CITATION: Chief of Police v. Mignardi, 2016 ONSC 5500
COURT FILE NO.: CV-15-534612
DATE: 20160831

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:	
Chief of Police Toronto Police Service Appellant	*Sie-Wing Khow*, for the Appellant
– and –	
L.D. a young person Respondent	
– and –	
Steven Mignardi Respondent	*Joanne Mulcahy*, for the Respondent, Steven Mignardi
– and –	
Justice for Children and Youth Intervenor	*Jane Stewart*, for Justice for Children and Youth
– and –	
Criminal Lawyers' Association Intervenor	*Margaret Bojanowska*, for the Criminal Lawyers' Association
HEARD: July 18-21, 2016	

E.M. MORGAN, J.

I. The policy debate

[1] This case entails a clash between two important legal values: confidentiality for youthful offenders and due process for persons facing regulatory/disciplinary proceedings.

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[2] It arises as an appeal of a ruling by Cohen, J., sitting as youth court judge, dismissing an application to disclose records concerning a young person as defined by the *Youth Criminal Justice Act*, SC 2002, c. 1 ("YCJA"). That ruling, reported as *Toronto Police Service v L.D.*, 2015 ONCJ 430, took place in the context of police disciplinary proceedings against PC Steven Mignardi ("Mignardi"). It denied requests by the prosecuting police service, the Toronto Police Services ("TPS"), and Mignardi as the subject officer, for disclosure of youth records relating to a witness in the disciplinary proceedings, LD.

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[3] Although the TPS and Mignardi aspired to different results in the underlying disciplinary proceedings, and Mignardi sought more records than the TPS, they each sought L.D.'s records in order to establish the context and to assess the credibility of the allegations made by L.D. against Mignardi. In the crucial portions of the ruling, the youth court judge held that the fundamental principle of diminished moral culpability that runs through the YCJA makes the records sought by the TPS and Mignardi irrelevant to this purpose:

> At the time these records were generated, L.D. was a youth, not an adult. He was and remains entitled to the presumption of diminished moral culpability in respect of his youthful offending. The principle of diminished moral culpability reduces or eliminates the relevance of the record as an indicator of 'discreditable conduct'.
>
> …
>
> As a young person under the Act, L.D. has the benefit of section 82, which provides that once a sentence is completed, the young person is deemed not to have been found guilty of the offence (except in limited circumstance which have no application here). Section 82 further diminishes or eliminates the relevance of the youth record as an indicator of discreditable conduct.
>
> …
>
> [T]he fact that youth records are subject to destruction is consistent with the principle of diminished culpability enshrined in the Act and inconsistent with the argument that the charges in this case are relevant to his credit or character as an adult witness.
>
> *Toronto Police Service v L.D.*, 2015 ONCJ 430, at paras 76, 77, 78.

[4] Counsel for Mignardi and counsel for the intervenor, Criminal Lawyers' Association ("CLA"), take issue with this ruling and its rational that the principle of diminished responsibility makes the information sought irrelevant. They argue that the ruling interferes with the right of full answer and defence.

[5] Counsel for TPS takes partial issue with this ruling as it applies to the limited disclosure sought by TPS in order to make possible the conduct of the disciplinary prosecution, but takes no issue with this ruling insofar as it pertains to defence counsel's proposed use of the records for cross-examination and credibility purposes. Counsel for the intervenor, Justice for Children and Youth ("JCY"), supports the ruling, arguing that the right of confidentiality enjoyed by L.D. is

central to YCJA policy and that the YCJA forms a comprehensive code pertaining to the disclosure of youth records.

II. Background facts

[6] The discipline proceedings against Mignardi were instigated by a youth worker at a facility where L.D. was detained. The youth worker's complaint alleged that while in custody L.D. was assaulted by Mignardi. The complaint was accompanied by a signed statement by L.D. obtained by the youth worker. The allegations were investigated by the Office of the Independent Police Review Director, which then referred it for prosecution by the Chief of Police of the TPS. The TPS is required to hold a hearing for allegations of this severity against an officer.

