

FEB 17 1988

26 Beech Street  
Dartmouth, Nova Scotia  
B3A 1Y5

February 16, 1988

Mr. Murray Ritch  
Acting Chairman  
P. O. Box 1573  
Halifax, Nova Scotia  
B3J 2Y3

Dear Mr. Ritch:

**Re: Constable John Morgan and  
Constable Harold Day**

Thank you for your letter dated January 25, 1988.

May I say Sir, with all do respect, that the main issue here, is not the matter of proper procedure. The fact of the matter is that there is no procedure for complaint against a member of a Municipal Police Department in Nova Scotia. Granted, you may register a complaint to the force that the officer is a member of, and when you are told to go to hell, there is no appeal.

If you are satisfied that the proper procedures were followed than you should have in your possession (according to Section 10, Nova Scotia Police Act regulations, which states that, the investigating officer shall obtain written statements from ALL witnesses to the alleged disciplinary default, service notice of all alleged disciplinary default in Form 2 upon the accused member, and that any statement the member may wish to make in reply to the allegation is recorded in writing) a copy of that report. Would you please forward a copy to me under the Freedom of Information Act (including all statements from all witnesses.)

If the investigation is fully completed as Form 9 said it was, than it should answer some of the following questions:

Did the report say anything about why the officers did not take notes? Three tickets were issued. No notes were produced at the trial. Is that sloppy police work or proper procedure?

Did the report say why it took 1/2 a kilometer to stop me?

Did it say anything in the report about the officers blowing the horn for 1/2 a kilometer down Pleasant Street? It should say in the report if the police unit lights and siren were not working.

Does the report say it happened the way I described it, as Chief Trider said, or is their official position the way they testified at the trial. Is there anything in the report that explains what Chief Trider meant, when he told me, that Mr. MacIntyre new everything that happened before the trial.

Is there anything in the report about when they seen me go through the lights?

As a lawyer would you agree that the testimony they gave, if believed, would have convicted me? (Mr. Angus MacIntyre, the Prosecutor, believed it would).

Did it say anything in the report about Judge Howe calling Mr. MacIntyre in his office after the trial to talk about this case, or was it some other one on the docket that day?

Did it say anything in the report about the meetings between Chief Trider and Mr. MacIntyre and the officers involved in this or were they called together to discuss another case. I suggest to you that many meetings took place about this case and for those people that are involved, they know there is something that was different about this case.)

Did it say in the report about how they got mixed up in their testimony, as Chief Trider explained to me?

If that then is the case I should ask the question when I was seen going through the red light and why I was not stopped then, or at least a reasonable explanation as to why it took 1/2 a kilometer to stop me.

There is the question as to whether they stopped along side the road. Under cross examination Constable Day answered no to a direct question. Were you not pulled over along side the road there? (P. 10 line 11), Answer "no, I was not". Constable Morgan (page 20 line 16) Sir, that is not remembering, that is lieing, or as they now say, they forgot, and they did stop. That answers the question of how they got 1/2 a kilometer down, but raises another very interesting question, as to whether they were ahead of me or behind me. Under oath both officers testified under direct question, were you right behind me? Answer: "Yes" (Page 9 Line 23). Sir that is not forgetting, that is lieing. If they did forget, and it is the way I said it was, and they did go through first, that explains why they stopped along side the road, to get behind me. But that raises another question, who went through the light first? Apparently they did, do you agree. You see Sir, that is the reason for the lie, and it wasn't a case of being confused or mixed up, it was a lie told under oath, to cover up giving me a ticket in the first place. That Sir is perjury. Had I gone through the light, I would have been stopped, ticketed and sent the fine in as suggested. Case closed.

You see Sir, this is not a matter of quibbling over evidence of something I did and there is just a misunderstanding of what happened. It is a concocted story made up to support something I did not do. They may be saying now that they forgot, but at the time they both knew I did not go through the light. I stopped, they went through.

You see Mr. Ritch, I have what I believe to be a legitimate complaint and nobody will even give it consideration. Nobody really cares. It would appear that the system must be defended at all cost. I now have appreciation for the way Donald Marshall must have felt.

