

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF WETASKIWIN

BETWEEN:

SIMONA GABRIELA TIBU

Informant

and

OSCAR ROB BEHIELS

Respondent

P R O C E E D I N G S

Wetaskiwin, Alberta
January 30, 2014

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1 Proceedings taken in the Provincial Court of Alberta, Courthouse, Wetaskiwin, Alberta

2 _____
3 January 30, 2014 Afternoon Session

4
5 The Honourable Judge Rosborough Provincial Court of Alberta

6
7 (No Counsel) For the Informant

8 (No Appearance) For the Respondent

9 M. Reeves Court Clerk

10 M. Frank Court Clerk

11 _____
12
13 THE COURT: Now, are you -- is it Simona?

14
15 DR. TIBU: Yes.

16
17 THE COURT: Gabriela?

18
19 DR. TIBU: Yes.

20
21 THE COURT: And how do you pronounce your surname?

22
23 DR. TIBU: Tibu.

24
25 THE COURT: Tibu?

26
27 DR. TIBU: Tibu.

28
29 **Discussion**

30
31 THE COURT: Do you -- have you considered the prospect of
32 getting a lawyer to assist you with this?

33
34 DR. TIBU: Yes, and I'm choosing to represent myself.

35
36 THE COURT: Okay. This is a very technical process and I
37 think you could benefit from legal advice. There are also agencies can provide you with
38 free legal advice if you need it, are you --

39
40 DR. TIBU: I'm choosing to represent myself. This is my
41 own battle.

1

2 THE COURT: Okay. At your insistence then, we will
3 proceed.

4

5 The provision of the *Criminal Code* which governs this proceeding, and I will just read
6 this to you. Do you have the --

7

8 DR. TIBU: I have the book.

9

10 THE COURT: Do you have that there?

11

12 DR. TIBU: Yeah.

13

14 THE COURT: Would you turn to section 504 of the *Criminal*
15 *Code*. It is on page 1036 of the annotated version you have before you.

16

17 DR. TIBU: Which section, Your Honour?

18

19 THE COURT: 504 of the *Criminal Code*. It is on the top of
20 page 1036.

21

22 DR. TIBU: I have 551.

23

24 THE COURT: Could you just lift your book up so I can see
25 what the -- and turn it around.

26

27 That is the correct -- so do you have on the bottom left-hand corner the page 1036?

28

29 DR. TIBU: Oh, no. Sorry.

30

31 Oh, yes.

32

33 THE COURT: Okay. This is the provision or the law that
34 governs this type of proceeding --

35

36 DR. TIBU: Okay.

37

38 THE COURT: -- so I am just -- and you can follow along with
39 me if you want. This provision of the *Criminal Code* requires that "Any one --"

40

41 And this would be you.

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DR. TIBU:

M-hm.

THE COURT:

-- who, on reasonable grounds, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information, where it is alleged

(a) that the person has committed, anywhere, an indictable offence that may be tried in the province in which the justice resides, and that the person

(i) is or is believed to be, or

(ii) resides or is believed to reside,

within the territorial jurisdiction of the justice; . . .

That is a little bit wording -- wordy, but what it means is - and the -- probably the most important part of that - is that you -- I have to determine whether or not you have reasonable grounds to believe than an offence has been committed, and then whether you have an honest or subjective belief that that offence has been committed. The offence must be an indictable offence. And then there are some technical requirements as to where the person lives or resides. All right. Do you understand that?

DR. TIBU:

I do.

THE COURT:

All right.

Now, I have received from the clerk of the court a total of 11 of these documents called Informations.

DR. TIBU:

That's right.

THE COURT:

in each of those.

DR. TIBU:

It's -- sorry? It's myself, yeah, against them --

against the police and sheriffs, yeah.

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THE COURT: All right. So what I have to tell you at the outset is a little bit about what constitutes an offence or how you allege an offence against somebody. And this is designed so that the person who is charged with the offence knows what the case, and it is called the case to meet, or what the allegation is being made against them, and the Information that you provide has to provide sufficient particulars of that to them. Generally speaking, those essential elements include not only the statutory provisions or the ones you have looked up in the *Criminal Code*, but also these things: the date of the offence, where it occurred, and then allegations, sometimes containing particulars of exactly how -- for instance, in some of these Informations I think you have alleged that an assault took place.

DR. TIBU: That's correct. I was assaulted by Sheriff Behiels --

THE COURT: All right.

DR. TIBU: -- seriously assaulted here.

THE COURT: And we will deal with that in due course, but the person -- this is the document that the person who is charged is informed what is being charged against him. And you will note -- or I have noted that on none of these you -- you have not indicated the date of the alleged offences.

DR. TIBU: No, they are all the alleged -- all the persons who I'm filing the private Informations. The Information are RCMP police and Sheriff Behiels, and I called their department and they -- they didn't want to give me their date of birth.

THE COURT: I do not need the date of birth, I need the date that the offence is said to have happened. For instance --

DR. TIBU: Okay.

THE COURT: -- if you are saying that somebody assaulted you, I need to know when you are saying that.

DR. TIBU: August the 3rd, 2013.

THE COURT: I am sorry?

1 DR. TIBU: August the 3rd, 2013.
2

3 THE COURT: All right. Do you wish to go through these
4 Informations in any particular order?
5

6 DR. TIBU: No, it doesn't matter for me.
7

8 THE COURT: All right.
9

10 DR. TIBU: I would choose -- actually I would choose
11 Sheriff Behiels because --
12

13 THE COURT: I am sorry?
14

15 DR. TIBU: I would -- I would prefer, if -- if possible, to
16 deal with Sheriff Behiels, and I would put aggravated assault and sexual assault as my
17 first. There are many accusations against him, but this is not acceptable.
18

19 THE COURT: I will just be a moment.
20

21 DR. TIBU: I will not accept this to myself --
22

23 THE COURT: Is this Oscar Rob --
24

25 DR. TIBU: Oscar Robert --
26

27 THE COURT: -- Behiels?
28

29 DR. TIBU: -- Behiels, yes.
30

31 THE COURT: All right. You want to deal with that first?
32

33 DR. TIBU: Yes, please.
34

35 THE COURT: All right.
36

37 You have alleged in this, and your allegation of the offences just includes a listing of
38 various section numbers in the *Criminal Code*; is that correct?
39

40 DR. TIBU: That's correct.
41

- 1 THE COURT: All right. And you are saying that all of these
2 offences are said to have occurred on August the 1st of 2014 -- 13?
3
- 4 DR. TIBU: August the 3rd, zero three.
5
- 6 THE COURT: The 3rd of 2013.
7
- 8 DR. TIBU: And also he -- criminally he had the restraining
9 order against and he criminally -- you will see there are criminal harassment, that
10 happened after my assault in -- in terms of asking his friends to contact me. And he
11 actually belittled me through his friends and belittled my grandfather, my family.
12
- 13 THE COURT: Okay. We will deal with that once we get to
14 that particular offence.
15
- 16 DR. TIBU: Okay.
17
- 18 THE COURT: We will deal with them in the order that you
19 have listed them here.
20
- 21 DR. TIBU: Okay.
22
- 23 THE COURT: All right.
24
- 25 DR. TIBU: So the sexual assault and aggravated assault,
26 and false imprisonment, and assault with weapons, which means my car and handcuffs,
27 they were -- they were happening on August the 3rd, zero three, 2013.
28
- 29 THE COURT: All right. So do you have -- all right. On this
30 information you said you have listed sections 271, 272(c) --
31
- 32 DR. TIBU: Yeah, because he sexually assaulted me by
33 touching my breasts, by punching my breasts until I got bruised. I have pain in my
34 breasts for a long time and I have proofs, medical records and pictures as they healed.
35
- 36 THE COURT: Yes, just a moment.
37
- 38 DR. TIBU: I won't accept this to happen to myself and
39 other woman. And I'm doing this trial, Your Honour, for others as well. This is not my
40 trial. I'm just representing myself for the benefit of all because I'm sure this guy is a
41 woman beater.

1

2 THE COURT: All right.

3

4 272(c) of the *Criminal Code* is what is called a sexual assault causing bodily harm --

5

6 DR. TIBU: That's correct.

7

8 THE COURT: -- to a person.

9

10 All right.

11

12 DR. TIBU: Yeah.

13

14 THE COURT: And the other one is sexual assault simpliciter.

15 Were these separate acts or were they one?

16

17 DR. TIBU: One. So he touched my breasts and he was
18 seen on the dash camera. He touched my breasts, I don't know if they -- he was excited
19 or something, and then he punched my breasts. And you'll see his -- he punched me like
20 this, I received bruises on here, bruise on here, on my ribs, I received bruises on here. I
21 went to the hospital complaining of pain here --

22

23 THE COURT: Let us set the stage a little bit. This took place
24 on August 3rd.

25

26 DR. TIBU: The 3rd, that's right.

27

28 THE COURT: Where did it happen?

29

30 DR. TIBU: It happened on the day -- so I went -- I was
31 go -- leaving my -- my house to go see my patients in Edmonton?

