

008-62967

**INFORMATION WHERE  
INJURY OR DAMAGE FEARED**

**DÉNONCIATION - CRAINTE DE  
BLESSURES OU DE DOMMAGES**

**WHEREAS/ATTENDU QUE**

CLAIRE DEANNA DEMERY

(Informant/on behalf of the informant/dénonciateur [dénonciatrice]/personne agissant au nom de celui-ci [celle-ci])

this day appeared before me and says that there is fear that

a comparu aujourd'hui devant moi et déclare qu'il (elle) craint que

MARLENE MARY MADELEINE LEGARE

(Defendant/défendeur [défenderesse])

will cause personal injury to/ne cause des lésions corporelles :

the informant as named above or/au dénonciateur (à la dénonciatrice) indiqué(e) ci-dessus ou à

the informant's spouse/son conjoint

the informant's child/son enfant

*① Charlene Demery 26 F family (Spouse killed at age 7 months)  
② Nadene Demery 24  
③ Corinne Demery 21*

will cause damage to the informant's property/n'endommager sa propriété

**IN THAT/ÉTANT DONNÉ QUE**

on/about the/le ou vers le 01 SEPTEMBER 2005  
(day/jour) (month/mois) (year/année)  
*Between and 20th of January 2006*  
at/à TEULON AND ELIE, Manitoba/au Manitoba,

the defendant/le défendeur (la défenderesse)

UTTERS THREATS OF A POSSIBLE BREAK-IN AT MY HOME AND THAT SOMEONE WOULD GET HURT. THE DEFENDANT HAS INDICATED THAT IT WOULD BE ONE OF THE GIRLS. THE INFORMANT FEARS FOR HER SAFETY AND THE SAFETY OF HER FAMILY

contrary to S.810 of the Criminal Code of Canada.

en contravention à l'article 810 du Code criminel du Canada.

SWORN before me this/ASSERMÉNTÉ(E) devant moi le 14 FEBRUARY 2006  
(day/jour) (month/mois) (year/année)

at/à PORTAGE LA PRAIRIE, Manitoba/au Manitoba.

ORCera  
Judge, Provincial Court Judge or Justice  
Juge, juge de la Cour provinciale ou juge de paix

[Signature]  
Informant/Dénonciateur (Dénonciatrice)

**ORDER/ORDONNANCE**

On being satisfied on the basis of the evidence before me that the informant has reasonable grounds for such fear it is hereby ordered that the defendant enter into a recognizance in the amount of

Étant convaincu(e), sur la base de la preuve qui m'a été présentée, que les craintes du dénonciateur (de la dénonciatrice) sont fondées, j'ordonne par les présentes que le défendeur (la défenderesse) contracte un engagement d'un montant de :

(amount/montant)

with sureties/avec cautions

To keep the peace and be of good behaviour for a period of

Le défendeur (La défenderesse) s'engage à ne pas troubler l'ordre public et à observer une bonne conduite pendant une période de

and/et à

1 of these matters that are raised in your Informations here  
2 today. Not at all.

3 I am not going to be able to do that at all. And  
4 I am not going to be granting orders against your sister,  
5 unless I can prove either a threat, that I believe, to your  
6 property -- that's why I asked about the break-in -- or a  
7 threat to your personal safety. And so like I say, I don't  
8 know, and I'm really not that interested, I guess, 'cause I  
9 can't be, about whether you've seen lawyers or not, to sort  
10 this family mess out.

11 But somebody should be seeing a lawyer to get some  
12 legal advice on this, 'cause you're definitely in the wrong  
13 place to get it sorted out. But I've got these documents in  
14 front of me, and I am prepared to deal with them.

15 Let's start with father first. What we'll do is  
16 we'll conduct a hearing here. Father will get up, and he'll  
17 tell me his side of the story. And I am going to limit him  
18 to telling me what physical threats his daughter has given  
19 him, has made towards him, and/or threats to damage his  
20 property.

21 And so Mr. Legare, could you get up and take the  
22 stand here, sir, please?

23 MS. DEMERY: Mr. Bouchard.

24 MS. LEGARE: It's Bouchard.

25 THE COURT: Mr. Bouchard. I'm sorry. I'm sorry.

26 MS. DEMERY: Dad, he just wants to ask you a few  
27 questions. Okay? So we'll just -- why -- just (inaudible)  
28 again.

