent and had been altered from the original!

Following my meeting with Ann, I discussed my issues about the altered court transcripts with members of a parent support organization called Fathers Are Capable Too in Toronto. This group of parents were very helpful to me. After looking at the transcripts members of that group brought it to my attention that the transcripts provided from the court did not even have the signature of the court reporter on them and thus were totally useless and nothing but worthless pieces of paper. I was told that without a signature to validate the authenticity of the transcripts, that they were useless. I was shocked to find this out and surprised that court workers at the court had taken my money for services and in return had given me transcripts which they should have known were nothing but useless pieces of paper without the court reporter's signature on them.

In February of 2003 I contacted Hinkson Litigation Support Services and told them I wanted a certified copy of the transcripts. The same woman, Ann, called me back and left a voice message

on my phone saying that the court reporter who she identified as Steve Hinkson, was no longer working for Hinkson Litigation Support Services and that they would be unable to provide a signature for the transcripts. From the tone of her voice, I could sense that Hinkson was trying to avoid the issue of a signature and somehow wanted to shake me off the issue. It seemed as if Hinkson was trying to avoid the issue of putting someone's signature on the transcripts which I knew were fraudulent and which I suspected that workers at Hinkson knew were fraudulent as well.

I faxed another letter to Hinkson Litigation Support Services and this time demanded that they give me certified copy of the transcripts. I advised Hinkson that they had a legal obligation to provide proper and certified transcripts. Suddenly, within hours I got another call from Ann who now said that they could get a signature from Steven Hinkson, who I was led to believe was the court reporter at my court case. Ann did not explain how Steve Hinkson suddenly appeared after she previously told me that he was no longer with the company and no longer available. The flip-flop of the worker with Hinkson was a joke to say the least. I also found it hard to believe that a person with the same last name as the company itself, was not in some significant way connected to Hinkson Litigation Support Services itself.

I was so upset with the tampering of the transcripts in my court case that it eventually motivated me to open my own website about this matter which can be viewed at www.SurviveDivorceCourt.com.

While ongoing family court litigation kept me tied up on other things for an extensive period of time, the issue about the fraudulent court transcripts still remains unresolved. While I have tried to bring this to the attention of the courts in my affidavits to the court, nobody in the court system seems to want to take my complaint seriously. This is why I have taken the step of writing to you, the Premier of Ontario for more decisive action in this most serious criminal matter.

From what I have experienced, the courts have broken the law by what I see as no less than "fixing" transcripts. Unlike the citizens of this province who get charged for crimes, it's almost as if it is OK for court workers and even Judges to break the law and to not be held accountable for their wrongdoings. When it comes to court transcripts, the court system in conjunction with the Attorney General's department seem to have cleverly set up a system of recording court proceedings which have no checks and balances and no reasonable transparency or accountability. As far as my case is concerned, I know what was said in court and I know that somebody in the system must have arranged to have the court audio recordings altered. I am of reasonable intelligence, have a good memory and nothing will convince me that the court tape was not altered.

On January 4, 2007 I sent another complaint letter to the Attorney-General's Office to complain about the fraudulent transcripts. On January 12, 2007 I got a response from a staff member at the Attorney General's office stating that they would look into the issue. I was not given any details about how the Attorney General's office was going to look into the issue.

On May 8, 2007, I received several calls from a court worker named Noah who worked at 311 Jarvis St.. Noah works under Deborah Guild at Court Services at the Jarvis St. court. Noah told me that he had listened to the tape and compared it to the transcript and could find nothing wrong.

I waited for 4 months while Noah took less than a half an hour to conduct his review. Unfortunately, the problem appears to be with electronically tampering with the tape and having Noah compare the tape with what was written in the transcripts was a useless exercise because the

problem is with the audio tape being altered electronically. Obviously, nobody thought of doing the obvious – a forensic examination of the audio tape to detect tampering. Only an independent, forensic lab could do such an examination to detect tampering.

How can an employee of the AG's office be expected to investigate an agency with close ties to the Attorney General's office with any real objectivity? This investigation by a worker with the Attorney General's office was a joke to say the least.

Overall, I am shocked at the lack of competency and professionalism with the persons at the court, the Attorney-General's office and Hinkson Litigation Services. It is clear that there is a lack of openness and accountability and that the whole process of keeping audio recordings of court proceeding highly flawed and ripe for fraud by those with "insider" connections such as judges and lawyers.

