

SUPREME COURT OF YUKON

Citation: *R. v. Grenier*, 2018 YKSC 47

Date: 20180220
S.C. No.: 17-01500
Registry: Whitehorse

BETWEEN:

HER MAJESTY THE QUEEN

AND

FRANCOIS GRENIER

Before Mr. Justice L.F. Gower

Appearances:

Keith D. Parkkari

Alexander Benitah

Jennifer A. Cunningham

Counsel for the Crown

Counsel for the Department of Justice Canada

Counsel and Agent for the Defence

RULING **(O'Connor Application)**

[1] GOWER J. (Oral): Once again, I am placed under the gun by counsel, as a result of there being very little time in today's hearing for me to reserve and deliberate. I have another list starting at 4 o'clock which I need to address.

[2] I am also under the gun, in terms of getting some kind of a preliminary decision in order to either dispose of this application or to move it forward to the second stage.

[3] I have to say that I am sympathetic to a number of the arguments raised by Mr. Benitah, particularly the nexus argument in relation to self-defence. I do not know

how the argument of self-defence is going to be raised at trial. At this stage, I need to give the benefit of the doubt in that regard to the accused.

[4] However, from what I can see from the record that is before me on this application — and I confess I have not read yet the preliminary inquiry transcript all the way through — I have heard nothing to suggest that Ms. Meeres was the initial aggressor in the incident between her and the accused which results in the charges before the Court, principally, the aggravated assault charge. Having said that, there is evidence of Ms. Meeres having acted aggressively and used weapons in the past, not only from her criminal convictions, but also from testimony from the preliminary inquiry.

[5] In my respectful view, especially keeping in mind the time crunch that we are all under with this pending jury trial, it would be appropriate for me to make an initial order that the RCMP review their records for the 10-year period prior to the date of the alleged offence, which is November 24, 2016, to see if there are other records of either violent behaviour by Ms. Meeres, or threatening behaviour by Ms. Meeres, which have not resulted in convictions.

[6] As for the issue of credibility, I am persuaded by Ms. Cunningham that she is doing more than simply asking for documents relating to Ms. Meeres' credibility at large; that there are inconsistencies which have been pointed out to me which may indicate that Ms. Meeres has similarly been inconsistent, untruthful, or even perhaps misleading with the police in the past.

[7] I am going to further order that the RCMP review their records within the same temporal window of 10 years prior to the date of November 24, 2016, specifically for any incidents where Ms. Meeres is noted to have provided false evidence to the RCMP,

misled them, or otherwise lied to them. Those records should be geographically limited to incidents taking place within the community of Watson Lake. That should significantly reduce the scope of the inquiry.

[8] Where we go from here, counsel, I am in your hands. If there are documents disclosed, then they have to be produced to me and we have to come back on another day. If there are no documents, then you can notify the trial coordinator and this application is over.

[9] However, if there are documents, then you will have to set up some time. I will try to make myself available on an earlier morning slot later this week. I will leave it to counsel to get in touch with the trial coordinator on that regard.

GOWER J.