[7] In the youth court judge's reasons for judgment, the relevant dates of L.D.'s contact with the police are set out as follows:

> On May 1, 2012, L.D. was charged with theft under. On May 19, 2012, he was charged with a related offence of trafficking in stolen goods. According to the CPIC record filed, L.D. was found guilty of theft under on May 21, 2013. He received a Conditional Discharge of 12 months (3 days pretrial custody). The access period expires May 21, 2016. While there is no record indicating the disposition of the trafficking charge, the most reasonable assumption, based on my review of all the records, is that this charge was withdrawn. The access period for this charge would have likely expired July 21, 2013;
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> On November 29, 2012, L.D. was charged with possession of marijuana (1.23 g), possession of a controlled substance (Percocet - .35 g), and possession of a prohibited weapon (flick knife). On January 25, 2013, all the charges were withdrawn. The access period expired March 25, 2013;
>
> On December 13, 2012, L.D. was charged with possession of marijuana (rolling a joint) and failing to comply with recognizance (abstain from possessing marijuana). On June 6, 2013, the fail to comply charge was withdrawn. On the same date L.D. was found guilty of possession of marijuana and received a judicial reprimand. The access period expired August 6, 2013.
>
> On December 18, 2012, L.D. was charged with failing to comply with recognizance (curfew), and three *Highway Traffic Act* charges. On May 21, 2013, he was found guilty of failing to comply with recognizance, and received a conditional discharge of 12 months and a 50 hour community service order. The *Highway Traffic Act* charges were withdrawn. Depending on whether the community service order was a stand-alone sentence or was made a condition of the conditional discharge (as commonly happens), the access period will expire May 21, 2016 or 2017.
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> *Toronto Police Service v L.D.*, 2015 ONCJ 430, at para 19.

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[8] The TPS requested an order pertaining to the latest of these dates – i.e. disclosure of the record "relating to the investigation, detention, arrest and/or prosecution of L.D. on December 18, 2012."

[9] Mignardi requested an order pertaining to all of these dates – i.e. disclosure of the record "relating to the offenses, investigations, detentions, arrest, convictions, and/or prosecutions of L.D. on such dates as but not limited to May 1, 2012, May 19, 2012, November 29, 2012, December 13, 2012, and December 18, 2012."

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III. Statutory grounds for accessing youth records

[10] Under section 118 of the YCJA, no one is entitled to access records pertaining to a young person unless authorized by a specific provision thereof. During the relevant access period, the grounds of authorization for access to such records are set out in section 119(1) of the YCJA. For present purposes, the potentially relevant subsections of section 119(1) provide for access by:

> (g) – any peace officer for
> (i) law enforcement purposes, or
> (ii) any purpose related to the administration of the case to which the record relates, during the course of proceedings against the young person or the term of the youth sentence;
> …
>
> (q) – an accused or his or her counsel who swears an affidavit to the effect that access to the record is necessary to make a full answer and defence;
> …
>
> (s) – any person or member of a class of persons that a youth justice court judge considers has a valid interest in the record, to the extent directed by the judge, if the judge is satisfied that access to the record is
> (i) desirable in the public interest for research or statistical purposes, or
> (ii) desirable in the interest of the proper administration of justice.

[11] After expiry of the statutory access period, section 123(1) of the YCJA authorizes a youth court judge to order access to a young person's records under certain circumstances:

> (a) if the youth justice court judge is satisfied that
> (i) the person has a valid and substantial interest in the record or part,
> (ii) it is necessary for access to be given to the record or part in the interest of the proper administration of justice, and
> (iii) disclosure of the record or part or the information in it is not prohibited under any other Act of Parliament or the legislature of a province; or
> (b) if the youth court judge is satisfied that access to the record or part is desirable in the public interest for research or statistical purposes.

[12] On a literal reading of the YCJA, one can readily eliminate the applicability of sections 119(1)(g) and (q).

[13] Turning first to subsection (g), counsel for JCY correctly submits that this subsection, by its terms, applies to access for policing purposes or to cases which relate to the trial of the young person himself. In the present case, there is a disciplinary proceeding against the police, not an ongoing police investigation of the young person, and L.D. is a witness, not the accused person on trial.

[14] As for subsection (q), counsel for JCY submits, again correctly, that this subsection strictly speaking applies to use of the confidential youth record in criminal proceedings. While the term "full answer and defence" is sometimes used generically to apply to civil and other types of proceedings, it is most properly understood as a phrase that is applicable to criminal process. Police disciplinary proceedings "are neither criminal in nature nor do they involve penal consequences": *Trimm v Durham Regional Police*, [1987] 2 SCR 582, at para 5. From a policy point of view, it is axiomatic that where someone faces criminal sanctions he or she has a right to full disclosure from the prosecution in order to make full answer and defence. Section 119(1)(q) covers this insofar as the disclosure includes a youth record, but does so in terms limited to the criminal law context.