Example: I have been insulted and lied to by the Dartmouth Police Department about their investigation. It appears that they do not even want to discuss it or take statements from either myself or my witness, contrary to Section 10 of their regulations. To suggest they've done a complete and full investigation is ludicrous.

From the Attorney General's Department a letter that is misleading and it's contents would pretty well rule them out as a serious party to deal with as it would appear that they have trouble understanding the transcript.

And for you Sir, to take a line out of a 38 page transcript and defend a position that all is well because neither the Judge or I called them liars at the trial is a weak defence. The issue is not what I said, but rather what they did. If anyone listened to what I said I would not be on my fourth letter and still no answers. I can defend that statement if I could find someone to listen. As for Judge Howe not calling them liars, I believe his approach was proper and his decision was correct. He certainly knew something was wrong which answers the question as to why the meeting took place in his chambers after the trial.

I doubt that the presiding Judge at the Norman Crawford trial called him a liar either, however, it may be hard to convince Mr. Crawford that that makes you innocent. Surely Sir we both know the system does not provide for every word said in court to be scrutinized and checked for its accuracy. As I understand it, one thing that must be assumed in the system, is that officers of the court are telling the truth and that includes police officers. This Sir is not a case of a defendant lying to defend himself, that is a case of the officer of the court presenting false evidence in an attempt to get a conviction for a crime that was not committed.

I am taking the liberty to enclose a recent decision by Judge Cacchonie on a case that involved my son. It was as he said reprehensible that the case should have gotten beyond the stage of investigation and in the end it was Mr. Gillespie who should have been charged. It is so ridiculous that it is not worth complaining about. I also know that nobody cares about that either except the guy that spent eight nights in jail and spent \$2,000.00 on a lawyer when he should not have been arrested. In fact the lawyer likes the system.

This same son in 1980 was arrested by the Dartmouth Police Department along with others at a school dance. While behind bars he was taunted by Constable Paul Ruggles of the Dartmouth Police Force who told him (my son) that his father was an asshole. I was in Vancouver working at the time. Is that the kind of conduct we should expect from our policemen? I would have had good reason to complain if I wanted to, I chose not to.

What gives me great difficulty Sir, is the fact that everyone that I talk to or show the transcript to has no problem understanding what happened here. Yet, investigators at the Dartmouth Police Department, the Attorney General's Department and the Nova Scotia Police Commission seem not to be able to understand the issue here. Do you really believe that Constable Morgan and Day would be concerned if I had lost my license, my job, caused me untold grief if I had been convicted based on their evidence.

You and all the others may defend them and the system if you wish, however, defending a negative is difficult at best, at worst you cannot win.

If I may quote from a member of the Ontario Civilian Police Commission Disiplinary Committee involved in a recent controversy with a member of the Toronto Police Force. He said "it appears everyone is for finding the rotten apple until you find one" unquote. It would appear the same could be said here.

If I may, just for the record tell you, that it is not my purpose to cause any grief; I wish they had not done what they did, nobody wins, nobody looks good, but nobody cares. I will not give up until someone deals with the issue at hand. I firmly believe that public servants must be accountable for their actions; this is the very reason Donald Marshall spent 11 years in jail; defend it if you will but we both know it was not right.

Thank you for taking the time to read this letter. My only request is for a full investigation and some of the above questions answered. I have been denied that in the past. I fully thought people in authority would want to know exactly what goes on. I was wrong on that, but I am not wrong on what happened to me.

As a matter of information only I am advising you that I am writing the Attorney General under separate cover and asking his permission to talk to a prosecutor for the purpose of laying charges and having this matter brought before the courts, where it belongs.

Once again, thank you for your time in this matter.