32

33 THE COURT: In Edmonton.

34

35 DR. TIBU: No, no, no, this -- this happened on the
36 highway, Highway 21. So I'm explaining you now exactly where.

37

38 THE COURT: What town was it -- or what city was it closest
39 to?

40

41 DR. TIBU: Camrose.

1
2 THE COURT: Camrose?
3
4 DR. TIBU: Yeah.
5
6 THE COURT: And you were heading southbound on Highway
7 21 towards --
8
9 DR. TIBU: That's right.
10
11 THE COURT: -- Camrose from Edmonton?
12
13 DR. TIBU: No -- yes, from -- from Edmonton -- sorry,
14 from Camrose to Edmonton.
15
16 THE COURT: Oh, you were going north.
17
18 DR. TIBU: Yes, north.
19
20 THE COURT: Okay.
21
22 DR. TIBU: Okay. So I -- I passed the intersection, I
23 believe it's Highway 16, and I turn right towards Highway 21, to reach Edmonton. And I
24 would say around five minutes of drive, this sheriff was on a motorbike and I pass him. I
25 remember I drove behind him, then I pass him. I think he was mad because, you know,
26 I -- I dared to pass a sheriff, you know. So he pulled me -- he pulled me on the right
27 side of the road, then he knocked -- he didn't knock, he hit like this -- this is not
28 knocking, it -- like this, my -- my window of my car, and I advise -- and he asked me to
29 stop. He went to the passenger side, so I was driving here, he went to the passenger's
30 side, hit violently the window. Then I opened the window and I told him just stop hitting
31 my car. Then he told me to go -- move towards the right side of the road because, in his
32 opinion, I was stopping too close to the middle side, which I did. Then he came on the
33 driver's side. I -- he knocked -- this time he knocked, he didn't hit, he knocked.
34
35 THE COURT: On the window?
36
37 DR. TIBU: On the window.
38
39 When I heard -- or when I -- I saw his hands on my window, immediately I released my
40 window because I was afraid he was going to again push violently. And I work -- I
41 work -- I -- I have worked very hard, Your Honour, to be where I am right now --

1
2 THE COURT: All right.
3
4 DR. TIBU: -- and I'm not going to let anybody destroy my
5 property.
6
7 THE COURT: All right. Just so that I have this clearly, did
8 you open up the passenger's side window when he first came?
9
10 DR. TIBU: Yes, I did.
11
12 THE COURT: All right. And then he went around to the
13 driver's side?
14
15 DR. TIBU: Which I open it immediately when I saw his
16 hands over because I didn't want him to hit and destroy my -- my window. So I open
17 it --
18
19 THE COURT: So you opened the window.
20
21 DR. TIBU: Yeah. So both windows are completely down,
22 or completely --
23
24 THE COURT: Okay. Go ahead.
25
26 DR. TIBU: Yeah. Then he asked me for my driver licence,
27 registration and so on, and I told him no problem I will provide them to you as long as
28 you promise that you won't hit my window, my car anymore, because my car is my
29 private property and you have no authority -- authority to destroy my private property.
30 And I told him, if you do -- if you don't comply with my request then I will have my
31 right to record your behaviour with my iPhone.
32
33 Then he got very mad at me. He ordered me out of the car, which I did. And, Your
34 Honour, I was told before by the police and I -- all my account -- encounters with the
35 police were just ending up as speeding ticket or a warning, and they'd even pull me out
36 of my car, which I did when I when I talked to them, and nobody beat me up. And
37 because I trusted -- unfortunately - I trusted too much the police in Canada and I wasn't
38 aware of all this police brutality until recently - I went out of my car.
39
40 And I'm a single woman, look at me how petit I am, and I was dressed in scrubs --
41

1 THE COURT: I am sorry, you were?
2

3 DR. TIBU: I was dressed -- so my pants, I had -- I had like
4 on pants. I was dressed in scrubs, you know? When we --
5

6 THE COURT: Oh, I see.
7

8 DR. TIBU: -- go work on patients we have like scrubs.
9

10 THE COURT: Right. And I had no weapons on myself, and
11 the scrubs are very thin, I can even show them as a proof. They are very, very thin and
12 you can actually, just by touching them you'll see if somebody has weapons or no. And I
13 don't go to work to kill my patients, but to help my patients.
14

15 So he pulled me out, he -- he ordered me out of --
16

17 THE COURT: Sorry. Did he pull you out or did he tell you to
18 get out?
19

20 DR. TIBU: He -- well, he -- initially he told me, get out of
21 your car, which I did, then he didn't even have the patience to let me completely get out
22 of the car, he put his hand on me, he kidnapped me from the car, pulling me over. And I
23 asked -- and then tried to put handcuffs on me. And I ask, Why are you doing this? And
24 it's -- it's on dash camera, Your -- Your Honour.
25

26 THE COURT: He which, sorry?
27

28 DR. TIBU: It's on -- what I'm stating it's on dash camera.
29 It's not my word against him, and I will provide you with the dash camera.
30

31 THE COURT: When you say dash camera --
32

33 DR. TIBU: Yeah.
34

35 THE COURT: -- is this a police camera or --
36

37 DR. TIBU: He had --
38

39 THE COURT: -- your own?
40

41 DR. TIBU: No. He had a dash camera on his bike that

1 recorded this.

2
3 THE COURT: Oh, on the motorbike?

4
5 DR. TIBU: Yes.

6
7 THE COURT: All right.

8
9 DR. TIBU: So he -- you'll see in the dash camera he
10 doesn't even have patience for me to get out of the car, you will see him just grabbing me
11 from -- he opened the -- opened the -- the car door. I usually don't close my car because
12 I -- I never had this horror movies in my life. So -- and I was told by the police, I trusted
13 the police, so my -- my buttons of the doors were open.

14
15 So he order me, I try to move myself out of the car, he didn't have patience, he pull -- he
16 took the car -- he opened the -- by himself, the -- the door of the car, he grabbed me.
17 And I'm very small and he's a very, very big -- big guy, so with one hand he just grabs
18 me out of the car, putting handcuffs on me. And I ask him -- I was in shock. And -- oh,
19 and by the way, in the meantime, he hit my -- my -- my hand so violently until he
20 bruised it. And the -- the reason I'm saying violently is because in the police report, you
21 will find the police found my cell phone in the ditch. So the amount of force he applied
22 on my hands was so -- was so high that he smashed the cell phone from -- I -- I thought
23 initially it's on the car, but he smashed the cell phone that actually ended up from the
24 driver's side to the window of the passenger's side, out in the ditch.

25
26 THE COURT: Okay. Now, when he stopped you, you say he
27 asked you for the usual driving documents --

28
29 DR. TIBU: That's correct.

30
31 THE COURT: -- so the driver's licence, registration and
32 insurance --

33
34 DR. TIBU: Yeah.

35
36 THE COURT: -- things of that -- did you produce those
37 documents?

38
39 DR. TIBU: I told him I would produce them to you but
40 please stop hitting my car because my car is a private property and it is my right as a
41 Canadian citizen to ask a policeman to be polite.

1

2 DR. TIBU: So did you end up giving him the documents?

3

4 DR. TIBU: He didn't give me the chance because he pulled
5 me out of the car, which I did, I -- I pull myself out of the car, then he grabbed me from
6 the car, handcuffing me. And I ask him, Why are you doing this?

7

8 THE COURT: Were you going to get the documents for him?

9

10 DR. TIBU: Yes. And it's in the dash camera. And I ask
11 him, Why are you doing this? And you'll see in the dash camera, I'm trying, but he
12 won't let me anymore. And I -- I told him, why -- I ask him, Why are you doing this?
13 And he told me, Because you didn't provide me your car documents. And I said, No
14 problem, I will give them to you right now.

15

16 So I'm trying to get into the car to get his documents. He just lost it, Your Honour, on
17 me, lost it, completely lost it on me. I think he's a psychopath. He lost it. He pulled
18 me -- I tried to get in my car to get him the car documents when he -- when he told me.
19 I ask him, Why are you doing this? And told me, Because you didn't show me the car
20 documents. And I said -- I said to him, No problem, I will show them to you.

21

22 So I'm -- I'm trying to get into the car to show them to me (sic), he pulls me out again to
23 put handcuffs on me.

24

25 THE COURT: Sorry? You had indicated that when he initially
26 pulled you out of the car --

27

28 DR. TIBU: Yeah.

29

30 THE COURT: -- he put handcuffs on you; is that right?

31

32 DR. TIBU: He tried. So he order me out of the car, he told
33 me, Get out of the car now. Which I did, not knowing what's coming to me. So I was
34 like this, so I was sitting here. I open the -- the car --

35

36 THE COURT: The door.

37

38 DR. TIBU: -- door, and I'm trying, you will see my --
39 myself trying to move out of the car, like this. He doesn't have patience, he just opens
40 the door, he grabs me out of the car, smash my cell phone from my hand until my cell
41 phone was founded on the ditch. Then, at that moment, I was like -- why are -- and he

1 tries, you will see he -- he tries to put handcuffs on. I try -- I ask him, I talk to him,
2 Why are you doing this? And he's telling me, Because you didn't show me your car
3 documents.

4
5 THE COURT: And then you said you were going to go get
6 them.

7
8 DR. TIBU: And I told him, I'm going to get -- go get
9 them. When I told he should -- if you don't trust me, handcuff me and go get them.
10 They are in my purse. But he won't let me anymore.

11
12 He started to handcuff me --

13
14 THE COURT: He which?

15
16 DR. TIBU: He started to -- then he was seeking --
17 handcuffing me.

18
19 THE COURT: Oh, so you never did get back into the car?

20
21 DR. TIBU: No, and he never let me show him the car --
22 car -- the car documents.

23
24 THE COURT: And he did handcuff you?

25
26 DR. TIBU: And he did handcuff me.

27
28 THE COURT: Okay.

29
30 DR. TIBU: He didn't even explain to me why, he just,
31 boom, suddenly handcuff me. And I ask him, Why are you doing this? Then that's the
32 moment when I'm trying -- I'm show -- I'm showing them to -- to you, let me go in my
33 car. And you will see me trying to show them. He just grabs me with one hand, because
34 he is a big guy and I'm -- I -- I -- I'm -- I believe between 48, 50 kilograms, so I am
35 really small to grab, be grabbed.

36
37 So he handcuffs me and he starts to lose on me. He --

38
39 THE COURT: He started to which?