[15] Under the YCJA, Mignardi's right to full disclosure in putting forward his defence (and, indeed, the TPS' need for disclosure in engaging the prosecution), turns on section 119(1)(s) where the access period has not expired and on section 123(1)(a) where the access period has expired. The former requires establishing as a threshold that the applicant seeking disclosure of the youth record has a "valid interest", while the latter requires that the applicant demonstrate that disclosure of the youth record is "in the interest of the proper administration of justice". Section 119(1)(s) requires the applicant to demonstrate the desirability of disclosure, while section 123(1)(a) articulates a stricter standard and requires the applicant to demonstrate the necessity of disclosure.

IV. The YCJA policy of privacy

[16] Counsel for JCY submits that the preamble of the YCJA speaks to the "developmental challenges" of young people, and that this signals the concern underlying the theory of diminished moral culpability and the policy of privacy that adheres to youth records in the criminal justice system. As she points out, young people are less likely to control impulsive behaviour and more likely to do something rash for which they should not have to pay the price imposed by the adult justice system.

[17] No one familiar with youth criminal justice can doubt that there is a "heightened expectation of privacy that young persons are clearly afforded under the YCJA": *R v S (C)*, 2011 ONCA 252, at para 97. As Abella J. observed in *R v DB*, [2008] 2 SCR 3, at para 41, "because of their age, young people have heightened vulnerability, less maturity and a reduced capacity for moral judgment. This entitles them to a presumption of diminished moral blameworthiness or culpability." For this reason, the Supreme Court has stated that there should not be an over-reliance on custodial sentences in addressing youth crime, and that the sentencing of young

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offenders must reflect the statutory goal of acknowledging the "reduced maturity and moral sophistication of young persons": *DB*, at para 44; *R v CD*, [2005] 3 SCR 668, at para 50.

[18] In view of the unique policies surrounding youth criminal justice, youth court justices are the ones who are mandated to make the determination as to access to records about a youthful person: *SL v NB*, [2005] OJ No 1411, at para 54 (Ont CA). This threshold decision-making authority comes with a substantial element of discretion, *Native Child and Family Services v AN*, 2010 ONSC 4113, at para 48, but the underlying presumption of the YCJA is that young persons are not to be held to the same expectations of responsibility and moral blameworthiness as adults and so their records should not be held against them in the same way as for adults.

[19] Indeed, this principle of diminished moral culpability is thought to be a universal legal concept, and has been enshrined in the United Nations *Convention on the Rights of the Child*, Can TS 1992, No 3, art 40(1). The "reduced maturity of young persons", *R. v. R.C.*, [2005] 3 S.C.R. 99, at para 41, and their "lack of experience with the world warrants leniency and optimism for the future": *DB*, at para 62, quoting Allan Manson, *The Law of Sentencing* (2001), at pp. 103-4. When viewed in this way, one can understand the Supreme Court of Canada's conclusion that, "offenders who act out of immaturity, impulsiveness, or other ill-considered motivation are not to be dealt with as if they were proceeding with the same degree of insight into their wrongdoing as more mature, reflective, or considered individuals": *DB*, at para 63, quoting Gilles Renaud in *Speaking to Sentence: A Practical Guide* (2004), at p. 10.

[20] Furthermore, the protection of a young person's privacy fosters the rehabilitative process and thereby "promotes the long-term protection of society": *Toronto Star v Ontario*, 2012 ONCJ 27, at para 77. Scholars note that, "[p]ublication increases a youth's self-perception as an offender, disrupts the family's abilities to provide support, and negatively affects interaction with peers, teachers, and the surrounding community": Nicholas Bala, *Young Offenders Law* (1997), at p. 215. As the Quebec Court of Appeal has put it, "[t]he justice system for minors must limit the disclosure of the minor's identity so as to prevent stigmatization that can limit rehabilitation": *Quebec (Minister of Justice) v Canada (Minister of Justice)* (2003), 175 CCC (3d) 321.