I understand that section 136 of the Courts of Justice Act allows for the citizens to record their court hearings using their own recording equipment which is a great idea. Through some of my own research, I have uncovered stories of the rights of many citizens of Ontario under section 136 of the Courts of Justice Act are being violated by judges and lawyers. To provide just a few of the many examples I found:

- **Attached please find a copy of a letter dated April 10, 2006 which outlines how another citizen of Ontario had his lawful rights under section 136 of the Ontario Court of Justice Act violated by employees with Ontario's Attorney General's Office at the Brampton Court. This Ontario citizen was threatened with arrest by police officers!**
- **Attached, please find a copy of a letter dated January 8, 2007 in which an Ontario citizen also complains about court transcripts being altered in the Hamilton court.**
- **Attached, please find a copy of an article from the Globe and Mail newspaper in which an Ontario judge, Mr. Marvin Zuker, was alleged to have altered court transcripts at the Sheppard Ave. court to make it difficult for a party to appeal the judge's ruling.**
- **Attached, please find a copy of a letter dated April 27, 2006 from an Ontario citizen outlining a situation in which Justice Walman violated the rights of the citizen under section 136 of the Courts of Justice Act.**

I found many more examples of courtroom shenanigans in regards to the altering of transcripts and the violation of people's rights under section 136 of the Courts of Justice Act but have only included a few examples. It is clear that I am not alone in my claims of being the victim of corruption and cover-up by some employees, agents and even judges in the family court system. Allowing those who are "on the inside" to have total control over court audio tapes leaves the transcript process open to cover-up and corruption. **THIS IS WRONG!** If I had been informed of my rights to record in my own court hearing back in 2002, I would have done so, but I was not aware of this right at the time.

Why does the Province of Ontario allow judges and lawyer to continue to violate the rights of citizens to record their court hearings? What are these people afraid of? Why are the citizens of Ontario being threatened with arrest by police for attempting to exercise their lawful rights under section 136 of the Courts of Justice Act? Why does the Province of Ontario continue to use an

outdated system of court reporting when there are other more transparent, accountable and less costly ways of doing the task with no changes in legislation required?

Complaints about fraudulent transcripts can be easily resolved. All the Province of Ontario has to do is to ensure that each and every person going into a court be advised of their rights to record their court hearing and to be encouraged to do so. Even this was recommended to the Attorney General's Office by its own Panel on Justice and the Media which submitted a report to the Attorney General of Ontario in August of 2006. A copy of the panel's report is posted on the Attorney General's website. In fact the Attorney General's own panel recommended the following:

"The Panel recommends that Section 136 (2) (b) of the Courts of Justice Act be amended to permit the unobtrusive use of tape recorders at a court hearing without the prior approval of the judge"

Why has this simple and cost saving recommendation not been acted upon by Ontario's Attorney General? I believe that it is likely because there are persons within the judiciary and government bureaucracies and at the Law Society who do not wish to see openness and accountability brought into the courts. These greedy people who are interested in only themselves want to protect their dirty courtroom secrets which allow them to rape and pillage families of their homes and financial assets and to keep an iron clad grip over what is verbally stated in court.

As an added level of transparency in addition to parties own recording equipment, the Attorney General could easily and inexpensively provide two sets of tapes with one tape being kept at the court with another tape for copying by the parties themselves upon completion of the court hearing. A simple pamphlet could be given to each person about recording prior to a court appearance which would eliminate the cloud of suspicion and corruption which currently hangs over many of the courts in this Province. These two simple steps, which would not require any change in existing legislation, would be a major step in improving transparency and accountability at the courts which the Attorney General of Ontario, Mr. Michael Bryant, has indicated he is committed to.

Attached please find a copy of an article from the Niagara Falls Review in which Ontario's Attorney General claims that he wants to promote greater transparency in the court system.

As a citizen of Ontario, I can only say I am deeply saddened at the mistreatment that my children and I have received by the Justice system in Ontario. It has become abundantly clear in my mind that the family court system in Ontario is rife with corruption and cover-up. Contrary to what Ontario promotes to the world, Ontario is not a friendly place for families, especially for fathers and not a place where the citizens can expect justice in their family court system.

In my research, amongst the many horror stories I read about the family court system in Ontario, I found a letter and poem that another father had written a number of years ago. I have been informed that this once proud, hard working father who is the author of this poem, once contributed to the economy of this province. Since being forced into Ontario's family court system, he has not seen his child in years and now has been driven into bankruptcy, despair and is now on welfare. He is a ruined man and father. It was the family court system that did this to Mr. Colosimo just as it does with many other good fathers today. I too, am bankrupt and behind in child support as a result of being driven into this state by Ontario's morally corrupt and unaccountable family court system.

I fully share Mr. Colosimo's views that Ontario is not a family friendly place where families can grow. Ontario is a place where children and families are destroyed in family court! I challenge you, as the Premier of Ontario, to take immediate steps to rectify this most serious problem by immediately implementing the recommendations of your own panel on Justice and the media and to not allow yourself to bend to the greedy, self-serving interests of lawyers and judges and others who feed of the misery of families and who only want to keep the courts as secret as possible in order to keep themselves from being held accountable for their immoral and often criminal activities.

Its time for you, as leader of the Province of Ontario, to take bold and decisive steps on behalf of the people of Ontario and to once and for all, put an end to the collusion, corruption and cover-up in regarding the recording of court proceedings in Ontario family courts!

Do you, as the leader of the people of Ontario, have the fortitude to do what is morally and ethically right for the citizens of Ontario and fix the problem which I, as well as other citizens of Ontario, have raised? Corruption and cover-up involving official courtroom records and the violation of people's rights under section 136 of the Courts of Justice Act is a serious issue which puts democracy and freedom at risk.

I, as well as all people in Ontario await your response and will soon see by your actions.