40
41 DR. TIBU: To lose it on me, to lose it. He --

1

2 THE COURT: Oh, I see.

3

4 DR. TIBU: He -- he (INDISCERNIBLE) went mad on me.
5 And he started to punch. You'll see in the dash camera, if you -- actually in the dash
6 camera. I took pictures, I stopped the dash camera, and so you'll see his hands on my
7 breasts. And I -- a woman --

8

9 THE COURT: Is it a fist or just an open hand?

10

11 DR. TIBU: Like -- like -- I'm not sure because I was like --
12 I was like in a lot of, like, shock. I -- I felt like something like this was coming to my
13 hands, but -- this part.

14

15 THE COURT: So what you are showing me is that he, for all
16 intents and purposes, punched you --

17

18 DR. TIBU: That's right.

19

20 THE COURT: -- in your sternum area there?

21

22 DR. TIBU: That's right. In my breasts and ribs. This area.
23 So here, I felt this pain here. Then -- then he -- I don't know if he liked my breasts or
24 something, and he punch only my breasts, the right. You will see on the -- on the left
25 side he will do -- he was doing this, and on the right side he punched my breasts. And
26 it's --

27

28 THE COURT: How many times did he punch you?

29

30 DR. TIBU: How many. I don't remember how many times
31 because I was in a lot of pain and if you ask a woman, if you happen to have a wife or a
32 daughter, it's a lot of pain when somebody's punching you in the breasts.

33

34 THE COURT: Is it -- was it once or more than once?

35

36 DR. TIBU: I remember I felt more than once, but in the
37 same spot. So I remember him -- I don't know exactly what part, but that -- that's how I
38 felt it, like -- like this, he was doing like this. He --

39

40 THE COURT: And where were you standing at the time you
41 were punched?

1

2 DR. TIBU:

I was standing in -- so this is -- let's imagine

3 that's my car, and I was -- that -- that's my car here, I was getting out of the car and he

4 handcuffs me and he was punching me. And during the -- the arrest, he's -- he's keeping

5 punching me this way until then he put me -- he pull me out of -- this -- so this -- this

6 coming -- so this is my car, and there's the back of my car. So this happens, when he's

7 punching me here. Then I moved -- he moved myself by force in the -- in the back of

8 my car. And when I felt the punch in my -- in my breasts at the beginning, I believed --

9 I -- I knew I was dealing with a psychopath. No normal person would do this to another

10 human being, period.

11

12 So I realized my only weapon to protect myself was my voice, so I started to scream

13 really loud. I opened my mouth and I really screamed loud, going, you know, having eye

14 contact with every -- every driver, hoping somebody will stop and help me because I was

15 really afraid this guy's going to actually kill me. He was not in his mind.

16

17 I have dealt with police before and he -- of -- I would say no one of them even would go

18 into -- into -- no one bit (sic) me before, no one even threaten me before.

19

20 THE COURT:

Okay. Let us stay at this situation here.

21

22 So, in any --

23

24 DR. TIBU:

So --

25

26 THE COURT:

-- event, he struck you.

27

28 DR. TIBU:

Yeah, he struck me. Then I realized he's a

29 psychopath.

30

31 THE COURT:

And you started screaming.

32

33 DR. TIBU:

Yes, I started to scream, and I screamed --

34

35 THE COURT:

Then what happened?

36

37 DR. TIBU:

-- and I screamed. And he put me against

38 the -- you know, he was grabbing me, like I -- I was like a doll for him, I don't know.

39 He was grabbing me like this, because he's a big guy and I'm a small girl. So he was

40 very -- you know, with the -- with the hand, and he was just pushing me against the car,

41 grabbing me, pushing me against the car.

1

2 My whole body was bruised, Your Honour.

3

4 THE COURT: How many times did he do that?

5

6 DR. TIBU: Many times. I don't even remember. I had
7 bruises all over my body. Many, many times. I don't remember --

8

9 THE COURT: All right.

10

11 DR. TIBU: -- how many times. Many times.

12

13 Then at the back of my car -- my -- he -- of -- of the car, he -- let's imagine this is
14 myself, he was pushing his-self against me. And I'm a small -- you see how small I am
15 here, is very -- it's very easy to damage if you just keep pushing me against my car,
16 which I would --

17

18 THE COURT: All right. And what you are demonstrating is
19 that his body was behind you --

20

21 DR. TIBU: That's right.

22

23 THE COURT: -- and pressing against the upper -- or lower
24 back area, or buttocks area of you --

25

26 DR. TIBU: Of the car.

27

28 THE COURT: -- and the other side of you was being pressed
29 up against the car --

30

31 DR. TIBU: Yes, so --

32

33 THE COURT: -- is that right?

34

35 DR. TIBU: Yeah, so he was here. Let's imagine I -- I am,
36 he was behind me here --

37

38 THE COURT: Right.

39

40 DR. TIBU: -- and that -- that's the back of the car. So he
41 was forcing me - I'm saying forcing - forcing me against the car. And I think -- I

1 strongly believe this guy gets an erection when he punches women because when he was
2 doing this, he was punching, he was actually pressing himself against myself. He -- so
3 it's not necessary because I'm a small woman, I was handcuffed with handbags (sic), it
4 was not necessary.

5

6 THE COURT: I am sorry. When you say he was pressing
7 himself --

8

9 DR. TIBU: Yes.

10

11 THE COURT: -- what was he pressing?

12

13 DR. TIBU: Well, he was pressing his -- his back -- his
14 back. I mean, this part, let's say this is him, he was pressing this part against -- against
15 this part of me --

16

17 THE COURT: All right. So that --

18

19 DR. TIBU: -- towards --

20

21 THE COURT: -- what you are indicating was his lower
22 stomach area was being pressed against your lower back or buttocks?

23

24 DR. TIBU: Yes, that's correct.

25

26 THE COURT: All right.

27

28 DR. TIBU: So he was just keeping pressing me this way.

29

30 THE COURT: And that is what you felt was his lower
31 stomach area?

32

33 DR. TIBU: Actually, I felt his penis in erection. And a
34 woman can tell the difference between something that is hard like a weapon and the penis
35 in erection, and I felt his penis in erection. That's why I believe this guy is a woman
36 beater, and that's why I believe I'm not the first time when he does this. I think he has
37 an erection when he beats woman, period.

38

39 THE COURT: All right. Go ahead.

40

41 DR. TIBU: So I told him, Get out of my ass.

1
2 THE COURT: I am sorry?
3
4 DR. TIBU: I told him, Get out of my ass. That's what I
5 told him.
6
7 THE COURT: Get out of my?
8
9 DR. TIBU: Ass.
10
11 THE COURT: Ass?
12
13 DR. TIBU: Yes.
14
15 THE COURT: You mean your buttocks area?
16
17 DR. TIBU: Yeah.
18
19 THE COURT: All right. And what happened then?
20
21 DR. TIBU: At that moment, I saw him -- I mean, I felt this
22 pressure and I believe he did get out of my butt area and he didn't touch me here
23 anymore.
24
25 And then I started to scream, and I started to scream help, help, help, hoping somebody
26 will come because my -- because I saw his motorcycle stopping exactly behind my car.
27 So I was -- I don't know, I was just having like a -- like a flashback, I was seeing -- I -- I
28 said this -- this guy's going to put me on his motorcycle now and may God help.
29
30 So I kept screaming, hoping I will bring somebody's attention, and he became very mad
31 at me. And at one point, he told me, I am going to put you to the ground and walk all
32 over you.
33
34 And I was handcuffs -- handcuffed, with hand -- hands on -- on my back. And --
35
36 THE COURT: I am sorry, he what?
37
38 DR. TIBU: I was handcuffed.
39
40 THE COURT: Behind your back?
41

1 DR. TIBU: Yes.
2

3 THE COURT: All right.
4

5 DR. TIBU: With my hands back when he told me this.
6

7 Then I will explain to you what happened. So if -- let's say, if this is -- let's imagine
8 that's my car, there's the -- the traffic here, and there's the ditch here. So I was going
9 towards the traffic, wanting to scream help, help, help, and I was doing -- I have to
10 remove this so that you can see. So I was doing like -- I was in this position, his right
11 hand was here, blocking my right foot --
12

13 THE COURT: His hand was on your foot?
14

15 DR. TIBU: Sorry, sorry. His foot was like this, blocking
16 my right foot.
17

18 THE COURT: Okay.
19

20 DR. TIBU: So his foot is here, blocking my right foot.
21 And the other -- this was his right foot here, left foot was here, blocking my left foot, and
22 then he kicked me here. You will see if you put on the camera slow movement, he hit --
23 kicked me here in -- in the elbow --
24

25 THE COURT: With what?
26

27 DR. TIBU: With his knees, like this.
28

29 THE COURT: Oh, all right.
30

31 DR. TIBU: So he kick me here. So I lose balance. Then
32 he was pushing me towards the road. And actually to -- to out of the camera.
33

34 And then, when he pushed me, I felt that he -- I don't know what he hit me with. I felt
35 the hit in my -- this area, in -- in the temple area.
36

37 THE COURT: You are indicating the left --
38

39 DR. TIBU: Yes.
40

41 THE COURT: -- temple area --

1
2 DR. TIBU: Yes.
3
4 THE COURT: -- of your head?

5
6 All right.

7
8 DR. TIBU: Yes. So he was on -- on me. I was
9 handcuffed, he was pushing -- he was keeping my hands like this, pushing me, putting
10 his -- his -- I believe his -- I believe his fist, but I don't know because I couldn't see,
11 he -- he was behind of me. I believe his fist -- he was pushing his fist against my temple,
12 and he -- he stated that I fell. It is not like I fell, but if somebody's pushing somebody
13 on the ground, you know, like if, for example, somebody's hitting someone in the head on
14 the ground, automatically you protect yourself by putting your hands. I couldn't because
15 my hands were handcuffed in back.

16
17 THE COURT: Yes.

18
19 DR. TIBU: So he stated that I fell. I didn't fell, Your
20 Honour.

21
22 THE COURT: All right.

23
24 DR. TIBU: He pushed my elbow through his
25 (INDISCERNIBLE), he punch me in the head --

26
27 THE COURT: And you went to the ground.