29 THE COURT: Just remain standing for one minute,  
30 sir.

31 Could you swear him in as loudly as you can?

32 THE CLERK: Will you swear on the Bible, sir?

33 THE WITNESS: Okay.

34 THE CLERK: Okay. Take the Bible in your right

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

THE COURT: Okay. Okay. Okay. Okay. Thank you.  
You can have a seat back there, Ms. Demery.

THE WITNESS: Can I ask one more thing?

THE COURT: Yeah.

THE WITNESS: I was never asked to be power of attorney. I never knew about it.

THE COURT: Yeah.

THE WITNESS: And now I was told that there's a sworn document, affidavit of execution, that is missing. I do not have -- I do not have the original power of attorney. Should I have this, and all the information that goes with it? Where is the sworn affidavit that was saying that somebody was there to witness Dad signing this? Like I said, I never, I never asked for --

THE COURT: Well, I -- yeah -- unfortunately, you're asking a judge questions that should be asked of a lawyer, and that's what I would do.

THE WITNESS: Okay.

THE COURT: As far as power of attorney is concerned --

THE WITNESS: Like, who --

THE COURT: -- your dad can make one out when he feels like it, if he has, if someone determines that he's still in his right mind to do so, so as far as -- yeah. Like, all of those questions should be asked of a lawyer.

THE WITNESS: Okay.

THE COURT: There is certainly nothing criminal

\*

1 unfortunate, but the move is made.

2 Okay. Thank you, Mr. Bouchard.

3

4 (WITNESS EXCUSED)

5

6 THE COURT: I'm going to see what, whether Mr. --  
7 Mr. Houde, sir, could you come forward just a minute?  
8 Houde, is it?

9 MS. LEGARE: Houde. Houde. H-O-U-D-E.

10 THE COURT: Houde. Okay.

11 Mr. Houde, somebody is suggesting that you might  
12 want to --

13 MR. HOUDE: I'm a little hard of hearing, too.

14 THE COURT: Okay. Let me see if -- can you hear  
15 me now?

16 MR. HOUDE: Yeah.

17 THE COURT: Okay. Someone is suggesting that  
18 maybe you want to talk to us about this whole matter, about  
19 threats that were made by Ms. Legare to her brother. Do you  
20 know anything about that?

21 MR. HOUDE: Well (inaudible).

22 THE COURT: Or do you want to tell me about it?  
23 Let's start there.

24 MR. HOUDE: I don't know too, too much.

25 THE COURT: Okay. Thank you, sir. You can have a  
26 seat back there. Yeah. He doesn't know enough.

27 Okay.

28 MS. LEGARE: Well, he lives at the Manor, and does  
29 not like the Manor. He'd like to get out of there.

30 THE COURT: Okay. What the court has before it  
31 here is four applications from father, Lionel Andre Joseph,  
32 from sister to the informant, Claire Demery, from sister,  
33 Lynda Staub, and from brother Andre Lionel Bouchard, all  
34 asking for a no-contact order for the next one-year period.

1           As the court has said many times this morning,  
2 this is a section 810 application, and the court has to be  
3 satisfied of one of two things; that there will be personal  
4 injury to the applicants by the defendant, or that the  
5 applicants' property may be damaged by the defendant. And  
6 one or both of those requisites must be met for the order to  
7 be granted.

8           As the court has indicated several times this  
9 morning, there are many issues in this family, and those  
10 issues should be solved by mediation, hopefully, but if not,  
11 certainly by proper legal advice, and by court actions if  
12 that's what everybody feels is necessary. And when the  
13 court indicates court actions, it does not mean criminal  
14 law, because so far, the court has found nothing of any  
15 criminal nature here this morning, one way or the other.

16           So the question is, have any of the applicants  
17 proven either or both of those prerequisites? The answer is  
18 clearly in the negative. Certainly, Ms. Legare has written  
19 to each, or all of them, or all of them have notice of it,  
20 and I am assuming that she knew that all of her family would  
21 have notice of these visions that her friend has had about  
22 disasters that might befall the family, about break and  
23 enters, but none of those can be taken to mean that she  
24 herself, Ms. Legare, intends to perpetrate those disasters  
25 against any of the children, or any of the break-ins that  
26 are suggested in those e-mails. They're discourteous  
27 e-mails, they're nosey e-mails, in the sense that passing  
28 that sort of information along can only make a person feel  
29 not very good about themselves.

30           But the simple fact of the matter is that Ms.  
31 Legare has made no threats to any member of her family,  
32 including her father. She has not threatened the property  
33 of any of them. And therefore, each of the peace bond  
34 applications is dismissed.