Yours truly



Gil Labossiere

(A loving father who has been devastated by Ontario's anti-family, anti-father family court system)

Enclosures:

- Copy of letter dated April 10, 2006 to the Chief of Peel Police regarding threats of arrest by police against an fellow Ontario citizen for attempting to exercise his lawful rights.. (5 pages)
- Copy of letter dated January 8, 2007 to the Attorney General about court transcripts being altered in the Hamilton court. (3 pages)
- Copy of article in the Globe and Mail newspaper about Ontario judge, Marvin Zuker, who was alleged to have altered court transcripts at a Toronto court. (1 page)
- Copy of letter dated April 27, 2006 from an Ontario citizen to the Attorney General about Justice Waldman violating a citizen's rights under Ontario's Court of Justice Act. (3 pages)
- Copy of a letter and poem written by Mr. Gene Colosimo in 1992, an Ontario father whose life was destroyed as a result of Ontario's biased, anti-family, family court system. (3 pages)
- Copy of an article published by the Niagara Falls Review about the Attorney General of Ontario, Michael Bryant, claiming to want greater transparency in the justice system. (1 page)

cc: Prime Minister Stephen Harper
Various Members of Federal Parliament
Various Member of the Provincial Legislature
Mr. Justice Brian Weagant
The Ombudsman of Ontario
Various embassies world-wide

**David John Sykes
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April 10th, 2006

Chief of Police Michael Metcalf
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- AND -

The Attorney General for Ontario
The Honourable Michael Bryant
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Dear Chief Metcalf.:

RE: Obstruction of Justice and unprofessional conduct by Court Officers on duty at the Brampton, Ontario Court.

It is my intent to issue a formal complaint against two officers for whom I believe you would be accountable for in relation to what constitutes an unlawful act (obstruction of justice) and unprofessional conduct (intimidating behavior, threat of arrest and derogatory remarks). This incident occurred at entrance to the Brampton court on the morning of April 6, 2006. The officers involved were:

- 1) Officer with badge #70788**
- 2) Officer with badge #373 who identified himself as Roberts**

On April 6, 2006. I attended the Brampton courthouse for my own scheduled court appearance, scheduled to be held in court room 205 before Mr. Justice O'Connor at 2 p.m.

At the security entrance to the court, I was met by a court security officer (**badge number 70788**) who after checking my personal belongings, stated to me that I was not permitted to bring my personal recording device into the courthouse. He told me that it was unlawful to bring any recording equipment into the court building because recording was illegal. I directed this officer to the Courts of Justice Act s.136(2) which provides citizens the right under law to record their own court hearings and that it is only illegal for members of the public to record someone else's court matter. I advised the officer that it was perfectly legal under the Courts of Justice Act for a person to record their own court hearing for the purpose of supplementing notes as is outlined in the Courts of Justice Act.

Evidently, the officer was unaware of this and he did not want to be informed about it. He said that he did not care and that as far as he was concerned I was not bringing my own recording device into the court. The officer became agitated and his actions and mannerisms made it clear that he was becoming angry at me.

Officer 70788 then summoned his supervising officer (Badge number 373 – Roberts, whom I understand is a Sergeant) and stated that I was being **“an asshole”**, despite my courteous and polite conduct with the officer.

Sergeant Roberts supported his subordinate's position that the recording device was not permitted in the court despite me further directing him to the Courts of Justice Act section 136(2).

At this time, Sergeant Roberts apologized for the insult of his subordinate officer and told me that court officers used the word “asshole” in place of uncooperative. Even though I was demonstrating my respect of the officers and in a non-confrontational manner simply seeking to exercise my legal right as provided under law, I was described as being uncooperative in their minds. It was clear to me that the officers were seeking to create an incident.

Constable Roberts further noticed I was wearing a personal ID badge around my neck as provided by my employer. He reached over and pulled my head towards him by grabbing my ID badge and in reading the badge he stated, “So you work for the Ministry of Education do you?”

Officer Roberts then stated that if I had the Judge's approval he would permit me to bring my recording past security and into the court house, but said that in the meantime I would have to return to my car and leave the recording device outside. Sergeant Roberts stated that if I did not follow his orders to return my recorder to my car that I would have to leave the building or that he would have me arrested and charged with an offense. I was given an ultimatum to either leave my recording device outside or be denied entry to the court building to attend my own court hearing.

I advised Sergeant Roberts that as an officer of the court, it was his duty to uphold the law and not to obstruct my legal rights, but Sergeant Roberts was unmoved. In my view, Sergeant Robert's actions constitute an obstruction of Justice and a failure on his part to act in accordance with his position as an officer of the court, notwithstanding the demeaning and insulting remarks of his subordinate.

As a senior officer and an officer of the court, Sergeant Roberts and his colleagues must be knowledgeable of the law. It is clear to me that he was not properly trained for the specific duties he is assigned at the court.

Enclosed, please find a copy of a practice direction (1 page) issued by the Chief Justice of Ontario and approved by Ontario Courts Advisory Council in which it clearly indicates the following

“... the unobtrusive use of a recording device... may be considered as being approved without an oral or written application to the presiding judge...”