28
29 DR. TIBU: Yeah, being unable to put my hands to protect
30 my head because my hands are handcuffed.

31
32 THE COURT: Okay.

33
34 DR. TIBU: So after he put me to the ground, Your Honour,
35 I don't remember a lot. I remember most like fragments. I was saying, sorry for this, but
36 I would see myself I would die somehow, like watching a movie.

37
38 THE COURT: Are you okay to continue?

39
40 DR. TIBU: Yes, I'm okay.

41

1 So -- sorry, I don't know what's going on. Sorry about that.

2
3 THE COURT: Take your time.

4
5 DR. TIBU: Okay.

6
7 So I saw what I'm explaining to you, like seeing a movie, I'm seeing like fragments. I
8 don't remember a lot from that point out, I don't remember. I remember that -- and I had
9 flashbacks. I remember that I saw the blood coming around my face, and I remember like
10 fragments. I will tell you fragments, not everything. I remember fragments like -- I
11 remember my head was lifted, I don't know how, and I remember another head was there
12 looking to see if there is any blood on the road. I cannot tell you who hand was that,
13 how my head -- my head was lifted. I don't know.

14
15 Then I -- I started to -- I believed I was going to -- to die because I was going to die and
16 I wasn't ready to die. I am very young and I want very hard to be where I am right now.
17 And so my only hope -- and I believe in goddess, in my -- I believe in --

18
19 THE COURT: It's --

20
21 DR. TIBU: -- my divine mother. I believe in my divine
22 mother.

23
24 THE COURT: I do not know what that means. I sorry.

25
26 DR. TIBU: Everyone has a mother, like we have a father
27 and we have a mother --

28
29 THE COURT: Yes.

30
31 DR. TIBU: -- everyone has a divine father and a divine
32 mother.

33
34 THE COURT: Is this like a god?

35
36 DR. TIBU: Is -- is like a god. It's a part of the god. It's --
37 it's god --

38
39 THE COURT: All right.

40
41 DR. TIBU: -- but the feminine part of god that gives birth

1 to our soul.

2

3 THE COURT: Okay.

4

5 DR. TIBU: It's -- I would put it, mother is giving birth to
6 our soul, not my body, but the god who gives birth to my soul.

7

8 THE COURT: All right. I think I understand.

9

10 DR. TIBU: So I was praying to my divine mother, I'm
11 touching this part of the gods who gave birth of my soul, and I was praying because that
12 was my only hope, and I was praying, help me, help me, help me, I -- I don't -- I -- I'm
13 not ready to die yet.

14

15 So I don't remember a lot. I remember I saw man at some point stopping, and -- and
16 then I -- I saw -- and I tried to -- to scream again at the man, help, help, help. Then he
17 was moving away. Then I saw -- I thought my life is done, is -- is over because if he
18 was mad, he would -- would smash my head again, I would have been done. And then
19 I -- I truly believe I will die, and I -- I -- I -- I just prayed and I -- sorry. I said, Okay.
20 That is -- that is fine, that's my last day, that is -- that is fine, be there for me and receive
21 me.

22

23 Sorry for doing this.

24

25 So I was praying, praying, praying to her, to the divine mother.

26

27 So at some point I saw a police officer coming --

28

29 THE COURT: This is another police car?

30

31 DR. TIBU: Yes, I saw a police officer coming and I was
32 having hope and I said somebody's there for me, to help me. And the police officer is
33 there, is -- and I was, you know, moving to -- to help -- to tell him what happened to me
34 and please help me, call an ambulance, call an ambulance, call an ambulance. I -- I -- I
35 don't remember exactly what I will him, just fragments.

36

37 I remember I went to the doctor and I was -- I -- I -- I hoped that my mother put some
38 help on my road. And my divine mother, I'm talking.

39

40 And the police officer was coming and was telling me, oh, no problem, ambulance is on
41 the road, but, you know, being in shock at that moment, believing --

1
2 THE COURT: You are being what? Sorry.
3
4 DR. TIBU: Myself being in shock and believing that I --
5
6 THE COURT: In shock.
7
8 DR. TIBU: -- believing I'm going to die, for me I don't
9 know of minutes or time, or I -- I thought it is going to be a long period of time,
10 therefore, I ask him please call an ambulance, call an ambulance, because I knew I wasn't
11 doing well. And I was never sick, Your Honour.
12
13 And anyway, this police officer comes and he tells -- tells me that the ambulance is on
14 the way, we -- we -- we are calling the -- the ambulance was called.
15
16 THE COURT: And did you -- were you taken away in an
17 ambulance?
18
19 DR. TIBU: Yes. Then the police officers were -- was --
20 was even tightening more the handcuffs on me, Your Honour.
21
22 THE COURT: Excuse me for just a minute.
23
24 Do you have some business in the court, sir?
25
26 DR. TIBU: He's my father. He doesn't --
27
28 THE COURT: All right.
29
30 DR. TIBU: -- speak English.
31
32 THE COURT: All right.
33
34 Generally speaking these hearings are private --
35
36 DR. TIBU: Oh.
37
38 THE COURT: -- so -- but he is -- that is fine for him to be
39 here to hear your --
40
41 DR. TIBU: He's my father and he doesn't understand

1 English at all.

2
3 THE COURT: That is fine. Okay.

4
5 Now, you mentioned that you saw a police vehicle coming --

6
7 DR. TIBU: Yeah.

8
9 THE COURT: -- and eventually an ambulance --

10
11 DR. TIBU: No, I -- I saw police officer coming right --
12 because I was lying in -- in the blood on the -- on the road, so I was -- I wasn't able to
13 even move because I was in shock, I was like dizzy, you know.

14
15 THE COURT: All right. And then --

16
17 DR. TIBU: So I saw --

18
19 THE COURT: -- an ambulance came?

20
21 DR. TIBU: Then the ambulance came.

22
23 THE COURT: And took you to a hospital?

24
25 DR. TIBU: That's correct.

26
27 THE COURT: Which hospital did you go to?

28
29 DR. TIBU: St. Mary -- St. Mary Hospital in Camrose.

30
31 THE COURT: Okay.

32
33 DR. TIBU: Yeah.

34
35 THE COURT: And what happened at the hospital, were you
36 treated for anything?

37
38 DR. TIBU: Yes, I was treated for many things. For
39 example, I have a big medical record that I'm willing to disclose to you.

40
41 THE COURT: A medical which?

1
2 DR. TIBU: Big medical record that I'm willing to disclose
3 to you.
4
5 So at the ambulance I was in shock, so they -- I will show you pictures. The -- they put
6 me on a -- a tube through my respiratory airway, to put oxygen, because of the
7 hyperventilation I was losing oxygen.
8
9 THE COURT: And what injuries did you suffer, if any?
10
11 DR. TIBU: Many. So I had -- I had -- I will have a scar
12 here --
13
14 THE COURT: On your forehead?
15
16 DR. TIBU: Yes. Here.
17
18 THE COURT: And was that when your head was pushed onto
19 the ground?
20
21 DR. TIBU: That's correct, yeah.
22
23 THE COURT: Okay.
24
25 DR. TIBU: I believe so. I bel -- I'm -- I'm assuming. I
26 cannot tell you exactly how that appeared. I'm assuming.
27
28 So I had this suffering.
29
30 THE COURT: The cut. Right.
31
32 DR. TIBU: I have also here, like injuries here when he hit
33 me in the temple area.
34
35 THE COURT: Was that a bruise or swelling or --
36
37 DR. TIBU: It was swelling.
38
39 THE COURT: Swelling.
40
41 DR. TIBU: And I have medical proofs to -- to -- you know,

1 because when the swelling went down, I went to the hospital and they recorded
2 everything.

3

4 I had my breasts bruised, Your Honour.

5

6 THE COURT: All right. Right in the central area there, at the
7 sternum?

8

9 DR. TIBU: Here, yeah. The breast and rib. And breast
10 because, I don't know, I think he got excited or something and then he just -- I -- I --
11 here I felt like a punch, I believe mostly with -- either a part like this, a part of the
12 finger --

13

14 THE COURT: M-hm.

15

16 DR. TIBU: -- you know, like a small --

17

18 THE COURT: Do you know why he punched you?

19

20 DR. TIBU: I don't know.

21

22 THE COURT: There was no reason for it?

23

24 DR. TIBU: It will be interesting -- interesting to find out.

25

26 THE COURT: All right. In --

27

28 DR. TIBU: In my opinion --

29

30 THE COURT: -- any event --

31

32 DR. TIBU: -- but that's an opinion as a doctor.

33

34 THE COURT: All right. That is fine. Just -- I was just
35 wondering if anything was said or you observed something which would have led -- given
36 you a reason why he was punching you. It is an --

37

38 DR. TIBU: I was -- I --

39

40 DR. TIBU: -- uncommon thing.

41

1 DR. TIBU: Yeah, I observe something -- yes, it is very
2 uncommon. I observe something uncommon because I was pulled before by police
3 officers but they were knocking like this in my window, they never hit the window like
4 this. And sometimes I would -- you know, they will ask me for the car documents and
5 I -- I will ask them questions as well and they would answer politely the questions. And
6 I will deliver the car documents and they would let me go, or they told me, oh, we
7 apologize, it was whatever. I will -- a warning or speeding ticket, that's what.

8
9 So I observe this violent behaviour of hitting my -- the windows this way. I observe the
10 fact that he didn't even have the patience to let me go out of the car. He pulled me out.

11
12 THE COURT: Right. And I interrupted you. You were at the
13 point of describing your injuries and you said you had bruising in your sternum or chest
14 area where --

15
16 DR. TIBU: Yes.

17
18 THE COURT: -- you had been punched; is that right?

19
20 DR. TIBU: That's correct.

21
22 THE COURT: And what other injuries did you have?

23
24 DR. TIBU: So I had injuries here, and I will have a scar
25 as -- as result of wound.