V. Due process and disciplinary proceedings

[21] As indicated above, the police disciplinary proceedings against Mignardi are not criminal proceedings, and so the protections of section 11 of the Charter do not apply to it: *Trimm*, at para 5. The Supreme Court of Canada has taken seriously the marginal notes in the Charter which specify that the specific procedural rights contained in section 11 pertain only to "proceedings in criminal and penal matters": *R v Wigglesworth*, [1987] 2 SCR 541, at para 19.

[22] That said, there is little doubt expressed in the case law to the proposition that officers charged with an internal police discipline offence must be treated "fairly." At the very least, "…that equates to being advised as to what charge they face, and advised what the circumstances surrounding the charge are; and that they be given an opportunity to counter the allegations": *Kullman v Calgary Police Commission*, [1995] AJ No 307. The fairness principle applies to the administration of justice, which includes administrative tribunals and is not limited to criminal law: *British Columbia (Director, Ministry of Children and Family Development) v JFS*, [2013] BCJ No 2167 (BC Prov Ct).

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[23] In assessing the appropriate level of fairness, the Supreme Court of Canada has admonished that, "The requirements of procedural justice must be assessed contextually in every circumstance": *May v Ferndale Institution*, [2005] 3 SCR 809, at para 90. What is appropriate for a labour relations dispute between an officer and the police force may not be appropriate for a public complaint like the one leveled by the youth worker in respect of Mignardi's alleged treatment of L.D.

[24] Indeed, "our courts have repeatedly recognized a higher standard of procedure for professional discipline bodies when the right to continue in one's profession or employment is at stake": *Sheriff v Canada (Attorney General)*, [2006] FCJ No 580, at para 30. Thus, "[a]lthough the precise Stinchcombe disclosure principles developed in the criminal context do not apply in the administrative law context, the disclosure obligations within the particular administrative setting will be determined in the context of the applicable statutory scheme. With respect to disclosure, a higher standard of procedure for professional discipline bodies has been recognized": *Greater Sudbury Police Service v Greater Sudbury Police Service*, 2010 ONSC 270 (Div Ct), at para 69 [citations omitted].

[25] That is certainly true in the police discipline context, where the Supreme Court has observed that the standard of proof applicable to a Police Services Act disciplinary hearing is that of proof "on clear and convincing evidence", and that this is a distinctly higher standard than the civil standard of a balance of probabilities: *Penner v Niagara (Regional Police Services Board)*, [2013] 2 SCR 125, at para 60. In this respect, this case is distinguishable from the recent judgment of Cohen J. in *The Queen v Z.W.*, 2016 ONCJ 490, a copy of which was, quite helpfully, sent to me by counsel for JYC subsequent to the hearing of the present case. There, the privacy concerns of a young person under the YCJA were found to limit the evidentiary rights of a litigant involved in ordinary civil litigation: *Z.W.*, at paras 45, 75.

[26] The Supreme Court has stressed that police officers have a very substantial interest – "much at stake", as the court put it – in disciplinary hearings: *Ibid*, at para 63. As in other contexts where an individual's professional life hangs in the balance, "… full disclosure helps to ensure that all possible admissible evidence that is relevant to the issue in dispute is placed before the hearing panel, and contributes to the fair and transparent adjudication of conduct matters in the public interest": *Howe v Institute of Chartered Accountants of Ontario* (1994), 19 OR (3d) 483, at paras 33-34.

[27] While section 11 of the Charter may not apply, principles based on Stinchcombe have been used by the courts to ensure fairness to a person facing high-stakes disciplinary proceedings. The Divisional Court has indicated that, "One of the requirements of natural justice is adequate disclosure. It is an essential element of a fair hearing. An affected party must have an adequate opportunity of knowing the case he or she has to meet, of answering it, and of putting in his or her own case:" *Law Society of Upper Canada v Savone*, 2016 ONSC 3378, at paras 9, 13 (Div Ct) [citations omitted].

[28] In terms of the disclosure sought here, it is a common understanding of legal process that, "prior convictions bear upon the credibility of a witness. Even crimes involving no dishonesty are relevant to credibility, since they evince contempt for the law": *R v CM*, 2010 ONSC 5303, at para 15. In the police discipline context, disclosure of information tending to show the bad

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character of a complainant or other witness is of critical importance, especially if the witness is motivated to make a deal for release from custody: *Stevenson v York Regional Police Service*, OPC #13-12 (2013), at para 137 (Ont. Civ. Police Comm.). L.D., of course, was in custody at the time of the alleged incident involving Mignardi, and so his motivation for making the statement which lead to the youth worker's complaint is a potential issue.

