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Appeal No: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF RED DEER

HER MAJESTY THE QUEEN

v.

PATRICK KING

Accused

TRIAL
(Excerpt)

Red Deer, Alberta
July 21, 2021

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1 Proceedings taken in the Provincial Court of Alberta, Courthouse, Red Deer, Alberta

2
3 July 21, 2021 Morning Session

4
5 The Honourable Provincial Court
6 Judge Snider of Alberta

7
8 M. Kai For the Crown
9 D. Kamal For the Attorney General
10 B.M. LeClair For the Attorney General
11 (No Counsel) For the Accused
12 R. Rodgers Court Clerk

13
14
15 THE COURT: Ms. Kai.

16
17 MS. KAI: Good morning, Your Honour, Michelle Kai for
18 the prosecution. May I have permission to remove my mask?

19
20 THE COURT: Yes, absolutely. Go ahead.

21
22 MS. KAI: Thank you.

23
24 THE COURT: And I see -- I think I had responded to the letter
25 that I had received or had my assistant respond because initially we did not have Webex
26 in this courtroom.

27
28 MS. KAI: Right.

29
30 THE COURT: I think it has only been installed in the last day
31 or two, so I see now that we have -- is it Mr. Kamal and Ms. LeClair?

32
33 MS. KAI: Yes.

34
35 THE COURT: Both --

36
37 MR. KAMAL: Yes, Ma'am.

38
39 THE COURT: Good morning, both just observing, so they're
40 from the prosecution's office, and they're just observing via Webex, just so everybody is
41 aware of that.

1 MR. KAMAL: We're -- we're from -- we're from the Attorney
2 General, Your Honour.
3
4 THE COURT: Oh, I am sorry.
5
6 MR. KAMAL: I just wanted to make -- clarify that, yeah.
7
8 THE COURT: Yes, thank you.
9
10 MR. KAMAL: Thank you.
11
12 THE COURT: All right, Ms. Kai?
13
14 MS. KAI: Your Honour, we're here for the trial
15 continuation today.
16
17 THE COURT: Yes.
18
19 MS. KAI: There's a transcript. I wonder if the Court has a
20 copy.
21
22 THE COURT: I don't, actually.
23
24 MS. KAI: I will provide the Court with a copy and Mr.
25 King as well --
26
27 THE COURT: Thank you.
28
29 MS. KAI: -- of the previous proceedings.
30
31 THE ACCUSED: Thank you.
32
33 THE COURT: Thank you.
34
35 Mr. King, have you received a copy of that?
36
37 THE ACCUSED: I have, Your Honour.
38
39 THE COURT: Okay.
40
41 THE ACCUSED: Yes.

1 THE COURT: Thank you, and on the last occasion the Crown
2 had called their case and closed their case, so, Mr. King, the matter had been adjourned
3 because, as I recall, the last time we were here you did not have any witnesses. You were
4 not prepared to proceed with your evidence at that time, and so the matter went over to
5 today's date to allow you time to prepare your case and present any witnesses, if that is
6 what you so wish to do. So are you ready to proceed today?
7

8 **Submissions by the Accused (Adjournment)**
9

10 THE ACCUSED: Your Honour, we are not ready to proceed
11 today. As a result of Monday, we had our subpoena quashed due to the fact that I had
12 subpoenaed Ms. Hinshaw throughout the wrong course. I found out as per the judge on
13 Monday that I went around it the wrong way, due to the jurisdiction of a justice of the
14 peace was not allowed to subpoena the -- a government official.
15

16 THE COURT: M-hm.
17

18 THE ACCUSED: So the judge was so kind to give me the
19 appropriate direction, which way I'm supposed to go about this, and I would like to ask
20 today, this morning, for an adjournment of two weeks so that I can file the paperwork
21 according, appropriately, as per the judge's information, and if I can, out of respect to the
22 Court, a minimum of two weeks is all I need to get this -- this documentation done
23 efficiently and appropriately as to the court because of the simple error that I did not
24 know the exact procedure how to go about this, but now I've been thankful of the judge
25 on Monday to -- to go the right -- I know the exact way to go.
26

27 THE COURT: All right, sorry, so what exactly is it, in terms of
28 the documentation, that you want the adjournment for?
29

30 THE ACCUSED: We will be filing -- I believe it's a -- it's a
31 challenge to the *Public Health Act*, at which time we will be asking for a judge subpoena
32 of the witness.
33

34 THE COURT: All right. So what you are asking for this
35 morning is not simply an adjournment to organize or properly subpoena a witness. You
36 are asking for an adjournment so that you can file a *Charter* notice, and then on the basis
37 of that, perhaps attempt to subpoena other witnesses from that.
38

39 THE ACCUSED: That's correct, yes, Your Honour.
40

41 THE COURT: All right.

1 Ms. Kai?

2

3 **Discussion**

4

5 MS. KAI: Your Honour, I can advise that as of two
6 minutes ago, I have a copy of the transcript of Monday's proceeding.

7

8 THE COURT: Yes.

9

10 MS. KAI: I have not seen it myself. My understanding
11 was that the subpoena for Dr. Hinshaw was issued and served and then quashed.

12

13 THE COURT: Yes.

14

15 MS. KAI: So -- but I think if we take perhaps just a brief
16 adjournment, it's a 22-page transcript. We can all review it.

17

18 THE COURT: Sure.

19

20 MS. KAI: And have a better sense of what's happening. I
21 only know from my colleagues what's happened, but I do have the transcript now.

22

23 THE COURT: And --

24

25 MS. KAI: What is the best way to provide it to the Court?

26

27 THE COURT: You can provide it electronically.

28

29 MS. KAI: Okay.

30

31 THE COURT: And if you want to just provide it through the
32 judicial assistant, I can -- unless you have an actual copy.

33

34 MS. KAI: I don't. It just came through my email, and I
35 wanted to provide Mr. King with a copy as well this morning.

36

37 THE COURT: Yes.

38

39 MS. KAI: Is there some mechanism to provide --

40

41 THE COURT: Mr. King, do you have any -- I see you do not

1 have a computer. That is just the monitor from our --

2

3 THE ACCUSED: Yes.

4

5 THE COURT: So I am not sure if you have any capability of
6 printing today.

7

8 THE ACCUSED: I have no electronics with me today, Your
9 Honour.

10

11 THE COURT: Ms. Kai, there is the library facilities here.

12

13 MS. KAI: Sure.

14

15 THE COURT: And they do have access to a computer and a
16 printer there, so perhaps if you could print a copy off for Mr. King so that he can review
17 it as well. This is the transcript from Monday's proceedings. What I was just handed and
18 what you have is the transcript from the last time we were here --

19

20 THE ACCUSED: Yes, Ma'am.

21

22 THE COURT: -- in Provincial Court.

23

24 And, Ms. Kai, madam clerk, at the break if you need the email address for the judicial
25 assistant, madam clerk can perhaps pass that along, and you can just email that, and I can
26 review that upstairs while you are printing that off and while everybody is reviewing.

27

28 MS. KAI: Yes.

29

30 THE ACCUSED: Yeah.

31

32 THE COURT: And that will give you an opportunity to do that,
33 and I will hear from you with respect to the Crown's position on this adjournment
34 application when we return, all right?