26
27 THE COURT: Right. We heard about that. Yes.

28
29 DR. TIBU: I have injuries of my head --

30
31 THE COURT: The swelling in your head.

32
33 DR. TIBU: I have lots of headaches as a result of head
34 trauma. I had lots of vomiting, I even couldn't go to work. I had vomitings, I -- I
35 want -- I live alone, Your -- Your Honour. My father now comes to -- to help me out,
36 but I live alone. And --

37
38 THE COURT: Any other injuries?

39
40 DR. TIBU: Yes. And I was, because of the head trauma, I
41 had vomiting, I got --

1
2 THE COURT: Right, I --
3
4 DR. TIBU: Yeah.
5
6 THE COURT: -- heard about that. M-hm.
7
8 DR. TIBU: Yeah. So I was taking again the ambulance
9 after for vomiting and headaches.
10
11 Also, I had another injury. You remember when I said to you that he was pressing --
12
13 THE COURT: Yes.
14
15 DR. TIBU: -- this against my heart.
16
17 THE COURT: Yes.
18
19 DR. TIBU: Then my belly became so swollen, you know,
20 and they told me in the hospital, are you pregnant, and, no, I'm not pregnant, I have -- I
21 haven't had sex in years so how can I be pregnant. I told them, no, I don't have any
22 sexual activity, I'm not pregnant. And they tell me, no, you are -- you look very
23 pregnant. But I couldn't look at myself, Your Honour, because the paramedics believed
24 that I have head and -- I had neck and -- and back injuries, so they immobilized my neck.
25
26 THE COURT: Okay.
27
28 DR. TIBU: They -- they put myself on a head board, they
29 ask the police officer to -- to do something with the handcuffs on the back, and the -- the
30 police officers put them in the front so they can put me on the head board because they
31 believe I have spine injury. And they immobilized all my body with belts. I will --
32
33 THE COURT: Right.
34
35 DR. TIBU: -- show you pictures. Yeah.
36
37 So -- sorry, what did I --
38
39 THE COURT: You were describing the injury to your --
40
41 DR. TIBU: Yes, that's right.

1

2 So I was unable to look at myself, being immobilized, the neck -- the neck immobilized,
3 thus here I was unable. So I didn't know why they asked me this. And they told me, no,
4 you look very pregnant. And I said to them, no. They tell me, now, before you go to
5 X-rays, we are going to do a pregnancy test. And I -- yeah, okay. I said, let's do them.
6 Okay.

7

8 Then they ask me -- I asked them, Why are you telling me? And they told me, Your
9 belly's very swollen. And initially I believe is because of -- I was on my menstruation
10 and I believed maybe it's menstruation. And I told them, No, is not -- I'm on my
11 menstruation. And they told me, No, is very swollen, is like pregnancy.

12

13 THE COURT: Okay. I understand. So your belly was
14 swollen --

15

16 DR. TIBU: Yeah.

17

18 THE COURT: -- you were not pregnant, so they were going to
19 do a pregnancy test. It was negative, I take it?

20

21 DR. TIBU: That's correct, yeah.

22

23 THE COURT: All right. And so what -- you eventually did
24 get to see your belly, and was it swollen?

25

26 DR. TIBU: Oh, very swollen. I was --

27

28 THE COURT: All right.

29

30 DR. TIBU: -- even shocked.

31

32 THE COURT: And did you learn what the cause of that was?

33

34 DR. TIBU: Yes. So at that -- at one point in the hospital I
35 told the nurse I feel a lot of pain in my belly, and I told them, I feel a lot of pain in my
36 belly. I told them it's unbearable. Then I told them, I feel I -- I feel like I want to pee.
37 And then she put me like a chair -- a chair with some toilet --

38

39 THE COURT: M-hm.

40

41 DR. TIBU: -- that mobile chair we some toilet, and she

1 told -- she actually didn't -- I couldn't even move, Your Honour, from the bed. And
2 they -- the nurses helped me move my body on that toilet mobile chair to -- to pee. I was
3 there, I couldn't pee. And I told them I cannot pee. And I told them I feel a lot of pain,
4 I feel -- I feel a lot of pain.

5
6 And then they took a catheter and they -- they removed the urine through my bladder,
7 from --

8
9 THE COURT: Okay. And just because we have got a lot of
10 things to do here --

11
12 DR. TIBU: Yeah.

13
14 THE COURT: I am going to try to cut a bit to the chase here.

15
16 DR. TIBU: Okay.

17
18 THE COURT: So they did a lot of things to --

19
20 DR. TIBU: Yes.

21
22 THE COURT: -- examine your swollen belly.

23
24 DR. TIBU: Yes.

25
26 THE COURT: And what was the result?

27
28 DR. TIBU: So they told the result of CT scan and X-rays,
29 everything was -- that, no, I -- and I had no internal injury. And I told them then
30 where -- why I couldn't pee, because I never had troubles with urinating before, why I
31 was so swollen. And they told me because of the trauma.

32
33 THE COURT: Ah. Okay. And how long would your belly
34 have been swollen for?

35
36 DR. TIBU: Oh, my belly started to -- to be released from
37 swelling maybe -- after I urinate, it started to -- to diminish, but not totally. I would say
38 a week or two. And I actually took pictures and you'll see like people will believe that
39 I'm pregnant, but I'm not pregnant.

40
41 THE COURT: Okay. So it was swollen for about a week or

1 two?
2
3 DR. TIBU: Yeah.
4
5 THE COURT: All right.
6
7 DR. TIBU: Not as much as at the hospital because at the
8 hospital they took --
9
10 THE COURT: It was quite a bit more.
11
12 DR. TIBU: Yeah. At the hosp --
13
14 THE COURT: Okay.
15
16 DR. TIBU: Yeah.
17
18 THE COURT: I am just going to -- I have got a lot of
19 information here --
20
21 DR. TIBU: Okay.
22
23 THE COURT: -- would you mind if we just took a short break
24 now --
25
26 DR. TIBU: Yes. Yes.
27
28 THE COURT: -- or a short adjournment --
29
30 DR. TIBU: Okay.
31
32 THE COURT: -- and it might help you to compose yourself a
33 bit.
34
35 DR. TIBU: Thank you very much.
36
37 THE COURT: Okay?
38
39 DR. TIBU: Okay. Thank you.
40
41 THE COURT: And do you have copies of these?

1
2 DR. TIBU: No, I would like to have copies, if possible.
3
4 THE COURT: What I am going to do to help you is to get the
5 clerks to make copies to --
6
7 DR. TIBU: Okay.
8
9 THE COURT: -- give to you. Okay?
10
11 DR. TIBU: Thank you very much.
12
13 THE COURT: All right.
14
15 We will adjourn for a few minutes.
16
17 (ADJOURNMENT)
18
19 THE COURT: Please be seated.
20
21 Okay. Now, were you able to get copies of these Informations --
22
23 DR. TIBU: Yes.
24
25 THE COURT: -- from the clerks?
26
27 DR. TIBU: Yeah.
28
29 THE COURT: Okay. All right. Now, before we broke you
30 were telling me about having suffered some injuries.
31
32 DR. TIBU: Also I have another injury as a result of this
33 because he said to me, I'm going to walk all over you. And I remember my -- I don't
34 remember exactly what he did, like fragments, I -- I said to you before, from when he
35 smashed my head on the road. I -- I remember he -- a lot of pressure going on my back
36 here, this area, so I believe he is go -- he was walking all over me. And --
37
38 THE COURT: Sorry. When you say you believe he was
39 walking all over you --
40
41 DR. TIBU: Yeah.

1
2 THE COURT: -- did you see or feel him doing that or is this
3 something --
4
5 DR. TIBU: I couldn't see anything because I was --
6
7 THE COURT: -- you surmised from the --
8
9 DR. TIBU: -- dizzy.
10
11 THE COURT: Just a minute. I cannot hear you when you are
12 talking and --
13
14 DR. TIBU: Okay.
15
16 THE COURT: Did you form that belief based upon injuries or
17 did you actually see or feel that happening?
18
19 DR. TIBU: I formed this belief by -- based on what he told
20 me. He told me, I'm going to put you to the ground and walk all over you, so I believe
21 he would do so. And also, I believed, based on the fact that I felt of pain, like pressure,
22 like somebody's really walking over me putting pressure here, in this area.
23
24 THE COURT: But you did not see him doing that?
25
26 DR. TIBU: I couldn't see.
27
28 THE COURT: Because he -- you were facing down.
29
30 DR. TIBU: I was handcuffed. I was facing -- I was even
31 dizzy, I couldn't even move myself --
32
33 THE COURT: Okay.
34
35 DR. TIBU: -- after my head was -- got hit on the -- on the
36 road.
37
38 THE COURT: And were there any other injuries?
39
40 DR. TIBU: I had back -- yes, I have back injuries.
41

1 THE COURT:

Right.

2

3 DR. TIBU:

I have never had back injuries in my entire life,

4 never.

5

6 THE COURT:

When you say back injuries, was this bruising

7 or swelling or --

8

9 DR. TIBU:

Bruise -- bruises, and some -- some nerve

10 injuries because I was unable to walk after this for a -- for a month. I have medical
11 records. I never ever had problems with my back and I -- I couldn't walk or sit, Your
12 Honour. I couldn't sit like this on the chair more than 20 minutes. So the only way I
13 could sit, I was just laying in the bed, totally horizontally.

14

15 So I went to the hospital, in -- in emergency. They gave me some pain medication --
16 they told me -- because I tried to -- to take all the painkillers and nothing worked because
17 I -- I had a lot of pain, and they told me, no, the painkillers don't work in nerve injuries.
18 You have -- they gave me Gabapentin, which is like a -- a blockant of transmission of
19 the -- of the pain from the nerves. So you actually -- it's not a painkiller, you don't feel
20 the -- the pain because they block the feeling of the pain, which this is what I received.