The Courts of Justice Act is clear about recording of a hearing by a party. Its interpretation has been clarified for those at the courts by the highest authority. Clearly, Sergeant Roberts and his colleague are obstructing justice by denying me my right to take my recording device into the court and then telling me that I will be arrested if I do not take my recorder out to my vehicle. Clearly, citizens have the right under law to record their own court hearing and clearly officers of the court are supposed to obey the spirit and intent of law and ensure that the rights of citizens under the law are protected.

At this time I would request that the Peel Regional Police investigate this matter and take corrective action to prevent a reoccurrence, not only with me, but with any citizen of Ontario who should have business at the Brampton courthouse. Officers should not be obstructing citizens from bringing in recording devices into the court for the purpose of recording their own court hearings.

To avoid a reoccurrence of this, I respectfully suggest the following:

- 1) All officers with the Peel Regional Police who are assigned to any court to be properly trained in the provisions of the Courts of Justice Act, particularly in respect of section 136(2).
- 2) All officers be issued a memorandum indicating that they can only inform citizens that it is illegal to record proceedings other than their own and that parties to a hearing are allowed to use their tape recorder for recording purposes. Members of the public should be properly informed, not misled by officers.
- 3) All officers be required to carry shoulder operated audio recording devices to record their conversations with citizens anywhere in the court building in the event of a dispute or altercation. Not only would this help to protect citizens from overly zealous police officers, but also protect police officers from having false allegations

made against them by members of the public. If police are doing their jobs in a professional and accountable manner then they should have no concern with what they say to members of the public while on duty.

Please be advised that because of the threats and intimidation by these officers that I now fear that court officers may harass me or make false allegations to have me arrested and detained the next time I go to the Brampton Court. I have other court business at the same court.

I would think that as a minimum, these officers should be removed from duties at the Brampton courthouse and assigned elsewhere pending an investigation into this matter.

It should also be of utmost urgency that steps are taken immediately to ensure that officers on duty at the courts are properly trained as to the most important provisions of the Courts of Justice Act, especially in regards to the use of recording devices. The citizens of Ontario should not be obstructed from exercising their rights under the law by court or other officers who it would appear do not know the law, nor wish to uphold it when directed to the law.

Hopefully, if steps are taken to educate such officers and to correct this abuse of power and authority by officers with Peel Regional Police, the citizens of Peel will not have their faith further eroded in their local police force and in the administration of Justice in general. Should court officers continue to place barriers to citizens in exercising their legal rights to record their own court hearings, then there will only be growing public distrust of the police and the courts. These actions of Peel Police officers at the Brampton Court are bringing the Administration of Justice into disrepute.

In closing, I quote a few of the points which were made in the transcripts of the public inquiry headed by Justice Thomas J. Graham, investigating the practices of the Kitchener, Ontario police force:

“In Ontario, as elsewhere in Canada, the relationship between the police and the public is such that the police cannot successfully perform the task of maintaining Law and order without the support and confidence of the public. Law and Order are the cornerstones of a responsible society. Where one fails, both fail. Respect for the law in a responsible society and protection the citizen under the law is a commitment of that society.

It needs to be stated and emphasized that police officers, irrespective of rank, location or assigned police duty, are servants of both the public and the law, they do not make the law, they serve it. While police are empowered with great and wide discretion they must at all times function within the law.”

I hope that the next time I attend the Brampton, Ontario Court, that my entrance will be without incident and that court officers and police will treat me with respect and appreciate their role as guardians of the law, in protecting the rights of citizens to exercise their rights under law.

Your prompt action to address this issue and your written response would be most greatly appreciated.

Yours very truly,

DAVID J. SYKES,

Attachments:

- 1) Copy of the Courts of Justice Act with directive from then Ontario Chief Justice Howland dated April 10, 1989 in regards to recording in the courts. (1 page). Note that this directive was approved by the Ontario Courts Advisory Council as well.

cc:

The Honourable Michael Bryant, Attorney General of Ontario

January 8, 2007.

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Dear Mr. Bryant

RE: Altered Court Transcripts

I am filing a complaint regarding the altering of the transcripts in my family court matter which was held at the Superior Court of Justice in Hamilton, Ontario before the Honourable Madame Justice L. Walters on January 8, 2004.

During the court hearing, in a mean spirited and malicious manner, Justice Walters ordered my witnesses out of the court, even though they were professionals and had come to provide evidence in person to the hearing. One witness was a police officer and two were professional teachers. These witnesses could only submit evidence in person as they were barred by their professional bodies from submitting affidavit materials. They were significant witnesses and I considered their evidence crucial for determining the best interest of my child who was being abused by his mother. Yet, Justice Walters chose to ignore these important witnesses and instead turned away the valuable assistance they were offering to the court.

The section of the transcripts in which the judge ordered my witnesses out of the court was removed (altered?) from the transcripts. I have been told that this section of the transcripts which clearly showed that the judge refusing to accept evidence relevant to my child, and a mean spirited and malicious manner of doing that, would have given grounds for an appeal in my case.