35

36 MS. KAI: Yes.

37

38 MR. KAMAL: Your Honour, if I can --

39

40 THE COURT: Yes.

41

1 MR. KAMAL: David Kamal here. Just to advise that even if we
2 are served today or tomorrow with a constitutional notice, we are not -- the AG is not
3 going to be able to proceed with a trial in two weeks. You might be aware that we are
4 involved in the consolidation of dozens of tickets, for instance, in Calgary. We have
5 several ongoing trials. I can -- I can write to the Court and advise of the situation.
6 Essentially, we have a big trial called *Ingram* that is going from September 22nd to
7 October 1st. It's dealing with the majority of the public health orders up until July 1st.

8
9 There's a dozen expert medical experts. There's thousands of pages of expert evidence,
10 and so far Justice Rooke has taken the position, when we've talked to him, that
11 challenges to the *Public Health Act* or orders should be case-managed and possibly
12 delayed until the decision comes down in *Ingram*, because it will be decisive of all these
13 challenges.

14
15 THE COURT: Thank you, Mr. Kamal. I am aware of that, and
16 I was aware that that was the way that we were proceeding with these matters.

17
18 MR. KAMAL: Thank you.

19
20 THE COURT: I will deal with that if I need to, if we get to that
21 point later this morning. I think that the first issue here is let's let everybody review the
22 transcripts, and I will hear argument with respect to the adjournment itself, and we will
23 take it from there this morning.

24
25 MR. KAMAL: Thank you, Your Honour.

26
27 THE COURT: All right, thank you.

28
29 Mr. King, there is somebody sitting behind you. I do not know who that is.

30
31 THE ACCUSED: He's my assistant, Your Honour.

32
33 THE COURT: What is your name, sir?

34
35 MR. FORC: Douglas.

36
37 THE COURT: Stand up.

38
39 MR. FORC: Oh, sorry.

40
41 THE COURT: What is your name?

1 MR. FORC: Douglas.
2
3 THE COURT: Douglas? What is your last name?
4
5 MR. FORC: Forc, F-O-R-C.
6
7 THE COURT: F-O-R-C? And you just here assisting him are
8 you?
9
10 MR. FORC: Yes, Ma'am.
11
12 THE COURT: Okay. Is he going to be a witness, because I
13 know that he is one of the individuals that was mentioned --
14
15 THE ACCUSED: No, Ma'am, he will not be a witness.
16
17 THE COURT: Okay.
18
19 THE ACCUSED: Your Honour, I'd just like to reiterate this is not
20 a constitutional challenge. I know that we can't even do that, so --
21
22 THE COURT: Well, if you are telling me that what you want
23 to do is have an adjournment so that you can bring an application to challenge the
24 legislation, that is a constitutional challenge.
25
26 THE ACCUSED: Oh, okay.
27
28 THE COURT: Okay, so --
29
30 THE ACCUSED: I'm sorry.
31
32 THE COURT: -- if you are trying to challenge the legislation --
33
34 THE ACCUSED: Fair enough.
35
36 THE COURT: -- you have to do that with a constitutional
37 notice.
38
39 THE ACCUSED: Okay, fair enough.
40
41 THE COURT: There are different ways to bring a

1 constitutional challenge, but what you are describing to me today, that is what that is.
2 That is why we have these individuals from the Attorney General's office --

3
4 THE ACCUSED: Oh, okay.

5
6 THE COURT: -- observing because they were aware that this
7 may be something that you were seeking to do today.

8
9 THE ACCUSED: Okay, I apologize.

10
11 THE COURT: And -- okay. So let's take a few minutes. Why
12 don't we come back at quarter after 10. Is that going to give everybody enough time, or
13 even 10:30, if that -- I do not know how much time you are going to need, Ms. Kai, so --

14
15 MS. KAI: I don't know what the printing capability speed
16 is, perhaps 10:30.

17
18 THE COURT: All right. Let's say 10:30. If anybody is ready
19 before that, let the clerks know, and they can come find me. I will look for that transcript
20 upstairs, and we will reconvene at 10:30.

21
22 MS. KAI: Thank you, Your Honour.

23
24 THE ACCUSED: Thank you, Your Honour.

25
26 (ADJOURNMENT)

27
28 MS. KAI: I can advise that we are joined on Webex by
29 Ms. Hykaway, the counsel who appeared on Monday, should the Court have any
30 questions for her as well.

31
32 THE COURT: All right, thank you. Good morning.

33
34 So, Mr. King, I'll start just with you. Have you had an opportunity to review that
35 transcript?

36
37 THE ACCUSED: Yes, I have.

38
39 THE COURT: All right. I have as well.

40
41 Ms. Kai, I guess I will -- normally I would start with Mr. King and ask him why it is he

1 wants an adjournment, so I will have you again reiterate and tell me the reasons why you
2 are looking for an adjournment, and then I will hear from you, Ms. Kai, about the
3 Crown's position --

4
5 MS. KAI: Thank you.

6
7 THE COURT: -- with respect to that.

8
9 So, Mr. King, go ahead.

10
11 **Submissions by the Accused (Adjournment)**

12
13 THE ACCUSED: Yes, Your Honour. Your Honour, basically
14 we're challenging the legitimacy of the *Public Health Act*. In doing so, Ms. Hinshaw,
15 being the author of the Act --

16
17 THE COURT: Sorry, Mr. King, I am just going to back you up
18 here because I think you may misunderstand what I am asking for.

19
20 THE ACCUSED: Oh, okay.

21
22 THE COURT: So at this point you have not challenged --

23
24 THE ACCUSED: Right.

25
26 THE COURT: -- the *Public Health* legislation.

27
28 THE ACCUSED: Yes, Ma'am.

29
30 THE COURT: I appreciate that this is what you want to do.

31
32 THE ACCUSED: Yes, Ma'am.

33
34 THE COURT: And that is why you want an adjournment.

35
36 THE ACCUSED: Yes, Ma'am.

37
38 THE COURT: Normally, that challenge would come a number
39 of days, at least fourteen days, before the start of the trial, which was several months ago.

40
41 THE ACCUSED: Yes, Ma'am.

1 THE COURT: So you are essentially asking me in the middle
2 of a trial, after the Crown has closed their case, to adjourn so that you can provide that
3 notice and you can pursue that, I guess, line of argument, okay?
4

5 THE ACCUSED: Correct, yes.
6

7 THE COURT: What I want to know is why you want the
8 adjournment, why this was not brought prior to the trial, and why you now think you
9 need an adjournment in order to bring it up. I do not want to hear your arguments about
10 your challenge to the legislation because we are not there yet.
11

12 THE ACCUSED: Yes, Ma'am.
13

14 THE COURT: Okay? All right.
15

16 THE ACCUSED: Yes, Ma'am. We're asking for an adjournment
17 basically due to the -- the expedited subpoena that I received Sunday morning at 11:53 in
18 the morning to be in court Monday morning at -- at 10 AM in chambers. I did not have
19 any time to prepare for that. Then I had found out that the subpoena was quashed due to
20 jurisdictional challenge with regards to a justice of the peace not having the authority to
21 subpoena a government official.
22

23 THE COURT: Okay.
24

25 THE ACCUSED: Once that -- once I found that out, I basically --
26 I was told by the -- the judge at the time -- or not told but advised that this is the wrong
27 procedure on -- on my part, being self-representative -- represented. I'm -- you know, I'm
28 not familiar with the proper procedures, and I guess I had filed it improperly, and now
29 that I've been instructed of the proper way --
30