Yours truly,



Keith M. Dorey

c.c. Hon Terrance Donahoe, Q.C. Attorney General  
Donald Marshall Enquiry

attachments

CANADA  
PROVINCE OF NOVA SCOTIA

1988, C.R. 10412

IN THE COUNTY COURT JUDGE'S CRIMINAL COURT  
OF DISTRICT NUMBER ONE

BETWEEN:

HER MAJESTY THE QUEEN

- and -

MICHAEL KEITH DOREY

HEARD BEFORE: The Honourable Judge Cacchione  
PLACE HEARD: Halifax, Nova Scotia  
DATES HEARD: January 13, 1988

COUNSEL: J. Scott, Esq., for the Prosecution  
V. Goldberg, Esq., for the Defence

CACCHIONE, J.: (Orally)

The accused, Michael Keith Dorey, stands charged, that he at or near Halifax, in the County of Halifax, Nova Scotia, on or about the 25th day of November 1987, did unlawfully cause bodily harm to Ian Gillespie, in committing an assault upon him, contrary to Section 245.1(1)(b) of the Criminal Code of Canada.

The trial was fairly short lived, in essence the key witnesses for the crown were Ms. Hiscock, Mr. Gillespie, I don't believe that Constable Burbridge had too much to add to the situation, since the situation dealing with the actual allegation of assault; since his involvement came after the matter had transpired. With respect to the defence evidence, you have Mr. Grandy and the accused Mr. Dorey. Let me just say this, neither Mr. Gillespie, nor Mr. Dorey impressed me in their evidence. I am satisfied that Mr. Dorey was not as quite calm, cool and collected as he said he was that evening, and I would accept the evidence of Ms. Hiscock, that when she asked him for identification, he told her to "fuck you", I think were the words she used. With this she contacted Mr. Gillespie who approached the accused and asked him for identification. I would accept that there was probably words exchanged between the two of them when Mr. Dorey was approached by Mr. Gillespie and required to produce identification. I don't see, however, where Mr. Gillespie got any authority to grab and I find as a fact that he did grab Mr. Dorey.

Mr. Dorey, I accept his evidence, that he was leaving the... was prepared to leave the establishment but not without taking possession of his jacket which he says contained some money and was left at another part of the bar. In essence, he is walking, according to his evidence and which part of it I accept, that he is walking toward his jacket when he is grabbed and he says he spun around,

turned around with his elbow up. He indicated, without, ah, he did not use the word elbow, but his gestures ah, indicated his left arm was raised about shoulder level with the elbow being out and he turned around. He does not acknowledge having struck Mr. Gillespie, both Mr. Gillespie and Mr. Dorey indicate that the matter went very quickly in a darkened bar. In any event, as a result of his turning around, I find that Mr. Gillespie, in fact, was struck, Mr. Dorey was thrown out of the bar and Mr. Gillespie was quite candid in his evidence on cross examination. He indicated that he did goad the accused into coming back into the bar because he could not go out and fight, but he would certainly have the authority to fight, if the accused came back into the bar. He says that in his evidence, he grabbed the right side of the sweater. I am satisfied that he grabbed him around the shoulder, the neck area as Mr. Dorey was going back for his jacket.

If anyone was assaulted in this particular situation, it was Mr. Dorey by the actions of Mr. Gillespie in the bar. He had absolutely no authority to grab him in the fashion that he did. Mr. Dorey, under section 34 of the Criminal Code did have a defence of self defence. I am not applying that defence, I will indicated to end whatever intention there is that I am going to acquit Mr. Dorey, I find him not guilty, but how this matter ever came before this court is beyond me, that a victim goes to the hospital, and says give me a stitch because I don't want it to be a common assault, I want it to be an assault, bodily harm, is reprehensible that it would even get past the stage of investigation.

His actions, Mr. Gillespie's actions at the time were not warranted and they were not warranted in you getting out of the car and either tackling or jumping on the accused person. The police were with you, it was in the hands of the police at that stage and that is where it



should have been left. You do not take the law into your own hands, Mr. Gillespie, you should learn that. Mr. Dorey, I think you should be more courteous in dealing with people. I am satisfied that you did tell Ms. Hiscock where she should go when she asked you for the identification, for whatever reason you did. It is just incredible that this charge even was laid.

I find you not guilty, Sir.

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