21

22 And also they gave me physiotherapy. And I went to physiotherapy which -- and I told
23 the physiotherapy guy that at least I want to be able to work.

24

25 And the physiotherapy started to help, but still I cannot work full time. And I was a work
26 alcoholic, I was working without lunches, nine hours per day. That's how I was
27 working --

28

29 THE COURT:

Okay.

30

31 DR. TIBU:

-- since 2006, when I graduated at University of

32 Toronto. So since my graduation until today I was working like crazy because I love
33 dentistry.

34

35 THE COURT:

Okay. So --

36

37 DR. TIBU:

And now I --

38

39 THE COURT:

-- how long did the pains --

40

41 DR. TIBU:

-- can only work part time.

1
2 THE COURT: -- in your back last for?
3
4 DR. TIBU: I feel pain actually all the day, all day.
5
6 THE COURT: All that day?
7
8 DR. TIBU: The pain in the -- the back last --
9
10 THE COURT: In the back, yeah.
11
12 DR. TIBU: Yes. Lasted since then. I told them at the
13 hospital, I have a lot of back pain and they --
14
15 THE COURT: Do you still have the pain?
16
17 DR. TIBU: And I still have the pain. And I cannot work
18 full time anymore. I work part time because of this, because I cannot sit, because when
19 I'm sitting on the patient, as a dentist I have to bend like this and I cannot do this
20 anymore. This never happen to me, Your Honour, before.
21
22 So I had -- and now I'm waiting on MRI, because the doctor who -- who saw me said a
23 CT scan is not reliable, you have to have an MRI to be able to be seen by a specialist,
24 and I'm waiting for an MRI, because I'm on a waiting list. It seems we don't have
25 enough MRIs. We have more sheriffs than health care in this country.
26
27 THE COURT: Okay. And so you had that injury.
28
29 DR. TIBU: Yes.
30
31 THE COURT: Now, after you were taken to the --
32
33 DR. TIBU: And also I have another injury. This is not
34 visible (INDISCERNIBLE) I have told you, I can prove it through medical records, which
35 I'm willing to disclose them all to you.
36
37 I was diagnosed with post traumatic stress disorder and I have been seen by a -- by a
38 psychologist, and I'm still seeing that psychologist because I -- at that moment I could
39 actually -- I was like in a lot of fear for my life, out of nowhere.
40
41 THE COURT: Okay.

1
2 DR. TIBU: And I cannot face -- for example, I had a traffic
3 stop happening in Stettler, and the police officer was okay, but I started, I can -- I just
4 lose it. I said -- I -- I called 911 and I said to -- to 911, there are criminals behind of me.
5 They are not criminals, they are just, you know -- you know, police officers, you know,
6 stopping me because they told me I drove too slow, and I told them, well, I don't have
7 winter, winter tires. But, no, I cannot even -- I am still -- I have to be on continuous
8 treatment. Hopefully, at some point I will recover.
9
10 I was never diagnosed with post traumatic stress disorder because no one did this to me
11 before.
12
13 THE COURT: All right.
14
15 Now, you were taken to the hospital, you received some procedures, treatments --
16
17 DR. TIBU: That's right.
18
19 THE COURT: -- and diagnosis --
20
21 DR. TIBU: Yeah.
22
23 THE COURT: -- you have injuries that are lasting even to
24 today's date.
25
26 DR. TIBU: Yeah.
27
28 THE COURT: Was there any further action between you and
29 Oscar Bob Behiels after that?
30
31 DR. TIBU: After this, I had a restraining order against
32 Behiels.
33
34 THE COURT: No, no, just on this date, that is August the 3rd,
35 any other dealings with him that day?
36
37 DR. TIBU: No, he -- after the assault -- oh, yes, he came --
38 I don't remember because I was in shock, but I saw the disclosure --
39
40 THE COURT: Well, we can only go on the basis of what
41 you --

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DR. TIBU:

Okay.

THE COURT:

-- what you remember.

DR. TIBU:

From what I remember, except the assault, no.

THE COURT:

Okay. Now, what we are going to do at this point then is we are going to go through the charges that you have listed on the Information.

DR. TIBU:

Okay.

THE COURT:

In order for me to swear an information alleging that Mr. Behiels committed these offences, as I mentioned to you, we have to have reasonable grounds to believe -- or I have to be satisfied that you have reasonable grounds to believe that. That has two components, one is an honest belief on your part called the subjective component.

DR. TIBU:

Yeah.

THE COURT:

And the second is that there are reasonable grounds, an objective basis for your honest belief. Do you understand that?

DR. TIBU:

I do.

THE COURT:

And we do that in relation to each of these offences.

So if you get your copy of the Information against Mr. Behiels, I will go through --

DR. TIBU:

Yes.

THE COURT:

-- with you the offences that you have alleged against him.

One is the offence of sexual assault and in that regard you have given evidence, or you have made allegations against Mr. Behiels that when you were handcuffed and --

DR. TIBU:

Yes.

- 1 THE COURT: -- pressed up against the police vehicle, that
2 underneath his clothing you were satisfied he had an erect penis and he was --
3
- 4 DR. TIBU: That's right.
- 5
- 6 THE COURT: -- pressing that against your buttocks area; is
7 that correct.
8
- 9 DR. TIBU: Yeah. However --
- 10
- 11 THE COURT: All right.
- 12
- 13 DR. TIBU: -- my sexual assault allegations are based on
14 my --
15
- 16 THE COURT: All right.
- 17
- 18 DR. TIBU: -- him punching my breasts.
19
- 20 THE COURT: All right. I am satisfied on the basis of what
21 you have told me that you have reasonable grounds to believe that a sexual assault was
22 committed by the act of pressing you up against the vehicle and having an erect penis at
23 that time.
24
- 25 The blow to the chest is an assault, and I am satisfied that on the basis of the information
26 you have given me that there are reasonable grounds for you to believe that you were
27 assaulted by him. All right?
28
- 29 DR. TIBU: Okay.
- 30
- 31 THE COURT: Now, let us go through the rest of these.
- 32
- 33 DR. TIBU: Okay.
- 34
- 35 THE COURT: The next number that you have listed,
36 paragraph 272(c) of the *Criminal Code* is the what is called generically the crime of
37 sexual assault causing bodily harm.
38
- 39 DR. TIBU: Yes.
- 40
- 41 THE COURT: I am not satisfied on the basis of what you have

1 said that by pushing your body up against the car with an erect penis, and pushing you
2 there, that it caused the bodily harm to you. I am not satisfied - no, we will just go
3 through these one at a time - that there is an objective basis for that. So let us move past
4 that to the next offence, which is 268. Do you see that there?
5

6 DR. TIBU: Yes.

7
8 THE COURT: That is aggravated assault.

9
10 DR. TIBU: Yes.

11
12 THE COURT: And I will just read to you what that crime
13 says.

14
15 It says:

16
17 Every one commits an aggravated assault who wounds, maims,
18 disfigures or endangers the life of the complainant.

19
20 DR. TIBU: That's right.

21
22 THE COURT: And I am not satisfied on the basis of the
23 information or the allegations that you have made that there is an objective basis to
24 believe that Mr. Behiels either wounded, maimed, disfigured or endangered your life.

25
26 DR. TIBU: I have proof --

27
28 THE COURT: All right.

29
30 DR. TIBU: -- though.

31
32 THE COURT: The next offence --

33
34 DR. TIBU: I have pictures --

35
36 THE COURT: -- is under section 139(1) of the *Criminal Code*,
37 that offence is:

38
39 Every one who wilfully attempts in any manner to obstruct,
40 pervert or defeat the course of justice in a judicial proceeding, . . .

41

1

2 Each one of those terms is what is called an essential element of the offence. So, in other
3 words, his conduct on the date in question had to obstruct, pervert or defeat the course
4 of --

5

6 DR. TIBU: Yes.

7

8 THE COURT: -- justice or being intended ---

9

10 DR. TIBU: He lied to the --

11

12 THE COURT: -- to --

13

14 DR. TIBU: Yeah, he lied to police.

15

16 THE COURT: Yes. -- in judicial proceeding.

17

18 DR. TIBU: Yeah.

19

20 THE COURT: I think your complaint is that he acted
21 inappropriately as a police officer at that time, but --

22

23 DR. TIBU: He --

24

25 THE COURT: -- but I have to tell you that is not a judicial --
26 what we are --

27

28 DR. TIBU: It is a lie though.

29

30 THE COURT: -- having here, this is a judicial proceeding.

31 That was not a judicial proceeding. Do you understand that?

32

33 DR. TIBU: I don't understand the terms of -- for example,
34 he lied to the police.

35

36 THE COURT: I am sorry, he what?

37

38 DR. TIBU: He lied. He lies to the police, so I don't
39 understand the term. I -- he told the police in the disclosure that his audio, he made
40 them, you know, disappear. He said the dash camera radio didn't work, the microphone
41 that he had didn't work, his panic button didn't work, his radio transmitter worked, but

1 exactly in that point where he stopped me it didn't work, his cellular phone didn't work,
2 because I was fortunate, Your Honour, to have somebody, a brave man, to come and stop
3 and call the ambulance for me. And he was asked by the police, why didn't you call the
4 ambulance, because he had a cell phone. He said my cell phone didn't work.

5

6 So I -- I strongly believe either he's totally incompetent, which he be -- he should be
7 removed from the -- from the police, or, which I believe most likely, he hides evidence.