31 THE COURT: What do you mean by "filed it improperly"?
32 What are you talking about?
33

34 THE ACCUSED: Because at that time I did not know that a
35 justice of the peace did not have the jurisdiction to -- to subpoena a government official.
36

37 THE COURT: All right. I think maybe we are overlapping or
38 confusing two different issues. So, you know, I appreciate there was a proceeding that
39 happened in Court of Queen's Bench earlier this week dealing with the subpoena, and I
40 have read the transcript, and I see that Justice Bast quashed that subpoena. One of the
41 grounds for quashing that subpoena was that it was issued improperly because it was

1 issued by a justice of the peace and not by a judge. The other grounds were that in her
2 view, Dr. Hinshaw did not have any evidence that would be relevant to this proceeding
3 because there was not a challenge to the legislation before me, okay?
4

5 THE ACCUSED: Correct.

6
7 THE COURT: That is my read of her decision. Now, when you
8 are asking or making submissions this morning about the reasons for this adjournment, I
9 think you are confusing those two things because, one, it seemed to me that you were
10 asking for an adjournment so that you could actually make a challenge to the legislation.
11 That is separate and distinct from an application for an adjournment because you do not
12 have a proper witness here or because you did not subpoena them properly.
13

14 THE ACCUSED: Sorry, yes.

15
16 THE COURT: So is your intention -- is the reason why you are
17 asking for the adjournment today so that you can file a challenge to the legislation, and
18 then, as a result of that, your intention is to try to re-subpoena Dr. Hinshaw and do it
19 through the proper channels?
20

21 THE ACCUSED: Yes, Ma'am, that is correct.

22
23 THE COURT: Okay. All right.

24
25 THE ACCUSED: And like I -- I'd like that -- if it's okay, I can
26 add something else.
27

28 THE COURT: Yes, no, no, I just want to make sure I know
29 where you are coming from. I want us to be on the same page.
30

31 THE ACCUSED: Yes, Ma'am.

32
33 THE COURT: Okay.
34

35 THE ACCUSED: And -- and I apologize. I'm really nervous, too,
36 like, at this moment. Like, this is all new for me, and I apologize, and might I add also
37 that when I did file the subpoena had the justice of the peace had mentioned to me that
38 they did not have the authority to that, I would not be -- we would have had it back in
39 May, and we would be proceeding today as per usual.
40

41 THE COURT: Well, I think you still -- based on the decision

1 of Justice Bast, I think you may still have had an issue just on one ground instead of two,
2 but that is not something I have to decide today.

3
4 THE ACCUSED: Okay.

5
6 THE COURT: So tell me why it is that I should grant you this
7 adjournment. Why was this notice not provided in advance of the trial? Why was this
8 challenge to the legislation not brought in advance of the trial? Why should I give you an
9 adjournment in the middle of a trial to bring that application?

10
11 THE ACCUSED: Your Honour, I was in the process of -- I was
12 under the understanding, sorry, that I was going the proper course to file these subpoenas
13 under the advice that I was given, to file the subpoenas, to have a justice of the peace do
14 it. I have found out, as -- Monday morning that I was wrong.

15
16 THE COURT: Okay, but that is a subpoena issue.

17
18 THE ACCUSED: Oh.

19
20 THE COURT: I am asking you why I should grant you an
21 adjournment to provide a challenge to the legislation. You were made aware by myself
22 on the last occasion that there was no such challenge before me and that you would have
23 been required to give notice prior to the trial.

24
25 THE ACCUSED: So, Your Honour, basically this is a course of
26 material evidence for the validity of the *Public Health Act*. So in doing so, this -- the
27 directors or Ms. Hinshaw or her office would have had to have this evidence to provide to
28 base the basis of the *Public Health Act* on. Now, for me to challenge this *Public Health*
29 *Act*, I need to challenge the legitimacy of it, and, therefore, this is why I would ask for an
30 adjournment so that I could file the appropriate documents and have it done so that I can
31 be back and no more wasting of the Court's time.

32
33 THE COURT: I understand that. My question to you is why are
34 you now trying, in the middle of the trial, to file the documents to challenge the
35 legislation, as opposed to at the beginning of the trial, if this -- let me put it this way. Was
36 your intention all along to challenge the validity of this legislation, or is this something
37 that came up in the course of this trial?

38
39 THE ACCUSED: This is something that came up in the course of
40 this trial, in the course as well as Monday I found out that that was what I needed to do.

41

1 THE COURT: So when you started the trial back in -- I do not
2 remember where we were, back in May --
3

4 THE ACCUSED: Yes.
5

6 THE COURT: -- you had no intention at that point? Your
7 defence was not based on a challenge to the legislation at all? You did not intend to
8 challenge the legislation back then.
9

10 THE ACCUSED: No, Ma'am, I figured the -- the direction I was
11 going was the appropriate direction.
12

13 THE COURT: No, no, no, not whether you were doing it
14 appropriately.
15

16 THE ACCUSED: Right.
17

18 THE COURT: But from the outset that was your defence was
19 to challenge the legislation?
20

21 THE ACCUSED: No. Yes, it was.
22

23 THE COURT: Yes or no?
24

25 THE ACCUSED: Yes, yes, yes, my apologies.
26

27 THE COURT: And so the reason why you are asking me for an
28 adjournment today is because you have now discovered that you did not go about doing
29 that the right way because you were not familiar with the process.
30

31 THE ACCUSED: That's correct.
32

33 THE COURT: Do I have your position? I do not want to
34 misunderstand?
35

36 THE ACCUSED: No, that is exactly --
37

38 THE COURT: I want to make sure I have a clear picture.
39

40 THE ACCUSED: -- correct, Your Honour.
41

1 THE COURT: Okay.
2
3 THE ACCUSED: I didn't know -- I don't know the terminologies
4 and stuff. I apologize.
5
6 THE COURT: All right. Is there anything else for the basis for
7 the adjournment? That is all I am asking for --
8
9 THE ACCUSED: No, Your Honour, that --
10
11 THE COURT: -- right now, because I know --
12
13 THE ACCUSED: -- that -- that should be it. I believe I've -- I've
14 made my case.
15
16 THE COURT: All right.
17
18 THE ACCUSED: Thank you.
19
20 THE COURT: Thank you.
21
22 Ms. Kai?

23
24 **Submissions by Ms. Kai (Adjournment)**
25

26 MS. KAI: Your Honour, with respect to this -- the -- Mr.
27 King's representation that this arose through the course of the trial, if it did arise when
28 the Crown's case unfolded, then I think he should be given an opportunity to raise a
29 challenge. The prosecution challenged that representation, however, as in the transcript, I
30 believe page 8, page 9, right at the beginning of the trial, when we were talking, he
31 brought up Dr. Hinshaw and did not fully articulate his reasons, and -- for why that he
32 thought subpoenaing her would have been necessary, but did, I think, make some
33 indication that that was his intention to -- to attack the -- the -- the -- the legislation from
34 that point of view.
35

36 So I think from -- it's -- it's difficult, and -- and also as the Court has pointed out, on page
37 61 of the transcript, this issue has been addressed before when we came on the prior
38 occasion, but the Crown does take into consideration we have a self-represented litigant,
39 who is not familiar with the process. There are steps that are taken throughout this, so I
40 guess what I'm saying here, Your Honour, is that if the Court finds that this arose through
41 the course of the Crown's evidence, then the Court -- the Crown says that there should be

1 an adjournment given to raise this. If the Court is inclined to grant the adjournment,
2 though, the Crown will have some submissions to make in regards to what can be made
3 of today's time.

