

The Honourable
Judge Ronald J. Meyers

The Provincial Court of Manitoba

THE LAW COURTS
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FEB 10 2006

February 10, 2006

Mr. Martin Minuk
Aikins, MacAulay
30th Floor, 360 Main Street
Winnipeg, MB R3C 4G1

Mr. Richard Wolson, Q.C.
Gindin, Wolson, Simmonds
1200-363 Broadway
Winnipeg, MB R3C 3N9

Dear Counsel:

Re: R. v. Derek Grant Harvey mordenzenk (aka Harvey-Zenic)
Resolution Hearing: December 19, 2005
Hearing Dates: June 5, 6, 7, 8, 9, 12 & 13, 2006

Enclosed please find my Resolution Hearing Report regarding the above matter. If my report does not accurately reflect our discussions of December 19, 2005 please advise immediately. Thank you.

Yours truly,



Ronald J. Meyers
Provincial Judge

/kb

enclosure

RESOLUTION HEARING REPORT

1. **Presiding Judge:** Ronald J. Meyers
2. **Date of Conference:** December 19, 2005
3. **Name of Accused Person(s):** Derek Grant Harveymordenzenk
Aka Harvey-Zenic
Name of Defence Counsel: Richard Wolson, Q.C.
4. **Name of Crown Counsel:** Martin Minuk
5. **Charges:**
 - refuse breath sample – s.254(5) C.C.
 - impaired driving cause death – s.255(3) C.C.
 - dangerous operation of motor vehicle cause death – s.249(4) C.C.
 - criminal negligence cause death – s. 220(b) C.C.
6. **Elections made and pleas entered:**
Crown election – by indictment
Defence election – to be made at preliminary hearing
Proceeding on one or more Informations?
Yes
Any objection?
No
7. **Disclosure:**
Outstanding:
Disclosure not in issue.
Report of Traffic Analyst to be provided by the Crown.
Deadline for disclosure:
Counsel agree that no deadline for disclosure is necessary and that they will communicate with each other should disclosure become an issue.
8. **Preliminary Matters:**
By prosecution:
No problems anticipated re admissibility of evidence.
No new informations/indictments anticipated.
By defence:
None
9. **Admitted Facts or Agreements:**
a) Identify type of admission/agreement
No admissions or agreements have been reached.
b) Identify Agreements/Admissions of Fact
Jurisdiction and identity of accused are agreed to.

- 10. Forms A and B filed:**
- 11. Issue of Criminal Responsibility:**
NCR hearing not to be held
- 12. Victim Impact:**
Complainant is deceased – section 722(1) not considered
- 13. Issues in dispute (factual and legal):**
All facts and legal issues are in dispute.
- 14. Are there any confessions and/or oral statements to be tendered in evidence?**
No
Will a voir dire be necessary?
No
Will evidence be called by the defence on voir dire?
No
- 15. Will a voir dire be required for any other evidentiary issues?**
No
- 16. Any child witnesses or witnesses whose competency is challenged?**
No
Any witness who requires an interpreter?
No
Language of trial:
English
Expert witnesses: One expert witness to be called at the preliminary hearing.
Number of Expert witnesses:
One traffic analyst.
Will the opinion of a duly qualified expert be tendered for admission:
Yes - by prosecutor by defence
Upon what issue will such evidence be tendered?
Is the admissibility of the proposed evidence contested:
If yes, upon what basis?
To be determined at the preliminary hearing.
Admission to the qualifications of the expert to be called:
 by prosecutor by defence
- 17. Estimated number of Crown witnesses/time:**

20 witnesses of a possible 36 potential witnesses.

Estimated number of defence witnesses, if defence is called/time:

None

18. Special Needs:

None

19. Total time required:

Seven days

20. Hearing dates set:

June 5, 6, 7, 8, 9, 12 & 13, 2006
Courtroom 404

21. Are Counsel ready to proceed?

Yes

22. Is a further hearing required?

None indicated

23. Additional comments?



Judge Ronald J. Meyers