8

9 THE COURT: Okay. And I am going to paraphrase this and I
10 want you to correct me if I am wrong in what I am saying. What I hear you saying is --

11

12 DR. TIBU: M-hm.

13

14 THE COURT: -- at the scene where the assault you have
15 alleged took --

16

17 DR. TIBU: Yeah.

18

19 THE COURT: -- place, another person - ambulance attendant
20 or police officer - came --

21

22 DR. TIBU: Yeah.

23

24 THE COURT: -- and Mr. Behiels was asked why did you not
25 call an ambulance for her, and he said --

26

27 DR. TIBU: This -- his cell --

28

29 THE COURT: -- his cell phone was not working.

30

31 DR. TIBU: Yeah.

32

33 THE COURT: And that is the allegation of an attempt to
34 obstruct justice?

35

36 DR. TIBU: The -- I -- I don't know. My -- in my opinion,
37 he lied.

38

39 THE COURT: All right.

40

41 DR. TIBU: In my opinion, he lied because I don't

1 believe --

2

3 THE COURT:

All right.

4

5 DR. TIBU:

-- a police officer has --

6

7 THE COURT:

And I appreciate that.

8

9 DR. TIBU:

-- nothing workable.

10

11 THE COURT:

Remember that lies can cover a whole bunch of

12 different forms. The *Criminal Code* addresses lies --

13

14 DR. TIBU:

Okay.

15

16 THE COURT:

-- in various different ways. The --

17

18 DR. TIBU:

Okay.

19

20 THE COURT:

-- way that you have alleged in your

21 Information --

22

23 DR. TIBU:

Okay.

24

25 THE COURT:

-- is not supported by the objective information.

26

27 DR. TIBU:

Okay.

28

29 THE COURT:

I am not -- remember, I am not passing

30 judgment on whether what --

31

32 DR. TIBU:

I understand.

33

34 THE COURT:

-- the officer --

35

36 DR. TIBU:

Okay.

37

38 THE COURT:

-- did was right or wrong --

39

40 DR. TIBU:

M-hm.

41

1 THE COURT: -- I have to be satisfied that there is objective
2 evidence of each of the essential elements of the crime described in subsection 139(1) of
3 the *Criminal Code* --

4

5 DR. TIBU: Okay.

6

7 THE COURT: -- and that does not meet that definition. So let
8 us go on to the next section then --

9

10 DR. TIBU: Okay.

11

12 THE COURT: -- and that is 279.1 of the *Criminal Code*. And
13 that section says:

14

15 Every one takes a person hostage who with intent to induce any
16 person, other than the hostage, or any group of persons or any
17 state or international or intergovernmental organization to commit
18 or cause to be committed any act or omission as a condition,
19 whether express or implied, of the release of the hostage

20

21 (a) confines, imprisons, forcibly seizes or detains that
22 person, and

23

24 (b) in any manner utters, conveys or causes any person to
25 receive a threat that the death of, or bodily harm to, the
26 hostage will be caused or that the confinement,
27 imprisonment or detention of the hostage will be continued.

28

29 You understand what, generally, hostage-taking is?

30

31 DR. TIBU: Yes, like imprisonment.

32

33 THE COURT: Well, no, generally hostage-taking is - and I am
34 going to give you an example that is totally different than --

35

36 DR. TIBU: Okay.

37

38 THE COURT: -- your situation - a hostage-taking would be
39 where I want the government to give me a bunch of money --

40

41 DR. TIBU: Okay.

1
2 THE COURT: -- so I take a police officer or I take the captain
3 of an airplane --
4
5 DR. TIBU: Yes.
6
7 THE COURT: -- or somebody, and I hold a gun to the
8 person's head and say, unless you give me all this money I am going to kill this person.
9
10 DR. TIBU: Oh, I see.
11
12 THE COURT: That is what hostage-taking is and --
13
14 DR. TIBU: Yes.
15
16 THE COURT: -- that is not really what you are dealing with
17 here, is it?
18
19 DR. TIBU: I was -- my -- in my -- I was thinking of false
20 imprisonment --
21
22 THE COURT: Okay.
23
24 DR. TIBU: -- so I -- I don't know the *Criminal Code*, so I
25 just read it yesterday at the court and --
26
27 THE COURT: All right. So I would have to find that this
28 particular offence is not -- there is no objective basis for a hostage-taking on the facts that
29 you have given me.
30
31 DR. TIBU: But what is this for false imprisonment, what --
32 what qualities?
33
34 THE COURT: Unfortunately, being a judicial officer, I cannot
35 give you legal advice --
36
37 DR. TIBU: I under -- okay.
38
39 THE COURT: -- it is beyond --
40
41 DR. TIBU: I understand.

1
2 THE COURT: -- my ambit now.
3
4 DR. TIBU: Okay.
5
6 THE COURT: Now, the next crime that you have alleged is
7 subsection 219(1)(a) or (b), and that is the crime of criminal negligence.
8
9 All right. There is something you need to know. I think what you are saying is that
10 there was -- the officer was criminally negligent in what he was doing; is that correct?
11
12 DR. TIBU: Yes. An officer --
13
14 THE COURT: All right. Now --
15
16 DR. TIBU: -- so as --
17
18 THE COURT: -- the crime, this is a definition. All right. The
19 crimes that are created by criminal negligence are described in sections 220 --
20
21 DR. TIBU: Okay.
22
23 THE COURT: -- and 221. And I will speak about --
24
25 DR. TIBU: M-hm.
26
27 THE COURT: -- them generically.
28
29 DR. TIBU: Okay.
30
31 THE COURT: They are -- 220 is the crime of criminal
32 negligence causing death, which did not --
33
34 DR. TIBU: No.
35
36 THE COURT: -- happen here.
37
38 DR. TIBU: No.
39
40 THE COURT: And the other is criminal negligence causing
41 bodily harm.

1
2 DR. TIBU: Yes.
3
4 THE COURT: All right. Now --
5
6 DR. TIBU: I think that applies.
7
8 THE COURT: -- that crime -- in order to commit the crime of
9 criminal negligence --
10
11 DR. TIBU: M-hm.
12
13 THE COURT: -- the person has to have a legal duty to do
14 something and he has to be -- he or she has to be -- show wanton or reckless disregard
15 for the lives or safety of another.
16
17 DR. TIBU: That's right.
18
19 THE COURT: Let me give you an example, and totally
20 unrelated to your case. If I am the driver of a vehicle on a highway and I get drunk and I
21 drive at 200 miles an hour through a school zone and hit somebody and kill them, I have
22 breached the legal duties, some under the *Criminal Code*, not to drive drunk -- drink and
23 drive --
24
25 DR. TIBU: M-hm.
26
27 THE COURT: -- and also under provincial legislation not to
28 speed or violate.
29
30 DR. TIBU: Yes.
31
32 THE COURT: That is the legal duty, and I breached that. And
33 it is a wanton or reckless disregard for the safety, probably of all of the public --
34
35 DR. TIBU: M-hm.
36
37 THE COURT: -- but certainly of the person who I killed. That
38 is an example of criminal negligence, causing death, in that case, or if the person was just
39 injured, bodily harm.
40
41 DR. TIBU: M-hm.

1
2 THE COURT: Now, I am not sure of the application of that to
3 your case now.
4
5 DR. TIBU: My thinking is the following. I am a doctor
6 and I swear an oath of no harm, therefore is my duty to keep safe my patients. If, for
7 example, I have a patient, and let us say the patient misbehaves, or whatever, whatever
8 the patient does, I have the duty, first of all, to keep him safe and no harm. This is my
9 duty towards the patients that have the trust in me and put -- put their life, letting me
10 work on them.
11
12 THE COURT: All right.
13
14 DR. TIBU: Put their life in my hands.
15
16 I had the same trust in the police. They swear an oath of no harm, so that's -- of
17 protection, I would say.
18
19 THE COURT: To uphold the law.
20
21 DR. TIBU: To -- yeah, to protect people. They are paid to
22 protect us, not to assault us.
23
24 THE COURT: All right. And before you go further, remember
25 that the legal duty is only one part or one essential element of the crime. The second
26 part, that there has to be objective evidence supporting, or an objective basis to believe, is
27 that they showed a wanton or reckless disregard for the lives or safety of others.
28
29 Let me use that driving scenario as an --
30
31 DR. TIBU: Yeah.
32
33 THE COURT: -- example. That conduct is so bad --
34
35 DR. TIBU: M-hm.
36
37 THE COURT: -- it can be styled wanton or reckless and that is
38 a very high threshold.
39
40 DR. TIBU: I know.
41

1 THE COURT: Below that there is another crime called
2 dangerous driving causing bodily harm or death. For instance, if that person had just been
3 driving, let us say, 70 miles per hour, or 70 kilometres per hour in a 30 kilometre per
4 hour zone, but had been racing with somebody else on the road, that would likely be
5 dangerous, but it would not be wanton or reckless.

6

7 And then below dangerous driving there is what is called driving without due care and
8 attention, some people call that careless driving --

9

10 DR. TIBU: M-hm.

11

12 THE COURT: -- and that is where the individual has a duty of
13 care to other people on the roadway --

14

15 DR. TIBU: Okay.

16

17 THE COURT: -- and he drives without due care and attention,
18 or without reasonable consideration for other users of the roadway. So in that example
19 that I gave you, if that person had been playing chicken with somebody on the highway,
20 not even speeding perhaps, but playing chicken, and at the last second the other vehicle
21 swerved and went into the ditch - you do not even have to have bodily harm or death or
22 anything - that can be careless driving. That is almost a negligence standard. So you go
23 down the continuum.