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[29] Given its relevance to cross-examination and witness credibility, "[b]eing denied access to materials that could be used by the defence to respond to and potentially undermine the evidence in the case against him could undermine [a person's] ability to make full answer and defence. That would be contrary to the interests of proper administration of justice": *R v JB*, 2008 ONCJ 1720, at para 7. The critical importance of such evidence is as accurate in the discipline context as it is in the criminal context. Moreover, testing a witness' credibility is not "victimization" of the witness: *R v Pickton*, 2007 BCSC 718, at para 28. This is the case regardless of the age of the witness at the time of the conduct on which he is being cross examined.

[30] Since L.D. is not himself on trial, but rather is a witness who has made serious allegations against a police officer now facing discipline proceedings, it is difficult to see how the policy of confidentiality based on diminished moral blameworthiness overrides the officer's right to procedural fairness. As a witness accusing another individual of wrongdoing, a young person "enjoys no higher protection because of his status as a juvenile than is to be accorded to any witness in a like situation who is not a juvenile": *R v Bradbury* (1973), 14 CCC (2d) 139, 142 (Ont CA).

[31] The importance of testing the witness' credibility applies equally to an administrative or disciplinary proceeding whose very nature demands procedural fairness. A young person is entitled to maintain the confidentiality of his record so that he is not faulted for acts done during his youth when his responsibility for his actions is diminished; but that policy "should not be interpreted to prevent an accused from engaging in legitimate cross-examination which would show that, at least during a part of his or her life, the young person exhibited behavior that is relevant to the trier of fact in assessing the credibility of such person as a witness": *R v Strain* (1994) 91 CCC (3d) 568, at para 17 (Gen Div).

[32] As in *R v S(C)* (2009), 269 CCC (3d) 431, 471, the youth court judge appears to have misapplied the concept of diminished moral blameworthiness. There the concept was sought to be applied to the imposition of a DNA order; on appeal, the court clarified that "DNA orders are not a form of punishment. They are not contingent on moral blameworthiness": *S(C)*, at 471. A youthful offence can be an indicator of discreditable conduct despite the YCJA's policy of diminished moral culpability. It is therefore relevant to the reliability and credibility of a witness: *R v Frater*, [2008] OJ No 5329, at para 11 (SCJ).

[33] Accordingly, "[w]hile the spirit of the Act is to preserve the anonymity of a young offender, s. 45.1 provides for exceptions in certain circumstances. One of those circumstances must be a legitimate attack on the credibility of a witness": *R v Strain* (1994) 91 CCC (3d) 568, at para 14 (Gen Div). Regardless of whether the time period in question points to the 'desirability' test under section 119(1)(s) of the YCJA or the 'necessity' test under section

123(1)(a) test of the YCJA, the youth record of a crucial witness is a central ingredient in the fairness that the discipline proceeding demands.

[34] Failure to produce the youth record effectively undermines the fairness of the disciplinary proceeding. “A denial of disclosure of the complainants’ Young Offender records would deprive the accused of a basic and necessary tool commonly employed in the cross-examination process as he would not be able to contradict the complainant witnesses if they were to lie about or be mistaken regarding their records”: *R v Knight*, [2001] MJ No 114, at para 9 (Man Prov Ct).

[35] At the same time, disclosure of the youth record does not impugn the concept of diminished moral blameworthiness. The Nova Scotia Supreme Court put the point most articulately in *Re DAU and The Queen*, 2008 NSSC 338, at para 23:

> The law therefore plainly permits an accused such as David U to cross-examine a Crown witness on details of his prior discreditable conduct regardless if such conduct led to a conviction under the Criminal Code. Does it make any difference if the prior discreditable conduct resulted in a conviction or adjudication of guilt under the YOA or the YCJA? While the nature of the offences, the age of the witness at the time fo the commission of the offences and the gap between the convictions and trial may well impact on the weight that a trier of fact may ultimately decide to place on the convictions, there is, in my opinion, no compelling or legitimate basis to take a different approach.