4
5 **Ruling (Adjournment)**

6
7 THE COURT: All right, thank you.

8
9 All right, so, Mr. King, this is your adjournment. We are here today. This was supposed
10 to be the continuation of the trial, and this was your opportunity to provide evidence. You
11 are now asking me to grant you an adjournment for the purpose of filing the appropriate
12 documents to challenge the *Public Health Act*, challenge the legislation. I will say this.
13 There is an abundance of case law on this point. It is quite clear that *Charter* notices,
14 *Charter* challenges, if you are intending on challenging the legislation or challenging
15 your rights pursuant to the *Charter*, it is your responsibility, as the applicant in that, to
16 provide notice to the Crown.

17
18 The legislation is quite clear on those notice provisions, and in this case, because you
19 intend to challenge not just your rights but to challenge the legislation itself, there are
20 further requirements that you serve government officials with that. So the basis for that is
21 to ensure trial fairness for everybody, and as the Judge, I have to ensure that the trial runs
22 smoothly and that it runs fairly, and that means fair to you, but it also means fair to the
23 Crown, and so there is a good policy reason why those notice requirements are in place.

24
25 Now, that is not to say that that is cut and dried and that there are not exceptions to that.
26 If this was a situation where we had gotten midway through a trial and some evidence
27 had come out in the trial that you could not have foreseen from the disclosure you were
28 provided, something that came up that just was unexpected, and all of a sudden that
29 meant that you now wanted to challenge the legislation, whereas, from the outset, you did
30 not know that that was going to be the case, then that would be a situation where I would
31 be inclined to grant an adjournment because you would not have been able to know that,
32 and you would not have been able to prepare for that in advance of a trial.

33
34 In this case, as the Crown pointed out -- and when I reviewed the transcript and my
35 recollection from the last time you were here, your intention all along was to challenge
36 this *Public Health* legislation. Your argument today, and you admitted that this morning
37 when I sort of asked you a little bit about that, really is based on the fact that you are a
38 self-represented litigant, and that you were not aware.

39
40 I appreciate that there are some struggles and some difficulties when you choose to
41 represent yourself. I think I took a lot of time at the beginning of our trial kind of

1 explaining as much of that process to you as I could but also indicating to you that I am
2 not your lawyer, and my job is not to inform you of the procedure. I can assist you,
3 certainly, in some ways, and you are given a little more leeway than somebody
4 represented by counsel would be in that regard.
5

6 Having said that, I am not inclined today to treat you any differently than I would counsel
7 when we are partway through a trial. The expectation, if you choose to represent yourself,
8 is that you are aware of the law and the procedure, and I just do not agree -- first of all, I
9 find that this was something that you intended from the outset, and certainly not
10 something that arose as a result of any evidence that was unexpected or that come up at
11 the trial. The evidence I have heard so far has been very straightforward, and it related
12 specifically to the events of that particular day.
13

14 So I am not inclined, as I said, to grant you an adjournment where the only basis for that
15 adjournment is your negligence in figuring out the appropriate process and taking the
16 appropriate steps to bring that challenge. So your adjournment is denied, and that means
17 we will carry on with the trial. I am going to ask you at this point, then, sir, if you have
18 any evidence, any witnesses that you wish to present, and because there is no *Charter*
19 challenge or challenge to the legislation before me, that relates specifically to the case
20 against you, the allegations of that particular day.
21

22 THE ACCUSED: Well, Your Honour, by denying the
23 adjournment, Judge, you have taken away all my defence.
24

25 THE COURT: Okay, do you have any witnesses, or do you
26 have witnesses that you want me to hear from?
27

28 THE ACCUSED: My witnesses were subpoenaed, Your Honour,
29 and under the wrong jurisdiction.
30

31 THE COURT: Do you have any evidence that you want me to
32 consider, whether it is through other witnesses or yourself?
33

34 THE ACCUSED: No, Your Honour.
35

36 THE COURT: You are entitled to take the stand and give me
37 your side of things if you wish, but you do not have to do that. I am just giving you that
38 opportunity.
39

40 THE ACCUSED: I can -- I can take the stand for sure.
41

1 THE COURT: That is your choice. So if there is something
2 you think that I do not know that you want me to know, the way that has to happen is by
3 sworn evidence. If you do not have any other witnesses other than yourself --
4

5 THE ACCUSED: Just myself.
6

7 THE COURT: -- if you choose to be a witness, you can
8 certainly take the stand and give me your version of things.
9

10 THE ACCUSED: Yes, Ma'am.
11

12 THE COURT: And then that will open you up to cross-
13 examination from the Crown.
14

15 THE ACCUSED: Yes, Ma'am.
16

17 THE COURT: All right. So you are prepared to do that, and
18 that is what you want to do?
19

20 THE ACCUSED: I'm prepared, yes. I may as well. It's my last
21 fighting chance.
22

23 THE COURT: All right. So come on up here, then, sir, and you
24 will have to stand up here on the stand.
25

26 All right, now a couple of things before we get started. I am sure I reviewed these last
27 time, but it has been a while. There is a microphone in front of you you will see. It does
28 not amplify your voice in any way. It just records our proceedings because we keep a
29 record of everything that happens here.
30

31 THE ACCUSED: Yes, Ma'am.
32

33 THE COURT: So do not feel the need to lean in and speak into
34 it, and there is a lot of Plexiglas. It can be quite difficult to hear at times. Please make
35 sure you just project your voice and speak as loudly as possible. Normally I would give
36 you the option to swear on the Bible or to affirm, but because of the procedures we have
37 in place at this point, we do not have Bibles available, so I am going to have madam clerk
38 affirm you to tell the truth, all right? And then from there I will hear from you. When you
39 are finished telling me what you want to tell me, the Crown will likely have some
40 questions for you. I am going to ask you to stay on the stand and answer those, please, as
41 best you can.

1 If, at any point, you cannot hear anything or you do not understand a question, just speak
2 up. We will make sure it is clarified and that you understand it before you have to
3 answer, and if, at any point during your testimony, you feel like you need a break, you let
4 me know, and we will accommodate that, all right?

5
6 THE ACCUSED: Yes.

7
8 THE COURT: Madam clerk, if you could affirm him, please.

9
10 **PATRICK JAMES KING, Affirmed, Testified**

11
12 THE COURT: All right, Mr. King, what do you want to tell
13 me?

14
15 A On the day in question, I was notified -- or, sorry, prior to the day in question, I was
16 notified three days in advance by a staff sergeant in the Red Deer RCMP detachment
17 if I was going to be attending a rally in Red Deer. I said, Yes, I would be attending,
18 like we have done for the last two-and-a-half years on the corner by the city hall, and
19 upon doing so he asked if I was organizing it, and I said, No, I was not organizing it.
20 This is a protest for the people. I am just attending, and at that point he was, like,
21 Okay, thank you very much, and I've worked with the Red Deer RCMP on many
22 occasions, and I've been very polite and respectful in that manner.