I did not file a complaint about my transcripts being altered before now because I did not know how to deal with this issue. Last week, a friend of mine told me that another Judge in Toronto was the subject of an investigation involving the "fixing" of transcripts to remove statements which would have assisted another party in an appeal. I have attached a copy of this article from the Globe and Mail. I was told that I should file a complaint in my case for the record and for getting to the bottom of this incident, including but not limited to, finally obtaining the true/correct version of the transcript which I need in my forthcoming court applications/cases.

I was also told by a lawyer who advised me that it was well-known in the legal community that Madame Justice Walters was a feminist judge and extremely biased against fathers. This comment from a experienced member of the Law Society certainly reinforced my own observations that something is terribly wrong with our family justice system.

Needless to say, the ruling by Justice Walters only reinforced the mother's absolute control over my son and allowed her to perpetrate further psychological abuse on him. I have not seen or heard from my son in more than two years. The mother's first objective after obtaining custody of our son was to destroy my son's relationship with his father and to thwart access to my son. From what a number of other lawyers have told me, getting mothers to obey family court orders in regards to access provisions is a joke in Canada with mothers being routinely allowed to destroy their children's relationship with the fathers with impunity.

I would appreciate it if the Attorney General's office could arrange to have the Court Operations department of your Ministry provide me with accurate transcripts. If the Court Operations department of your Ministry claims that the transcripts that they already done are accurate, then I would ask that the Ministry arrange to have me sit with the court reporter and to listen to the original audio recording of the proceedings. I know what I heard in court that day and the transcripts simply do not reflect what was said by the judge in court. Witnesses in court also said that the transcripts are not true.

As an immigrant Canadian who came to this country many years ago for a better life, I am shocked to learn by my own experience with the courts that transcripts are being significantly altered by the very institution that is supposed to be ensuring truth and justice to the people of Canada. It seems that this interference is to protect the judges and to help make them unaccountable and above the law.

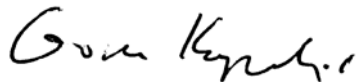
A number of lawyers and court workers also told me the judges get to review and to "approve" transcripts prior to being released to the parties in court. I find this shocking. The preparation of transcripts should be done without any involvement of the judge. What is said in court is what should be what is written on the transcripts. If any party in court, including the judge, says something inappropriate, then the record should show this. Judges should not be allowed to go anywhere near the transcripts or have any kind of relationship with those who do the court transcripts. Judges have a vested personal interest in changing transcripts so the judges should have no prior access to them before they are released to the parties in court. If the judges get to review and to "approve" transcripts prior to being released, it, among others, directly undermines the very appeal process and renders the fundamental process of Complaint to the Judicial Council impossible. Allowing judges to have access to transcripts does not help to maintain a justice system which is transparent and accountable as you have promised to promote in Ontario.

To avoid the possibility of transcripts being altered or "fixed" by judges, I would suggest that procedures be implemented immediately which would ensure that transcripts are protected from judicial tampering. Indeed, the tapes and the transcripts are in the custody of provincial government, in the Court Operations department of the Ministry of the Attorney General, and thus (being in Executive branch of government) has to not to be contaminated by the Judicial brunch of government.

As an additional measure of safety, I would also suggest that all courts should clearly advise people of their rights to record their own court hearing as currently permitted under section 136 of the Courts of Justice Act. Maybe if the judges and court reporters know that there is a second record of the hearing in the possession of the parties, that some of the court workers and judges may be less inclined to obstruct justice by removing or altering portions of transcripts. The integrity of the transcripts must be upheld and all opportunities to judicial tampering removed through effective procedures.

I await your written response.

Yours truly



Goran Kapetanovic

Attachment: Article from Globe and Mail October 6, 2006 - Judge to face misconduct probe

cc: Prime Minister of Canada
Premier of Ontario, Dalton McGuinty
Various members of the Provincial Legislature and the House of Commons.
Ombudsman of Ontario

Judge to face misconduct probe

Hearing ordered over complaint key remark deleted from transcript
KIRK MAKIN - JUSTICE REPORTER

An Ontario judge will be probed for misconduct by his peers in the wake of allegations that he deleted a key remark from a court transcript.

The Ontario Judicial Council ordered a rare misconduct hearing after it completed a preliminary investigation into a complaint lodged against Mr. Justice Marvin Zuker of the Ontario Court of Justice.

The complainant is disbarred Toronto lawyer Harry Kopyto, who was prevented from acting as a legal agent in Judge Zuker's court last year on the basis that Mr. Kopyto has a reputation for being overly adversarial.

After being excluded from the July 29, 2005, proceeding, Mr. Kopyto ordered a transcript so that his client, Robin Mayer, could appeal the ruling.

He alleges that the crucial phrases underlying Judge Zuker's ruling were mysteriously missing.

"I had to pinch myself," Mr. Kopyto said in an interview. "Did I dream it? That was my grounds of appeal. How can she [Ms. Mayer] proceed with an appeal if the grounds aren't there?"

Mr. Kopyto said the case has important repercussions for the justice system. "He [Judge Zuker] is highly regarded among the judiciary," he said. "If he feels comfortable editing a transcript for content, what are the other judges getting away with? If Judge Zuker is doing it, then it's widespread."