[36] Contrary to the logic deployed by the youth court judge in the present case, the principle of diminished moral responsibility does not demand confidentiality in circumstances where the young person is effectively the accuser rather than the accused. Quite the contrary; the fact that young people are protected under the YCJA due to their impulsivity, their lack of forethought, their misunderstanding of situations, and their overall “reduced capacity for moral judgment”, *DB*, at para 44, suggests that their accusatory evidence needs to be put to the test of cross-examination. The fact that a young person is held to a diminished standard of moral culpability when on trial, points to a need to disclose rather than to maintain the confidentiality of the youth record when the young person’s evidence is deployed against another person.

[37] A person in Mignardi’s position needs to know, or at least have information which will help him discover, whether the testimony against him is a result of youthful impulsivity, misunderstanding, or thoughtlessness. The YCJA requires that we not hold a youth entirely responsible for his wrongs, but it does not demand that the young person’s potential thoughtlessness be taken as thoughtfulness, or that his potential misunderstanding of a situation be taken as an accurate understanding of that situation. If the policy of diminished moral culpability acknowledges that a young person in committing an offense may tend to act impulsively rather than contemplatively, then it must equally acknowledge that a young person in testifying against another may speak impulsively rather than contemplatively.

[38] Accordingly, Mignardi has a valid interest under section 119(1)(s) and a valid and substantial interest under section 123(1)(a) in having L.D.’s record disclosed. Given the relevance of the record to the reliability and credibility of L.D.’s evidence, the public interest in maintaining the youth’s privacy interest in the record is outweighed by Mignardi’s request to

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access the record in an effort to assist in his defence: *R v MD*, [2015] OJ No 2150, at para 50 (OCJ).

VI. Protecting the young offender's identity

[39] In *R v MD*, *supra*, the judge had before her the criminal record, the crown brief, and the police notes relating to the record. Watt J. (as he then was) in *R v Bottineau* [2005] OJ No 4043 (SCJ), indicated that this is a legitimate part of basic disclosure.

[40] Counsel for JCY submits that, separate from the concern for diminished moral responsibility, there is a need for confidentiality in order to protect the young person's reputation and chances for rehabilitation. She argues that even if the records and related materials are relevant to Mignardi's defence, L.D.'s name and the details of his encounters with the criminal justice system cannot be exposed in open court.

[41] In my view, this concern, while valid in principle, is easily addressed by the commonplace mechanism of initializing L.D.'s name (as in this judgment) and blacking out or editing any other details that might reveal his identity. Furthermore, the expressed concern about people in the courtroom learning L.D.'s identity even if we initialize his name for public consumption, is an argument that goes so far that it could undermine even the possibility of L.D. testifying at the hearing. Indeed, this concern is not taken into account in youth justice trials conducted pursuant to the YCJA. Anyone can sit in youth court and, if a young person is on trial, they will know who he is. The privacy concern under the YCJA is in relation to publication of the young person's identity, and does not address court appearances or courtroom use of the young person's name.

[42] In *R v JB*, 2008 ONCJ 209, at para 19, youth criminal records were ordered disclosed with safeguards imposed regarding the young offender's identity. The court articulated these safeguards at para 19: "[t]he Crown can edit from those records addresses of individuals and other similar sensitive information if there are any safety concerns. Any dispute with respect to the editing can be raised before me. Although access is granted, the full restrictions on publication and dissemination and other protections contained in the YCJA continue to apply. These records are to be provided solely to the defence counsel of Mr. JB and solely for the purposes of the defence of Mr. JB. Disclosure to any other person is prohibited." This effectively provides a roadmap for the production to be made in the present case.

VII. Disposition

[43] The decision of the youth court judge below is set aside. The records sought by Mignardi in his application before the youth court judge are hereby ordered to be produced.

[44] The terms of the YCJA, including the publication ban in section 110(1), otherwise continue to apply. In any reproduction of the record or judgment in the disciplinary proceedings, L.D.'s name is to be initialized throughout and any identifying information (addresses, names of family members or associates, etc.) are likewise to be initialized or edited out. Any dispute as to this editing may be determined on application to a youth court judge. The materials ordered produced here are solely for use in the disciplinary proceedings against Mignardi, and those

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materials are to be destroyed immediately upon the expiry of any appeal period in those proceedings.

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Morgan, J.

Released: August 31, 2016

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Appellant

– and –

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Respondent

– and –

Steven Mignardi

Respondent

– and –

Justice for Children and Youth

Intervenor

– and –

Criminal Lawyers' Association

Intervenor

REASONS FOR JUDGMENT

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