23
24 In doing so, we showed up. In the evidence that was provided in the last trial, when
25 the -- before we adjourned, you see me in the -- in the video. I'm not saying anything.
26 I'm standing there. I'm kind of talking to people. I'm doing what's called -- it's in the
27 transcript -- live-feeding on my phone, and at that time -- the gentleman just left the
28 room -- Corporal Hanusich approached me several times and just to film and do
29 whatnot, and respectfully we thanked him for being there, and we were polite.

30
31 Now, at that time some people had come around, and one being Lexie Hannah, who
32 was notified in the -- in the transcripts as one of the people that was speaking at the
33 time. There was myself, Lexie Hannah, and a gentleman by the name of Doug Forc.
34 In doing that, the three of us were, in my mind, specifically targeted to -- by the Red
35 Deer RCMP as people that they wanted to -- to basically give the tickets to to kind of
36 prove a point, and that's only my speculation that it was to prove a point, but it's from
37 my experience with the RCMP officers that they had it out for me that day.

38
39 Under that -- it was peaceful. We were exercising our rights to freedom of assembly at
40 that point under section 2 of the *Charter*, and we were under the impression that the
41 *Charter* superseded the *Public Health Act*. Because we are free citizens of Canada, we

1 decided that we will just go ahead and do this, as our -- as our peaceful assembly.
2 Now, upon doing so, we had a great day. We were very respectful to the police
3 officers. We were very polite. We cleaned up all the garbage. Nobody was belligerent.
4 Nobody was mean. Nobody was rude. There was no outbursts. We had been on this
5 corner, I might add, for two-and-a-half -- over two-and-a-half years.

6
7 We are actually the longest-running protest in Canada. We have been doing this since
8 the onset of Justin Trudeau taking office. Your Honour, when we -- or, no, sorry, I
9 apologize. We are under the impression, as Canadian citizens, that we have the right
10 to protest, under no laws to guide -- to -- to deny us that opportunity. We stand on the
11 grounds because of the -- the -- the rules and regulations that are being put into place
12 by these governments, we feel it is our necessary -- it is our duty, as Canadian
13 citizens, to stand up to when we feel that we are being oppressed, when we are feeling
14 that we are being treated in the wrong way.

15
16 So this is our right, as Canadian citizens, to stand on these corners, hold our petitions,
17 hold our signs, file the documents with the courts, do what we need to do. This is our
18 right as Canadians. So we were exercising our rights. Now, due to these new
19 implementations of the *Public Health Act*, which we know are wrong, we know this.
20 We have all the documentation. Now, that's for a court to decide I guess, but we've --
21 we're not silly people.

22
23 We know what's going on. We do a lot of research. We investigate all of this stuff,
24 and we know what's happened. Now, when we try to exercise these rights, we are not
25 educated enough in the curriculum to play in the sandbox of the court system. We are
26 not educated enough to -- because we work. We are busy. We are raising families. We
27 are providing. We are contributing to society, and now we are being denied those
28 opportunities through what's happened.

29
30 Now, I've lost two friends to suicide due to COVID-19 because of what they've done,
31 and -- with locking people up and denying them the rights to go and be essential and
32 work and bring home a paycheque. I have over a dozen friends who've lost their
33 homes. They've lost their businesses, and I felt that it was my duty to stand up for
34 those people who did not have a voice. So I stood on those streets that day to explain
35 why this is wrong and, at the same time, representing myself as a Canadian citizen,
36 representing myself in a manner that was professional, that was polite, that was
37 respectful, only to be basically targeted by the RCMP in the situation, where they only
38 gave a certain select few -- but we see in the evidence and we see in the videos that
39 there was a lot more than that there, but specifically us, and the reason why that is,
40 Your Honour, is because they specifically targeted us because we have a loud voice.

41

1 We are making moves. We are -- we are -- we are making headway with our
2 governments and with the -- with the provincial and the federal governments. We're
3 winning, and they don't like that, and at that time they had honestly went ahead and
4 targeted me on this day. This was absolute target, and as we know, when we were in
5 the courts the last time, and I had Constable Hanusich -- Hanusich on the stand, he
6 laughed at me and mocked me while he stood here, looking at me, and I had to ask for
7 the respect of him because he purposely -- I'm not -- I'm not joking. This man has it
8 out for me.

9
10 I believe it was 100 percent targeted. I believe it was 100 percent driven for me
11 specifically because of what I have done in the past with convoys across Canada for
12 the oil and gas industry. I'm a very large, loud, political advocate, but I've done it
13 professionally.

14
15 Now, we had an incident last year, at which time the RCMP kind of looked a little
16 silly because of the extent that they went to, and I -- I feel that this was a targeted
17 incident by the RCMP toward me because of the amount of severity that they took last
18 year for no reason at all, and it wasted the taxpayers' dollars exponentially. Over
19 \$500,000, if I'm not mistaken, it cost them to put forth the measures that they did last
20 year.

21
22 Now, Constable Hanusich was there that day. We even offered him a hot dog on that
23 day. We -- we were polite. We've always been polite to these people. We know they
24 have a tough job. We know they don't know if they're coming home at the end of the
25 day, so we try to make it as easy and as -- you know, as -- basically as stress -- as
26 stressless as we can, and on this day I was there, polite, appropriate, but it felt like
27 they were constantly feeling, like, on me, and not only were they on me at that time,
28 the way they went about the -- the ticket when they gave it to me, Constable Hanusich
29 unprofessionally, belligerently swore at me on the day that he pulled me over,
30 laughing, ridiculing me, basically treating me like I had just killed his dog or I had
31 just committed a murder, and -- and -- and the way he treated me in that, it was -- I -- I
32 knew. We know. Basically we know he was out to get me.

33
34 Now, what I'm asking or what I'm saying is at that time I was not even driving my
35 car, and this is for another matter, but I wasn't even driving my car. A gentleman by
36 the name of Doug Forc was driving my car, and this gentleman, no matter what,
37 because I had a registration ticket, which is just a registration -- my -- my registration
38 was out by, like, a month. I had forgot it was -- I needed to get it. It was done
39 November 31st, and I believe it was December 5th. It was four or five days past my
40 registration.

41

1 He decided to seize my vehicle on that day, just to be -- just to prove a point, and I
2 wasn't even driving, albeit I don't have a license because I'm in a proceeding due to
3 medical issues with my leg because I have a handicap. I do have a prosthetic. I'm
4 under review for my medical license, and I -- I'm suspended under medical due to my
5 -- my -- my handicap. So that's why I had a driver that day.

6
7 Now, he went as far as -- now, he says that I don't -- he didn't do it because it's
8 another constable that he -- he had to fill out the paperwork, but he sat there and told
9 him to take my vehicle. Constable Hanusich purposely targeted me, took my vehicle
10 away from me, laughed in my face, ridiculed me, and we've seen it on the stand here
11 -- here in the trial. He laughed at me, shaking his head, and I can't speak to what
12 happened earlier in this -- in this courtroom when nobody was in here, but there was
13 something done, and I'm just going to leave it because I know where it's coming
14 from, but even after, when we were done on the last court date, when we were here
15 the last time, when we went for an adjournment, Constable Hanusich, outside, in the
16 hallway, threatened to arrest me in the hallway for no reason. I didn't even say
17 anything to him.