In one of several highly unusual twists, the case brings together two old adversaries whose initial courtroom clash in 1985 resulted in a milestone judgment on freedom of speech.

In that case, Mr. Kopyto, who was already well known within the legal community for his left-leaning causes and his combative style, was suing the RCMP for alleged political dirty tricks on behalf of a client, Ross Dowson.

After accusing Judge Zuker in *The Globe and Mail* of perpetrating a mockery of justice and favouring police "as if they're stuck together with Krazy Glue," Mr. Kopyto was charged and convicted of contempt of court. However, the Ontario Court of Appeal later acquitted him, striking down the contempt provision he had been charged under, known as "scandalizing the court."

In subsequent years, Judge Zuker, a highly regarded specialist in family law, rose from being a small claims court judge to a mainstay of the family court branch. Mr. Kopyto, meanwhile, was disbarred for cheating legal aid.

Mr. Kopyto's current complaint arises from a case in which Ms. Mayer was battling the Jewish Family and

Child Service, which was investigating her treatment of her children.

According to the transcript, Judge Zuker questioned Mr. Kopyto's understanding of family law and stated several times that the welfare of Ms. Mayer's children was at stake.

"The best interests of the children come first; not who's right or who's wrong," Judge Zuker told Ms. Mayer. "At the end of the day, I may make an order that you don't agree with, and then you'll say: 'Well, I should have had a lawyer represent me.' What is more important in our society than the future of our children?"

Mr. Kopyto's complaint to the judicial council alleges that by removing the reference to his overzealous tactics from the court transcript, Judge Zuker effectively deprived Ms. Mayer of her ability to appeal the ruling.

"I believe that such conduct amounts to clearly improper conduct and, in the instant case, resulted in a miscarriage of justice to my client in the appeal process," he said.

Ms. Mayer states in a document prepared for the appeal that she was "dismayed and appalled" when she discovered that the transcript had been altered.

She said that "my life and family are being subjected to a judicial process before a judge whose apparent conduct has raised serious issues about the administration of justice."

Mr. Kopyto said yesterday it is absurd for a judge to accuse a lawyer of being too adversarial. "That's a bunch of crap: Everything in court is adversarial," he said.

"Lawyers are terrified to lay complaints against a judge," Mr. Kopyto added. "The perceived wisdom is that you're cutting your throat, so you just don't do it. For every complaint that is laid, there are probably a few dozen that should have been."

Mr. Kopyto said that he had to fight hard in order to obtain a copy of the guidelines judges are given which set out the rules for editing transcripts; rules which specifically restrict changes to matters of accuracy and punctuation, and say that nothing of substance can be removed.

"This judge thinks he can get away with anything he wants to," Mr. Kopyto said. "He did it with Dowson in the 1980s, and he is doing it to my client now. . . . In a sense, he was the author of my misfortune then. Now, I may be the author of his misfortune."

Philip Epstein, the judge's lawyer, said he couldn't comment on the matter.

April 27th, 2006

[REDACTED] Avenue
Scarborough, Ontario

Res: [REDACTED]
Cell [REDACTED]

The Ontario Judicial Council
P.O. Box 914
Adelaide Street Postal Station
31 Adelaide St. E.
Toronto, Ontario M5C 2K3
Fax: (416) 327-2339

Dear Sirs/Madames

RE: Judicial Complaint regarding obstruction of justice by Madame Justice Waldman of the Ontario Court of Justice.

I would like to file a formal judicial complaint against Madame Justice Waldman of the Ontario provincial court at 47 Sheppard Ave. in Toronto, Ontario. The grounds for my complaint are:

- 1) That Madame Justice Waldman obstructed justice by failing to respect the law, specifically she failed to respect and protect my rights as granted under Section 136 of the Courts of Justice Act which gives persons the right to audio record their own personal court hearing for the purposes of supplementing their own notes.
- 2) That Madame Justice Waldman demonstrated incompetence and a lack of knowledge of the law, specifically she said she was unfamiliar with this section of the Law.
- 3) That Justice Waldman was prejudiced in this matter. She had previously heard an ex-parte motion by my ex wife and had already heard arguments from my ex-wife and her lawyer.

On April 21st, 2006, I was a party appearing before Justice Waldman in the Ontario Court of Justice at 47 Sheppard Ave. E., Toronto. In the court, I advised Justice Waldman that I wished to exercise my right to unobtrusively record my own court hearing for the purposes of supplementing my notes. I had a small, hand-held audio recorder which I wanted to simply place in open view of the court so that after the court, I could review what was said in court so that I could better understand matters and be in a better position to continue on with my case and defend my rights and those of my children.

After my request, Justice Waldman appeared to become nervous and then outright refused to allow me to record the hearing as permitted under Section 136 of the Courts of Justice Act. She stated that she was not familiar with the law which granted this right to me.

I showed to Madame Justice Waldman the applicable section of the Courts of Justice Act as well as a copy of a practice direction from the former Chief Justice of the Ontario Courts, the

Honourable Justice Howland, in which Justice Howland had clearly instructed the courts that the use of recording devices in the courts by parties themselves was to be permitted without having to argue the matter before the judge.

