

**From:** Martin Minuk  
**To:** Colleen (JUS) Ireton  
**Date:** 7/16/07 8:54 am  
**Subject:** RE: R. v. Zenk

I expect that the plea to be entered tomorrow morning at 9 am before the Chief Provincial Court Judge Wyant. As such today will be a brief appearance with little said on the record regarding this development in the prosecution.

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>>> "Ireton, Colleen (JUS)" <Colleen.Ireton@gov.mb.ca> 7/16/07 8:46:02 am >>>

When/where are pleas being entered?

From: Martin Minuk [mailto:MSM@aikins.com]  
Sent: Jul 16, 2007 8:41 AM  
To: Ireton, Colleen (JUS)  
Subject: RE: R. v. Zenk

thanks

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>>> "Ireton, Colleen (JUS)" <Colleen.Ireton@gov.mb.ca> 7/16/07 8:37:56 am >>>

Got it Marty. Thanks.

From: Martin Minuk [mailto:MSM@aikins.com]  
Sent: Jul 16, 2007 8:34 AM  
To: Ireton, Colleen (JUS)  
Subject: Fwd: R. v. Zenk

Please let me know if you get this email.

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>>> Martin Minuk 7/15/07 10:12:54 pm >>>  
Brian / Colleen

I am writing to update you on the Zenk matter which is to start tomorrow morning.

I am aware that Brian is away from the office nevertheless this update is being copied to Colleen to ensure that what is going on with the prosecution is known should there be any questions.

Mr. Zenk, through his counsel, Richard Wolson, has advised that Mr. Zenk is prepared to plead guilty to the indictable offence of Dangerous Driving Cause Death.

The case includes witnesses / members from the WPS, scene witnesses, ambulance and East St. Paul police personnel, and an RCMP Traffic Accident Reconstruction expert. My opinion is that resolving this matter by taking the plea as offered is a very good resolution. The evidence in support of the charge of both the drive impaired and refusal of Breathalyzer is very very weak.

By reason of the shoddy work of the East St. Paul Police the charge of refuse breathalyzer is bound to fail.

The WPS members do not describe Zenk as being impaired.

In speaking to the RCMP expert his assessment is that the plea may in fact be more than what might happen had the matter gone to trial.

What is left factually is speed within the posted limit , no evidence of impairment, no evidence of erratic driving before the collision.

The main issue will become sentencing because the prevailing authorities on the facts admissible support a conditional sentence. I am of the opinion that is the appropriate sentence in this case. It is unclear if the family understands all of the complexities and legal issues but they will be spoken to again.

I will write more tomorrow after the pleas is entered. It is expected the case will be remanded after the plea to set up a sentencing hearing.

Marty

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