18
19 He threatened to arrest me because he said I had a warrant out for my arrest, and I said
20 I did not have a warrant out, and he says, Oh, yes, he did, and I said, No, you didn't.
21 Your officer made the paperwork out incorrectly and scheduled me for a court date on
22 a holiday, at which time your constable called me, came to my house, and asked me to
23 resign the paperwork, and he apologized. So I don't know why you're saying this, and
24 he's, like, Just shut your mouth, he says to me, outside the courtroom, right here, and I
25 asked him, Do you have a personal vendetta out for me? And he says, I'm going to
26 get you one day, and I just, like -- wow, I couldn't believe it.

27
28 So in this - in this case, at the time I was exercising my -- my constitutional rights
29 under the *Charter*, of freedom of peaceful assembly, which supersedes any *Public*
30 *Health Act*, according to law, now, when I did that, I thought I was doing the right
31 thing as a Canadian citizen because that's what our soldiers have fought and died for.
32 Our soldiers have given us the opportunity to do this in a court of law and -- and -- or,
33 sorry, to do this for fighting for our rights in World War I and World War II. My
34 family's all military.

35
36 Now, in doing that, I thought I was in the right. I find out that the people that are hired
37 to protect the citizens, to protect the people are not protecting the people. They are not
38 standing up for our rights. They are not protecting us. Instead, they are attempting to
39 do everything they can possible to throw us in gaol, and that's wrong, and all of this is
40 wrong. Everything that's happened is wrong, the deaths towards the citizens of
41 Alberta, to the citizens of Canada, the increased suicide rates, the increased child

1 suicides, this is all wrong, the whole works. It is insane what is going on, and under
2 my right -- under my right of -- of freedom of assembly and peaceful protest, I
3 exercise that right.

4

5 Therefore, I felt I did nothing wrong, but, at the same time, I was treated like a
6 common criminal because I was standing up for the rights of Canadians, and that is
7 what I do. I stand up for people. I'm a fixer. I fix things. I try and do what I can to
8 make things work, to make things run smoothly, so that we can all live free and have
9 a great life, provide for our families, contribute to society, stand and be in love with
10 our country again. We are a laughingstock on a global scale, and -- and the world is
11 watching us, and I feel like Canadians, with our background, with being peacekeepers
12 in campaigns all across the world, that we can still be peacekeepers in our own
13 country.

14

15 THE COURT: Mr. King, obviously you have some very strong
16 political opinions and views, and I appreciate that sometimes it is hard to distinguish that
17 from the facts of this case. I have given you a fair amount of leeway here.

18

19 A Okay.

20

21 THE COURT: And I know the Crown has not gotten up and
22 objected. A lot of what you are saying is not relevant and, frankly, not admissible, since
23 there is no argument here with respect to the breach of *Charter* rights, but what I want to
24 know is if there is any evidence you have that you want me to hear about the particular
25 events of that particular day. Beyond that, it is not really information that is relevant to
26 these proceedings, and so I am just going to have to cut you off there and ask you to keep
27 it limited to the events in question, okay?

28

29 A Yes, Ma'am.

30

31 THE COURT: All right.

32

33 A As per that day, like I said, I was there. I was on the corner. I was protesting with a
34 bunch of people. Yeah, I was there. I've never denied that. I've never once denied
35 that, and I will never deny that. I guess I'm at the mercy of the Court when I say that,
36 you know, this is -- this was an absolute, 100 percent targeted incident by the RCMP,
37 by the Red Deer RCMP, targeted incident towards me, and that -- the evidence I have
38 -- I guess we should have brought forth all my documents for the constant harassment
39 by the RCMP that I've gone through, as well as as of the day that we adjourned this
40 court, all my address and everything is on paperwork. My phone number is on
41 paperwork. My email is on paperwork.

1 Constable Hanusich purposely went out of his jurisdiction to come to my house and
2 knock on my door early in the morning, with a smug look on his face, and say, I need
3 your address, and I said, You're at my house. You have my address. Well, that's not
4 the address we have. I'm, like, You're here. And then he said, I need your email
5 address. And I said, The email address that's on all the correspondence for all our
6 documents, the same one? Well, I need your telephone number. Well, your telephone
7 number that you call me on every time I'm at a rally in Red Deer. Yeah, I guess. Well,
8 I'm just here to tell you your court case is cancelled. And I'm, like, What in the heck,
9 man? This is -- you did not need to come to my house, and this is the constant
10 harassment by the Red Deer RCMP that I go through for fighting for my rights.

11

12 THE COURT: Well, Mr. King, that is a separate issue. That is
13 not what we are here to determine today. So, you know, that is not something that I need
14 to hear evidence about today.

15

16 A Then I apologize. I don't mean to cut you off. Then that is my evidence.

17

18 THE COURT: All right.

19

20 A I was standing there on the corner, along with over 40 other people, and only three of
21 us were -- according to the books it's seven, but I know there was only three of us that
22 were mainly targeted. Now, they're saying seven. I don't know the proof of those, but
23 I definitely know the three that he went after.

24

25 THE COURT: All right, thank you.

26

27 Ms. Kai, do you have any questions?

28

29 MS. KAI: Yes, please.

30

31 **The Witness Cross-examined by Ms. Kai**

32

33 Q Mr. King, if I can first start by saying I'm sorry for your friends who died of suicide.
34 Mr. King, you've told us that you were there that day, December 5th, 2020, and with
35 forty other people you say?

36 A Yes, Ma'am.

37

38 Q And you thought you were doing the right thing is what you said.

39 A Pardon me?

40

41 Q You thought you were doing the right thing; is that correct?

1 A I believe under my right as a Canadian citizen, under the *Charter*, section 2, freedom
2 of assembly and peaceful protest, yes, I was.

3

4 Q Okay. And you had mentioned in your testimony that there was all these rules and
5 regulations that were put in by the government, correct?

6 A In what manner?

7

8 Q Well, you said, We were aware of all these COVID rules and regulations put in by the
9 government; is that correct?

10 A No, I said that the -- the -- the rules that were put in place are wrong.

11

12 Q Okay.

13 A And that they do not supersede the *Charter*.

14

15 Q Sure, but you were --

16 A That is what I said.

17

18 Q Okay, but my question to you is you are aware of these rules that were put in place; is
19 that correct?

20 A Of course, yes.

21

22 Q You are aware that there was no gathering of more than ten people allowed at the
23 time; is that correct?

24 A Of course.

25

26 Q Okay.

27 A I've never denied that.

28

29 MS. KAI:
30 you.

All right, those are my questions then. Thank

31

32 THE COURT:

Thank you. All right, that is all.

33

34 A Thank you.

35

36 THE COURT:
37 King.

You can go back down and have a seat, Mr.

38

39 (WITNESS STANDS DOWN)

40

41 THE COURT:

All right, do you have any other evidence, Mr.