Madame Justice Waldman looked at the documents I had provided her and then said that Justice Howland's previously published practice direction for the courts was not of any use anymore and that this legislation was not applicable in her court. Even with the evidence I had provided to her and with no evidence to support her own position, Madame Justice Waldman still refused to allow me to record and therefore, by her actions, blatantly obstructed justice. She refused to uphold the Law and refused to even recognize it!

It seems quite clear from the wording of section 136 from the Courts of Justice Act that the legislators intended to protect the rights of citizens to audiotape their own court hearings for the purposes of helping them and to help with the transparency of the justice system. I cannot imagine how any learned judge of the Ontario Courts could interpret this section of the Courts of Justice Act in any other way except as a tool to assist those appearing before the court. I must also note that Justice Waldman became quite nervous after she broke the law and became quite eager to close down the court hearing so that she could go for lunch.

While court transcripts can be ordered, it certainly does not seem fair to force a party in court to purchase official court transcripts at great expense and time when person can simply obtain the same information with their own recording devices, immediately, not weeks or months down the road. I have heard that it is court policy to take three months to get transcripts with some people reporting that it has taken several months to get court transcripts. I have tried to contact the court transcript office and am having difficulty in getting calls returned. Why should so much time and court resources to be tied up for the purposes of allowing a person to more closely review what went on in a particular court hearing? The courts should be to serve the citizens of Ontario, not put barriers to them.

What also concerns me about relying strictly on court transcripts is that I have heard of stories where transcripts have been altered or lost from some of the Ontario courts. There would appear to be some question as to the security surrounding court transcripts so it would seem logical to allow people to record their own court hearing. This would save resources at the court because there would be fewer requests for transcripts.

In regards to recording in the courtroom, I believe that most Canadians would take the position that those in a courtroom who have nothing to hide should have no fear of any the parties recording the court hearing. I am curious to know just what Justice Waldman is so afraid of that would cause her to break the law in her court and to violate my rights under law.

To avoid the problem I encountered from being repeated in other courts, I would most respectfully request that the Judicial Council or the powers responsible, to put out a memorandum to the judges, just as Chief Justice Howland did in 1989 to again clarify this issue and to remind them that they **MUST** not interfere with a party's request to audio record their own court hearing if the party is doing it in a reasonable manner. Madame Justice Waldman

clearly lacked knowledge of the Courts of Justice Act and perhaps this memorandum should ask all of the judges in Ontario to review this ACT.

Madame Justice Waldman's actions on April 21, 2006 were clearly a breach of the law. Her actions have brought the Administration of Justice into disrepute. Disrespect for the Justice System in Ontario is growing in leaps and bounds. Prior to going into the court, all my friends and neighbours told me that there are many problems with the family court system in this country and that it is not fair and just. At first, I discounted what they told me but after my experience in court, I can now believe what they have said.

The actions of Madame Justice Waldman can only further reinforce the public's perception that our system of justice in family court is no longer transparent and that our judges are refusing to be accountable to the law for which they sworn an oath to uphold on behalf of the people of Canada. We cannot allow individual judges to arbitrarily decide what laws which do and do not apply in their courts. Justice Waldman must be made accountable to the law and must be made to respect the lawmakers who make our laws. Otherwise, Democracy in Canada means nothing.

In light of my complaint to the Judicial Council, I would also kindly ask the Council to request that Justice Waldman be so kind to recuse herself from hearing any more of my court matters. She obviously will not be pleased knowing that I have exposed her for breaking the law and bringing disrespect to Canada's system of Justice.

A response in writing would be most appreciated.

Yours truly,

A blacked-out signature consisting of several thick, horizontal strokes.

Mr. Eugene Colosimo
762 Brimley Road, Scarborough, Ontario M1J 1C6

August 27, 2002.

The Right Hon. Jean Chretien, Prime Minister of Canada
Room 309-S, Centre Block
Ottawa, Ontario
K1A 0A6

Dear Prime Minister:

Re: Is sending good, loving fathers to jail the best that this country can do?

I have been unable to work for the past seven years. I am suffering from post-traumatic stress over the loss of access to my only child. I will soon face a child support "Default Hearing" which is sure to threaten to take my drivers license, passport and what little personal freedom I have left away from me. Ontario government collection agents who must chase down and destroy parents in order to maintain their jobs, now have me as their target. To these unremorseful bounty hunters, right or wrong is irrelevant and the only thing that matters to them is that they follow their orders from the government to seek out and destroy fathers.

Why me? Because after having my parenting rights and assets stripped from me by the courts and family law lawyers, I have been labeled as a deadbeat by the system. I am a grown adult who has to live back at home with my elderly parents in order to survive.

Yet, if I had been given the opportunity by the Canada's Family Court system to be a meaningful part of my only daughter's life, I am sure I would have made a full recovery from the emotional and financial horrors and been able to provide emotional and financial support to my child.

But this country's family court system never gave me the chance to love my daughter and to support her as I would have dearly wanted. Instead, all my rights to see my child and to have a meaningful relationship with her have been maliciously torn from me by the courts for no logical reason. It is apparent that the attitude of the courts is, in most cases, to allow mothers to take children from fathers and to put fathers forever under the power and control of their former partners.

