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R. v. Lepp, 2018 ONCJ 827 (CanLII)

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ONTARIO COURT OF JUSTICE

CITATION: *R. v. Lepp*, 2018 ONCJ 827
DATE: 2018·11·21
COURT FILE No.: Newmarket 18-06861, 18-07129,18-04971

B E T W E E N :

HER MAJESTY THE QUEEN

— AND —

ROBERT LEPP

ENDORSEMENT ON EX PARTE COMMUNICATION

Ms. Pasquino ..... **counsel for the Crown**
Mr. Lepp ..... **on his own behalf**

KENKEL J.:

[1] A judicial pre-trial meeting was held on November 16, 2018. The positions of the parties was discussed and trial management issues were reviewed. The result was a trial time estimate for all matters. Both parties were directed to go to the Trial Co-ordinator's office so that trial dates could be set that day. Mr. Lepp did not attend that office and apparently left the courthouse. He was not in the building when his matter was adjourned. A bench warrant with discretion was issued, returnable today.

[2] On November 20th an unsigned letter was received by the court on Mr. Lepp's letterhead. The letter lists several objections to the pre-trial process – that no form was filed in advance and that the officer-in-charge was present. The letter also restates Mr. Lepp's position with regard to the alleged offences. Mr. Lepp requests an exchange of pre-trial forms and a further judicial pre-trial meeting.

[3] Where an accused is unrepresented it's appropriate to dispense with the filing of pre-trial forms. Both parties arrived at the scheduled pre-trial meeting well prepared. Mr. Lepp was able to set out his view of the charges, discuss disclosure issues and participate in the estimate of trial time. The pre-trial conference was conducted in open court on the record. The presence of the officer-in-charge was of assistance when discussing disclosure issues. There's no need to repeat the pre-trial process and no reason trial dates cannot be set today. I'm available to manage the case if and when required to ensure that the matter is ready to proceed as scheduled.

[4] Mr. Lepp is reminded that both parties are prohibited from private, direct communication with the judge. This prohibition also applies to any other interested persons who are not parties to the case. Justice must be open and transparent. Any future communication with the court must be in the courtroom on the record.

Delivered: November 21, 2018.
Justice Joseph F. Kenkel

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