1 King?
2
3 THE ACCUSED: I do not, Your Honour.
4
5 THE COURT: Okay, so that is your case.
6
7 MS. KAI: I'm happy to argue first.
8
9 THE COURT: Yes, Ms. Kai, given that he is self-represented, I
10 am going to ask that you argue first.
11
12 MS. KAI: Of course.
13
14 THE COURT: And then I will give Mr. King an opportunity to
15 give me a closing argument.
16
17 **Final Submissions by Ms. Kai**
18
19 MS. KAI: Certainly. Your Honour, I'll provide a copy of
20 the *Public Health Act*.
21
22 THE COURT: I have a copy, thank you.
23
24 MS. KAI: You have a copy? Mr. King, would you like a
25 copy?
26
27 THE ACCUSED: No, thanks, I have a copy.
28
29 MS. KAI: All right.
30
31 THE COURT: Madam clerk, can I see the file, please? Can I
32 just have a copy of the -- thank you.
33
34 Go ahead.
35
36 MS. KAI: Your Honour, you've heard evidence from two
37 of the Crown witnesses on the first day of the trial and from Mr. King himself.
38 Essentially, I think what we have here is he has admitted the offence as charged, but I
39 will go through it a little bit, if the Court wishes to hear it.
40
41 THE COURT: Yes, please.

1 MS. KAI: The specific that we're dealing with here is
2 under 73(1), "Individual contravening an order of the medical officer of health," and that
3 is actually just the -- sort of the penalty section in this, as refers to the order that we have
4 in place. The -- and the specific section we're looking at here under that order, which is
5 CMOH order 38-2020, which the Court has a copy of as Exhibit 3, I believe.

6
7 THE COURT: I think that was made an exhibit was it not?

8
9 MS. KAI: It was.

10
11 THE COURT: Exhibit 3.

12
13 MS. KAI: I believe so, yes.

14
15 THE COURT: Okay.

16
17 MS. KAI: And I'm going to draw the Court's attention to
18 paragraph -- well, let's start at 7, so paragraph 7 says:

19
20 Part 2 of this Order is effective November 24, 2020 and applies
21 throughout the Province of Alberta.

22
23 And then it says the definition of public place, and private place has the same meaning as
24 we were given in the *Public Health Act*, and I'll refer to that in a moment. Paragraph 11
25 specifies that:

26
27 . . . "a private social gathering" is defined as any type of private
28 social function or gathering at which a group of persons come
29 together and move freely around to associate, mix or interact with
30 each other for social purposes, rather than remaining seated or
31 stationary . . .

32
33 There are some exceptions put in place here, which do not apply to the facts of our case
34 here. Number 15 -- paragraph 15 says:

35
36 All persons are prohibited from attending a private social gathering
37 at an outdoor private place or public place where 11 or more persons
38 are in attendance at the private social gathering.

39
40 So the Crown now turns to the *Public Health Act* definition section, just so we have some
41 clarity on what constitutes private place or a public place. I'm looking at section 1, page 8

1 --

2

3 THE COURT: Sorry, just give me one moment to get my copy.

4

5 MS. KAI: Yes.

6

7 THE COURT: Page 8?

8

9 MS. KAI: It's my page 8. I don't know if the Court has the
10 same one.

11

12 THE COURT: It is likely the same, but go ahead.

13

14 MS. KAI: But it's paragraph (hh), under the definition.

15

16 THE COURT: M-hm.

17

18 MS. KAI: So:

19

20 (hh) "private place" means

21

22 (i) a private dwelling, and

23

24 (ii) privately owned land, whether or not it is used in
25 connection with a private dwelling;

26

27 So I think that's of less applicability there, but it is part of the definition in section 15.

28

29 THE COURT: M-hm.

30

31 MS. KAI: If we move to the definition of public place,
32 which is (ii):

33

34 (ii) "public place" includes any place in which the public has an
35 interest arising out of the need to safeguard the public health and
36 includes, without limitation . . .

37

38 There's a number of things listed. The Crown would say that what we're dealing with
39 falls under (xi):

40

41

1 (xi) any other building, structure or place visited by or
2 accessible to the public;

3
4 And that's what we have here. The Court heard from the evidence of Corporal Hanusich.
5 He was there that day prior to the rally and protest starting. He stayed for the duration. He
6 made visual observations of Mr. King, with whom he was previously familiar with. He
7 took video footage, and two still photographs were entered as evidence as filed.

8
9 The Court also heard from the Crown's second witness, that being Constable Smith, and
10 who was there as well prior to the protest starting and stayed as well. He also made visual
11 observations and provided a video-recording from his camcorder. He provided the
12 estimate of, I believe 50 to 80 people in attendance, and stated there was no space in
13 between these people. They -- they were gathered for some joint purpose, as evidenced
14 by the signs that they were holding in place.

15
16 So the Crown says that based on the evidence provided and based on Mr. King's
17 admission on the stand, the offence here is made out that he was in the gathering of more
18 than ten people when the order of the Chief Medical Officer prevented it from -- at the
19 time. Subject to any questions, those are the Court's -- the Crown's submissions.

20
21 THE COURT: Okay, thank you.

22
23 Mr. King, do you have any final comments that you want to make?

24
25 **Final Submissions by the Accused**

26
27 THE ACCUSED: Your Honour, I just want to say a few things
28 here with regards to this. It says social -- "private social gathering". This was a public
29 social gathering, as well as in the videos you will see that a lot of people were very
30 separated, as well as the -- under the social distancing six-foot guidelines. If you see in
31 the video and as well in the evidence, you'll see that I am not -- there is nobody around
32 me. There is just myself. There's only -- there's another person on this side of me, which
33 I believe was Doug Forc, and on the other side of me was another lady, at which time I
34 will not name her name because I do not want to see this beautiful, lovely, elderly lady go
35 through the same stuff I'm going through.

36
37 At that time, though, Your Honour, what can I say? The things that are going on in -- in
38 the world today are absolutely unfathomable. All I can ask for is that the -- the -- and I
39 am throwing my -- myself at the Court at this point because we're not working. We don't
40 have the money like you guys do, like the Crown or these RCMP officers that are
41 working every day, like other essential workers that are at the day, but we are going to

1 get penalized, and we are going to get ticketed with these unimaginable amounts of
2 money. We can barely keep food on our tables. We can barely keep a roof over our
3 heads. We can barely keep the clothes on our kids' backs.

4

5 And I'm asking the Court for some leniency. I've never denied this, and I really
6 apologize for taking the Court's time. I just ask that I -- a little bit of leniency under this.
7 I am handicapped. I am not working, and I am -- I am not able to pay these fines.

8

9 THE COURT: So, sorry, I just want to ask a question before
10 you move on. When you say you are asking for leniency, does that mean that you are
11 admitting the offence but asking for leniency in terms of the fine I might impose?

12

13 THE ACCUSED: That's correct, Ma'am, because I -- I know I
14 was there. I've never denied that I was there. I -- I never denied that I was within a group
15 of -- larger than ten. I've never denied that. What I'm going after was the legitimacy as to
16 why.

17

18 THE COURT: No, I understand that.

19

20 THE ACCUSED: And at this point, you know, I -- I would have
21 saved us all a bunch of time, had I known going through this process the appropriate way.
22 I would have saved us a lot of time, but I was attempting to exercise my rights, and, once
23 again, my rights have been otherwise steered in another direction, and that's my fault,
24 being self-represented. I'm not blaming that on the courts. I'm blaming that on myself,
25 but I can actually say -- I want to say thank you because I have become so educated now
26 in the laws and in the procedures and what I have to do when I go about finishing what I
27 started.