It has been nearly a decade since my vindictive ex-spouse has allowed me to see, write to or phone my only child. This past decade of torment and injustice has forced me into absolute despair. This injustice by the family court system has emotionally devastated my daughter's grandparents, aunts and cousins as well. Yet the system seems intent on relentlessly pursuing me until it has stripped everything from me, including my personal freedoms.

Losing my child has been a devastating, life altering experience. Knowing that my little girl may be so geographically close, yet I so totally powerless to see her or know her has left me physically debilitated, emotionally devastated, financially bankrupted and psychologically raped. Once a proud father who was proud to support my family and contribute to society, I am now but an empty shell of my former self. My will to work, to live and contribute to society is no longer there as it was when I was able to be with my darling little girl.

Eighty trips to court settled nothing but depleted my daughter's inheritance of about \$240,000.00 dollars which went to her parent's lawyers and would have covered my child support obligations for a lifetime. It seems that the Justice Department and those in the family court industry only want to encourage parents to fight and to allow the courts and the lawyers to pillage and rape fathers of their families and assets and then make them slaves to their former partners through child support payments and the huge taxpayer-funded government machinery to enforce it.

It seems to me at least, that the current approach of destroying fathers and then going after them to throw them in jail lacks common sense and is counter-productive to the interests of this nation and its families. Nothing, not even jail, can restore the will of many fathers to work as long as they cannot enjoy a meaningful relationship with their children. According to Statistics Canada ten men kill themselves each day in Canada.

Why not a carrot instead of the stick?

Statistics show that over 90% of men who have regular and meaningful access with their children voluntarily pay their child support without any need of taxpayer funded government collection agencies. Tens of millions of tax dollars are currently being paid by taxpayers to make criminals out of good fathers, yet, most of this money could be saved by taxpayers just by implementing policies which would stop the financial rape of families in the court system and encouraged children's meaningful contact with their fathers.

I'm told that 77% of high school dropouts come from fatherless homes as well as 85% of juvenile delinquents. This too, causes problems in society which cost even more money and further erodes the competitive advantage of our economy.

Why has this nation forsaken fathers and men? Why are many good, loving fathers not being given the opportunity to play a meaningful part in their children's lives? Is there no place for men in this country?

Please read the attached poem which I wrote about the Province of Ontario, which is the province in which I reside. As a Canadian father who has been put through ten years of living hell by the family court system, I can truly say that there really is no place for men to stand in this once great country of Canada.

Is destroying good, loving fathers and sending them to jail, the best this country can do? I think not.

Your response appreciated.

Yours truly,

A handwritten signature in cursive script that reads "Eugene Colosimo". The signature is written in black ink on a white background.

Gene Colosimo

Attachment

cc: embassies and consulates world-wide



Ontario



A very scary place for men

*This was a place to stand and a place to grow
Till Bill 117 hit Ontario
Common Sense Revolution it had to go
There's no place for men in Ontario*

*Yelled at my spouse so her story goes
So I'm out of my house in Ontario
I'm kicked out of my home with nowhere to go
There's no place for men in Ontario*

*Zero tolerance is all they know
Can't see my kids in Ontario
More than half my wages going to the F.R.O.
There's no place for men in Ontario*

*Took my license now my car can't go
Constitution be damned in Ontario
I'm freezing my butt in the rain and snow
There's no place for men in Ontario*

*My passport is next on the list to go
Where the hell are my rights in Ontario
I'm telling you brother what you need to know
There's no place for men in Ontario*

*Lost my job but don't you know
That's no excuse in Ontario
I'm going to jail because I have no dough
There's no place for men in Ontario*

By Gene Colosimo, Toronto, Ontario



Ontario Attorney General wants fewer barriers between courts, media

The Niagara Falls Review – Monday January 17, 2005

Toronto (CP)

Its time to break down the barriers between Ontario's justice system and the media to make the province's courts as open to the public as possible says Attorney General Michael Bryant.

"My chief concern would be to ensure that the justice system is as transparent and as accessible as possible," Bryant told the Canadian Press in an interview.

"We have a legal system inherited from the 18th century, operating in the media spotlight of the 21st century."

There's a long tradition of openness in Ontario courts and transparency in their deliberations, but Bryant admits few people actually attend courthouses any more to watch a trial, but instead rely on newspaper, radio and TV coverage.

"That's where Canadians learn about their justice system," he said. "It's not by sitting in the courtroom. It's by watching a newscast."

"There's no doubt in my mind that members of the public find it very odd that you can take pictures of someone heading into a court but not in the courtroom," he added.

However, he stopped short of endorsing the idea of putting television cameras in the provincial courts, fearing it "might turn some lawyers, and perhaps even judges, into more of a grandstanding mode."

Bryant also said that there are risks to exposing police officers and victims of crime on television, but said the idea of cameras in courts is a debate worth having.

"Some say that the worst thing that ever happened to the legislative assembly (of Ontario) was they brought in cameras, and the debate went from very serious into nothing but rhetoric," said Bryant.

"On the other hand, I personally started politics in a legislature full of cameras and can't imagine it otherwise."