

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

Complainant
CITY OF GREATER SUDBURY

KRISTEN NEWMAN
Assistant City Solicitor

v.

NEVILLE HEWAGE

PROCEEDINGS AT
PRELIMINARY INQUIRY

BEFORE THE HONOURABLE JUSTICE R. P. VILLENEUVE
on **October 10, 2013,** at SUDBURY, Ontario

APPEARANCES:

L. Walker

Counsel for the Crown

T. Waltenbury

Counsel for Neville Hewage

A. As needed, if there's an address we might need on it to respond or....

Q. Okay, do you yourself see every request that is made for access to information covered by the Freedom of Information Act?

A. Yes.

Q. Okay, were you ever interviewed by the police or did you just provide a copy of the written statement that I showed you earlier?

A. I believe I just provided a written statement.

MR. WALTENBURY: Okay, those are my questions for you, Ms. Miller. Thank you very much for coming.

THE COURT: Re-exam?

MR. WALKER: Nothing else, Your Honour.

THE COURT: Thank you, Ms. Miller. You're excused.

MR. WALKER: If I could impose on you, sir, just for a few minutes, I'd like five minutes...

THE COURT: Very well.

MR. WALKER: ...before lunch.

R E C E S S

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

MR. WALKER: Good afternoon, Your Honour. Thank you very much for your indulgence this afternoon. I've heard the evidence you've heard. I know what evidence is coming. And my decision is that this is a case where it's not in the public interest to proceed. It is weak. There are possible different interpretations of circumstantial evidence at its best, in my experience. So I'm asking for a discharge.

THE COURT: No position, I gather, Mr. Waltenbury?

MR. WALTENBURY: I'll just indicate for the record it would have ultimately been my submission that

sufficient evidence had not been tendered to commit

Mr. Hewage for trial and Mr. Walker is always very candid and fair and I thank him for positions articulated.

THE COURT: Very well. Mr. Hewage, sir, given the request of the crown, the information will be noted as discharged and you will no longer be ordered to stand trial, sir.

MR. HEWAGE: Thank you very much, Your Honour.

THE COURT: Thank you.

MR. WALTENBURY: Thank you, Your Honour.

...

MATTER COMPLETED

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

I, Carlie St.Amant, certify that this document is a true and accurate transcript of the recording of R v. Hewage in the Ontario Court of Justice held at 155 Elm Street, Sudbury, taken from recording No.

4011_CrtRmC_20131010_092002__6_VILLENR.dcr, on October 10, 2013, which has been certified in Form 1.

November 13, 2013

Date

Carlie St.Amant

Signature of Authorized Person

Carlie St.Amant