28

29 So to the courts, to the Crown, thank you for teaching me what I needed to do, and thank
30 you for -- you know, now I can pass this message on to the other people that are coming
31 up, to the thousands of people that are going to go through this. I am going to be one of
32 the loud and largest advocates for them so that they know what to do, and at that time I'm
33 just -- I never once denied, Your Honour, that I was there.

34

35 THE COURT: Okay, thank you.

36

37 THE ACCUSED: I was.

38

39 THE COURT: Thank you.

40

41 THE ACCUSED: Thank you.

1 **Reasons for Judgment**

2

3 THE COURT: All right, well, given your comments, Mr. King,
4 and certainly given the evidence that was before me in the trial, the two Crown witnesses,
5 the two officers that testified for the Crown, and the evidence that you provided yourself,
6 I do find you guilty of the offence as charged.

7

8 The specified penalty on the ticket is \$1,200. That does not mean I do not have any
9 discretion, so I am going to ask the Crown for their submissions with respect to sentence.

10

11 **Submissions by Ms. Kai (Sentence)**

12

13 MS. KAI: Your Honour, the Crown's understanding is that
14 this is a specified penalty that I'll be requesting. However, the Crown is -- I have heard
15 the personal circumstances of Mr. King and I'm not objecting to any time to pay, fine
16 option.

17

18 THE COURT: Okay.

19

20 MS. KAI: Whatever accommodations can be made in that
21 regard, but I -- I -- the Crown cannot ask for any less than the specified penalty.

22

23 **Discussion**

24

25 THE COURT: All right, thank you.

26

27 So, Mr. King, you had said earlier you were asking for leniency.

28

29 THE ACCUSED: Yes, Ma'am.

30

31 THE COURT: Tell me a little bit more about your
32 circumstances. I know that you have a handicap. You have talked about that. You have
33 talked about that before in these proceedings. Are you working? How do you earn your
34 income?

35

36 THE ACCUSED: At the time I am not working. I haven't worked
37 in over three years.

38

39 THE COURT: Okay.

40

41 THE ACCUSED: I am not -- I am on disability. I collect a

1 minimum pension of \$1,600 a month --

2

3 THE COURT: Oaky.

4

5 THE ACCUSED: -- from WCB at this time, and I am presently
6 enrolled in school to re-educate and hopefully get back into the work field.

7

8 THE COURT: What are you taking in school?

9

10 THE ACCUSED: Right now -- as we stand right now, I'm going
11 to -- I'm just upgrading my computers, but I'm going for drug and alcohol counselling.

12

13 THE COURT: Okay.

14

15 THE ACCUSED: And that's -- that's a whole other thing for
16 another day, but, yes, Ma'am.

17

18 THE COURT: Is there anything else you want to tell me about
19 your personal circumstances that you wanted me to consider before I impose sentence?

20

21 THE ACCUSED: Upon doing that, like I said, I get a small
22 pension, at which time I have to pay rent. I have to pay child support. I -- I -- I barely
23 make it by. I scrounge. I'm -- I'm -- I don't even know how I do it some days as a single
24 dad. It's -- it's tough.

25

26 THE COURT: You have a child?

27

28 THE ACCUSED: I do have two boys, yes, a 17-year-old and a 13-
29 year-old.

30

31 THE COURT: Do they live with you?

32

33 THE ACCUSED: They do. We have 50-50 custody, and I have
34 my -- you know, I have a vehicle that I have to pay for, but I'm not allowed to drive it,
35 but I have a vehicle that I still have to pay for, and -- and the amounts of stuff that I go
36 through is absolutely -- I don't even know how single mothers do it, you know, like,
37 when they went through it, but I -- I see, and I see their struggles, so, yeah, that's about it.
38 I hopefully will be getting back into school in September, but you don't know with these
39 lockdowns what's going to happen next, so who knows?

40

41 THE COURT: Okay.

1 THE ACCUSED: I've been close to that same position that I've
2 lost friends to. I've been close. I've -- I've -- I've -- the thoughts have crossed our way.
3 It's tough. So to hear this today, I knew it was coming. I -- I -- I had a feeling. I mean, so
4 I was prepared, but --

5
6 THE COURT: All right.

7
8 THE ACCUSED: And that's it, Your Honour.

9
10 **Sentence**

11
12 THE COURT: Thank you, Mr. King.

13
14 Well, you know, I certainly sympathize with your situation financially, and when you tell
15 us about friends of yours that have lost homes, that have lost lives. You know, there is no
16 question, and I am not blind to the fact that this has affected a number of Albertans
17 economically, emotionally, physically. It has been a very tough go.

18
19 However, my job is to uphold the law. This law was in place, and it was in place to
20 protect Albertans, to protect Albertans' health, and the fact of the matter is you
21 contravened that knowing that these rules were in place. I appreciate that you felt that you
22 were doing the right thing, but you certainly knew that these were in place, and this was a
23 choice to wilfully defy the public health orders.

24
25 The specified penalty on the ticket is \$1,200. That is what the Crown is seeking. I do not
26 see -- and while, as I said, again, I sympathize with your financial situation, but I do not
27 see any reason to reduce the amount of that fine.

28
29 I will, however, give you significant time to pay that, and you can avail yourself of a fine
30 option program, if that is something that will work for you, or you can pay in instalments,
31 given that I will give you, as I said, significant time to pay.

32
33 So the fine imposed is \$1,200. That will be inclusive of any surcharge. We are where
34 today, July 21? I will give you until April 1st of 2022 -- that is a Friday -- time to pay. As
35 I said, there are options. There are programs you can take advantage of, in terms of
36 working that fine off. Sir, if you are unable to pay the full amount by that time, there is a
37 possibly of applying for an extension. I will tell you that comes to me. I review it. If there
38 has been no payments made towards that fine at that point, an extension will not be
39 granted. If you have made significant contributions towards it but still have some to go,
40 then I will consider extending it beyond that.

41

1 THE ACCUSED: Thank you, Your Honour.

2
3 THE COURT: All right.

4
5 THE ACCUSED: Yes, Your Honour.

6
7 THE COURT: Is there anything else, Crown, from your
8 perspective?

9
10 MS. KAI: No, thank you very much, and I thank my
11 colleague for her assistance today as well.

12
13 THE COURT: Mr. King, is there anything from your
14 perspective?

15
16 THE ACCUSED: Pardon me?

17
18 THE COURT: Anything else?

19
20 THE ACCUSED: No.

21
22 THE COURT: Okay, thank you, then that is court for the day.
23 Thank you. Thank you, everyone.

24 _____

25
26 PROCEEDINGS CONCLUDED

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28 _____

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1 **Certificate of Record**

2
3 I, Rhonda Rodgers, certify that this recording is the record made of the evidence in
4 proceedings in Provincial Court, held in courtroom 103, at Red Deer, Alberta, on the 21st
5 day of July, 2021, and that I was court official in charge of the sound-recording machine
6 during the proceedings.
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1 **Certificate of Transcript**

2
3 I, Kaye Garner, certify that

4
5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the
6 best of my skill and ability, and the foregoing pages are a complete and accurate
7 transcript of the contents of the record, and

8
9 (b) the Certificate of Record for these proceedings was included orally on the record and
10 is transcribed in this transcript.

11
12 Kaye Garner, Transcriber
13 Order Number: AL18497
14 Dated: August 10, 2021

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