

THE PROVINCIAL COURT OF MANITOBA

BETWEEN:

LIONEL BOUCHARD, LYNDA STAUB,
CLAIRE DEMERY and ANDRE LIONEL BOUCHARD,

Informants

- and -

MARLENE MARY MADELEINE LEGARE,

Defendant

TRANSCRIPT OF PROCEEDINGS before The Honourable
Judge Cummings, held at the Provincial Court, 2nd Floor, 25
Tupper Street North, in the City of Portage la Prairie,
Province of Manitoba, on the 15th day of February, 2006.

APPEARANCES:

MR. L. BOUCHARD, MS. L. STAUB, MS. C. DEMERY and
MR. A.L. BOUCHARD, in person

MS. M.M.M. LEGARE, in person

INDEX

Page

WITNESSES FOR THE INFORMANTS:

LIONEL BOUCHARD

Direct Evidence

5

LYNDA STAUB

Direct Evidence

9

CLAIRE DEANNA DEMERY

Direct Evidence

33

ANDRE LIONEL BOUCHARD

Direct Evidence

41

RULING BY THE COURT

58

1 FEBRUARY 15, 2006

2

3 THE COURT: Okay. Let's call that peace bond.
4 Might as well get the defendant in here.

5 THE CLERK: Do you want me just to page her, then,
6 or ...

7 THE COURT: Yeah. I'm not sure what Ms. Legare
8 said she'd do, but page her. Let's start there.

9 THE CLERK: Marlene Legare to the courtroom,
10 please. Marlene Legare to the courtroom. (Inaudible) as
11 well?

12 THE COURT: Let's see how it goes from there.

13 Why don't you come on over here? Is it Le-garry
14 (phonetic), is that -- am I --

15 MS. LEGARE: Le-garry (phonetic).

16 THE COURT: Legare. I'm sorry. Why don't you
17 just come over to this microphone? Who is with you?

18 MS. LEGARE: My uncle, Lawrence Houde.

19 THE COURT: Okay. You can have a seat there,
20 Mr. -- and his name?

21 MS. LEGARE: Houde.

22 THE COURT: Houde.

23 MS. LEGARE: Lawrence Houde.

24 THE COURT: Okay. Have a seat there, in the
25 courtroom. Okay. Who is speaking on behalf of the other
26 end of things? Is it Lionel?

(ANDY) 27 MR. BOUCHARD: It will be Claire Demery, his
28 daughter --

29 THE COURT: Okay. Come on up, Ms. Demery.

30 MR. BOUCHARD: -- myself and my dad. My dad is
31 very hard of hearing.

32 THE COURT: Yeah. Don't -- just come on up, Ms.
33 Demery. Let's start getting things on the record here.
34 There won't be any speaking from the seats any more. Okay?

1 If you want to talk, you've got to come up to the
2 microphone.

3 THE CLERK: (Inaudible)

4 THE COURT: Yeah. Yeah.

5 Well, that's what I thought. Okay. Ms. Demery,
6 let's just get this clear to start with. Are you speaking
7 on behalf of the rest of the family?

8 MS. DEMERY: Yes.

9 THE COURT: 'Cause I -- this can't be a ten-ring
10 circus. Okay? And that is your dad there, Mr. --

11 MS. DEMERY: Lionel Bouchard.

12 THE COURT: Yeah. Yes, sir. Stand up.

13 MR. BOUCHARD: Can we pose a question to the
14 family, who wants to represent dad?

15 THE COURT: Yeah. Well, your dad can represent
16 himself. But I want to get some matters clear to start
17 with, so I just want to talk to one for now. He can have a
18 seat. Mr. Bouchard can have a seat if he's not -- he
19 doesn't look like he's doing great, so he can sit down. Can
20 he hear anything here?

21 MS. DEMERY: Can you hear him, Dad?

22 MR. BOUCHARD: Sort of. A bit, you know.

23 THE COURT: Okay. Have a seat there, sir. Okay.
24 Let me address Ms. Legare. Okay. This is a family matter.
25 That's about all I know about it, so everybody knows right
26 off the get-go that I don't know anything. Right?

27 This is a family matter is all I know. And I
28 understand that you're -- is this all of the family here
29 now? All of your brothers and sisters, and your father?

30 MS. LEGARE: No. Those are the ones that are
31 present in Manitoba only.

32 THE COURT: Okay. And I understand that they have
33 taken a peace bond application against you. The first
34 question we always ask is -- and what a peace bond is, is an

1 admission, there is no admission of any guilt, or anything
2 happening, but if you're prepared to agree, I would order
3 you have no contact or communication with them for the next
4 one-year period. Is that something you're prepared to agree
5 to do?

6 MS. LEGARE: Definitely not.

7 THE COURT: Okay. I thought that, from what I
8 could tell from the documents here. Okay. And I have Ms.
9 Demery up here. Okay.

10 You say that your sister uttered threats to you
11 about a break-in at your home?

12 MS. DEMERY: She's been warning us about break-
13 ins, and somebody getting hurt, and aiming at the family,
14 and aiming at our -- just -- we're just all concerned, and
15 worried, and we --

16 THE COURT: Well, as long as we are really clear
17 on this. This is definitely not the place for this whole
18 mess. You are in the wrong court at the wrong time. That
19 is really clear, right off the get-go.

20 Whether you get any orders here today, I don't
21 know. I already know from looking at the documents, that I
22 don't think orders are going to be granted at all, except
23 for yourself -- perhaps. And your sister, Lynda, who is
24 there. Right? There. Okay. The rest -- there isn't any
25 allegations here.

26 And as I say -- and this is the last we'll talk
27 about this maybe for now, and maybe not at all -- you're in
28 the wrong court. If this is a family dispute over money,
29 and who has control over your father's health and well-
30 being, you're definitely in the wrong court, 'cause I can't
31 solve those disputes with any orders that I can give.

32 I don't know who sent you here, how you got here,
33 but it's definitely the wrong place. So I'm not going to be
34 able to settle any of these matters that are raised, a lot

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