

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: R. v. Brennan (CR-19-16-0000); R. v. McQuabbie (C-18011402); R. v. Hill (RM19074094); and others

BEFORE: Ellies R.S.J.

COUNSEL: *J. Plamondon, B. Bencze, A. Hauk, A. Francis*, Counsel for the Crown

M. Swinwood, Counsel for the Accuseds

HEARD: January 14, 2020

ENDORSEMENT

- [1] A conference call was convened pursuant to s. 551.7(2)(b) of the *Criminal Code* for the purpose of determining if it is in the interests of justice to adjudicate a common constitutional issue at a joint hearing with respect to these matters.
- [2] Mr. Swinwood advises that there are three additional matters before the Superior Court in Sudbury, two before the Superior Court in Sault Ste. Marie, and one before the Provincial Offences Court in Parry Sound all involving the same constitutional question, namely the constitutionality of the governing legislation regarding cannabis as it relates to the aboriginal people charged in each case.
- [3] Mr. Swinwood will be relying on an expert report in support of his arguments on the constitutional question. Unfortunately, however, he has just learned that his expert's family is suffering a medical crisis. He requires time to determine if and when his expert can prepare the necessary report. Therefore, the conference is adjourned to February 19, 2020 at 9:00 a.m.
- [4] In the meanwhile, Mr. Swinwood will provide Crown counsel and this court with copies of reports filed on behalf of the parties to a provincial offences case currently before the Ontario Court of Justice in North Bay (*Bidal et al.*) that will provide some indication of the expert evidence that may be called in the cases to which this endorsement applies. He has also undertaken to provide the court file numbers, if possible, for the other matters mentioned above.
- [5] During the conference call, I requested counsel's thoughts with respect to the best way in which to ensure that all of the courts involved are provided with updates on the progress of the common constitutional question. We agree that the files will be kept at the court locations where they originate and that copies of endorsements relating to the common question will be disseminated to those courts. However, I have decided that one file, the

Brennan file, should be transferred to North Bay for the court's tracking purposes and I have so directed the court staff.

A handwritten signature in black ink, appearing to read "Ellie R.S.J.", written in a cursive style. The signature is positioned above a horizontal line.

Ellie R.S.J.

Date: January 14, 2020