24

25 And then below careless driving --

26

27 DR. TIBU: M-hm.

28

29 THE COURT: -- you have the civil tort, like a lawsuit, a
30 wrongdoing. Like if a doctor is negligent --

31

32 DR. TIBU: Yeah.

33

34 THE COURT: -- that is a tort. If the person driving the car
35 was negligent --

36

37 DR. TIBU: M-hm.

38

39 THE COURT: -- that might constitute civil action against
40 them. So the reason I am going through this is wanton or reckless --

41

1 DR. TIBU: No, I understand.
2
3 THE COURT: -- is really high. It is --
4
5 DR. TIBU: I understand.
6
7 THE COURT: You have to be --
8
9 DR. TIBU: Really bad.
10
11 THE COURT: -- exhibiting behaviour that anyone would see
12 and say, holy smoke, like this person -- this is crazy behaviour here. It is very, very bad.
13
14 DR. TIBU: Yeah.
15
16 THE COURT: You have made a complaint about the police
17 officer and I have -- as I have indicated earlier, you have reasonable grounds to believe
18 there was an assault --
19
20 DR. TIBU: M-hm.
21
22 THE COURT: -- and that there was a sexual assault, but to go
23 from that to an -- a wanton --
24
25 DR. TIBU: Your Honour --
26
27 THE COURT: -- or reckless disregard for your life or safety, I
28 have not heard anything that would push me to that level.
29
30 DR. TIBU: Okay. I forgot to mention something very
31 important --
32
33 THE COURT: Of course.
34
35 DR. TIBU: -- and there is evidence on this. There is a 911
36 audio evidence. The man who stopped and called 911, I would say and saved my life,
37 you will see, and I have 911 recordings here and typing if you want to read. He said I
38 was on the -- you know, full of blood on the -- on the -- on the road, and he's saying to
39 911, stop now -- now, she has a bloody eye, now he's pulling her hair. Why Sheriff
40 Behiels pulled my hair when I was full of blood on the road. In my opinion, he's a
41 disrespectful human being like.

1
2 THE COURT: Okay. We are going to have to agree to
3 disagree on that.
4
5 DR. TIBU: Okay.
6
7 THE COURT: I understand what you are saying, and I
8 understand that you have a complaint --
9
10 DR. TIBU: M-hm.
11
12 THE COURT: -- but I am not satisfied that there is an
13 objective basis to believe --
14
15 DR. TIBU: Okay.
16
17 THE COURT: -- that it amounted to a reckless -- wanton or
18 reckless disregard for the lives or safety of others. So I am not prepared to --
19
20 DR. TIBU: Okay.
21
22 THE COURT: -- charge that.
23
24 Now, the next offence that you have, is that a two or a seven?
25
26 DR. TIBU: It's 767(a), assault with weapons.
27
28 THE COURT: Okay. That is 267. That is not 767. Okay?
29
30 DR. TIBU: Okay.
31
32 THE COURT: I will just read that to you so you -- so that
33 you --
34
35 DR. TIBU: Assault with weapon.
36
37 THE COURT: -- know. And you can look these up too, if you
38 want to, in the *Criminal Code* you have in front of you.
39
40 267, and you will find that on page 578. It says, in the dark --
41

1 DR. TIBU: Yes.
2
3 THE COURT: -- writing, it says --
4
5 DR. TIBU: Yes.
6
7 THE COURT: -- "Every one who --"
8
9 DR. TIBU: Yes. Sorry.
10
11 THE COURT: "-- in committing -- "
12
13 DR. TIBU: Yeah.
14
15 THE COURT: " -- an assault, (a) carries, uses or threatens to
16 use a weapon or an imitation thereof . . . "
17
18 DR. TIBU: Yes.
19
20 THE COURT: -- is guilty of an offence.
21
22 DR. TIBU: Yeah.
23
24 THE COURT: All right. Now, what is the weapon?
25
26 DR. TIBU: My car. And you will see in the dash camera
27 he's taking me like a doll and he's just pressing me and pushing me against my car
28 until -- you will see -- the doctor who saw me -- my whole body was bruised, and the
29 doctor who saw me after -- when the bruises started to come off, the doctor was in shock
30 and he said, I'm going to call RCMP, you have to file charges.
31
32 THE COURT: Okay.
33
34 DR. TIBU: So he was using --
35
36 THE COURT: All right.
37
38 DR. TIBU: -- my body -- or, sorry, my car as a weapon for
39 me to be pushed against. And I will say the car can be used as a weapon.
40
41 THE COURT: Okay. Just give me a moment.

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41

Now, the term "weapon" is defined in the *Criminal Code*, in the same book that you have there --

M-hm.

THE COURT: -- and I will not get you to look it up because it is not a section. It is section 2, but it has --

Okay.

THE COURT: -- all of the definitions. What the *Criminal Code* says is:

A weapon means anything used, designed to be used or intended for use

(a) in causing death or injury to any person, or

(b) for the purpose of threatening or intimidating any person --

M-hm.

THE COURT: and, without restricting the generality of the foregoing, includes a firearm.

So we do not have to worry about the firearm.

Cars, of course, are not created for the purpose of causing death or injury to any person, so subsection (a) does not apply. And it is not created for the purpose of threatening or intimidating a person. In order to be defined as a weapon, you would have to establish, or there would have to be an objective basis to believe that the car was being used for the purpose of causing death or injury to you.

DR. TIBU: Injury, not death.

THE COURT: All right. And, you know, generally what weapons are. Knives and sticks and guns and things like that, those are generally what

1 we think of as being weapons. They are not exclusively weapons, even innocent things
2 like bottles or --

3

4 DR. TIBU: And bottles.

5

6 THE COURT: -- telephones can be used as a weapon --

7

8 DR. TIBU: Yeah.

9

10 THE COURT: -- but generally it is not something which is
11 passive in character. For instance, you mentioned that your head was hit on the ground --

12

13 DR. TIBU: Okay.

14

15 THE COURT: -- we would not say that he used the ground as
16 a weapon.

17

18 DR. TIBU: That's right.

19

20 THE COURT: All right. In this case, he pushed your body up
21 against the car --

22

23 DR. TIBU: A few times, multiple times, yeah.

24

25 THE COURT: Right. Which I have told you is an assault or
26 there are reasonable --

27

28 DR. TIBU: Yeah.

29

30 THE COURT: -- grounds for you to believe that --

31

32 DR. TIBU: Yeah.

33

34 THE COURT: -- but that does not make the car a weapon.

35

36 DR. TIBU: M-hm.

37

38 THE COURT: So the offence of assault with a weapon, there
39 is not an objective basis to believe that.

40

41 Now --

1
2 DR. TIBU: And I put also assault with handcuffs because
3 there is no law in Canada that says that Canadian citizens have no right to ask the police
4 officers to be polite in order for them to comply.
5
6 THE COURT: All right. And, remember, when we define a
7 crime, there are many, many -- as you know from the thickness of this book, there are a
8 lot of crimes. The crime that you have alleged is assault with a weapon. Handcuffs
9 could be used as a --
10
11 DR. TIBU: That's right.
12
13 THE COURT: -- weapon, but in this particular case the
14 injuries that you described and the conduct of the officer in committing an assault was not
15 with the use of the handcuffs.
16
17 DR. TIBU: I also have --
18
19 THE COURT: Now, the handcuffs may have facilitated that.
20
21 DR. TIBU: I also had injuries of my wrists and I have
22 pictures of them. And there was no reason for him to -- to handcuff me in the first place.
23 And I have pictures. If you -- you -- you want I can show them to you.
24
25 THE COURT: No, I am not disputing that.
26
27 DR. TIBU: Okay.
28
29 THE COURT: Most people who have handcuffs on get a little
30 chaffing or some bruising and things of --
31
32 DR. TIBU: And I'm a dentist as well, and look at my
33 hands, I have -- I have very small hands.
34
35 THE COURT: Okay. There is no question that there may have
36 been an effect from having the handcuffs on you --
37
38 DR. TIBU: Yeah, I was shaky --
39
40 THE COURT: -- but in order for me --
41

1 DR. TIBU: -- for a long time.

2

3 THE COURT: -- to swear an Information alleging that they
4 were used as a weapon would have to be divorced from how they would be used in
5 ordinary cases. And I do not have anything here for that specific purpose. Do not get me
6 wrong, I am not saying there was not an assault --

7

8 DR. TIBU: I understand.

9

10 THE COURT: -- we are just talking about that very narrow
11 thing, the weapon. So I am not satisfied there is an objective basis on that.

12

13 DR. TIBU: Okay.

14

15 THE COURT: The next offence, paragraph 298(a) of the
16 *Criminal Code*, is publishing a defamatory liable.

17

18 DR. TIBU: That's right.

19

20 THE COURT: All right.

21

22 DR. TIBU: Yeah.

23

24 THE COURT: We have not heard anything about a published
25 defamatory liable here.

26

27 DR. TIBU: He did actually because he pressed charges
28 under the section 270, I believe (1)(b). The charges against me he pressed was
29 obstruction of peace officer, resisting arrest and assault -- me assaulting him. And this
30 was published on the media, Your Honour, all over the place, that Dr. Tibu was charged.
31 And I'm -- I'm not -- I do not peel potatoes, I talk to people on a daily basis, I -- I have
32 my patients, and I have my patients asking me, how is your trial date going. It is not fair
33 for my reputation.

34

35 THE COURT: All right. Remember that this is the crime of
36 publishing a defamatory liable. This is not defamation. Defamation is -- remember I was
37 talking about the progression of offences from criminal negligence down to civil
38 negligence?

39

40 DR. TIBU: Yeah.

41

1 THE COURT: There is a progression from the crime of
2 publishing a defamatory liable to the civil tort of defamation.

3

4 DR. TIBU: Yeah.

5

6 THE COURT: What you are talking about could constitute
7 defamation. But let me give you an example.

8

9 If -- and some charges have been laid here. If a judge were to find there was no -- after
10 the trial --

11

12 DR. TIBU: M-hm.

13

14 THE COURT: -- or if there is a trial --

15

16 DR. TIBU: M-hm.

17

18 THE COURT: -- if a judge were to find there was no basis for
19 you to lay this charge --

20

21 DR. TIBU: M-hm.

22

23 THE COURT: That would not constitute publishing a
24 defamatory liable. One of the blessings we have in Canada is a justice system where
25 people are able to make allegations, as you have --

26

27 DR. TIBU: M-hm.

28

29 THE COURT: -- the people charged are able to respond, and
30 then a judicial officer, like me, is charged with the responsibility of deciding whether or
31 not the prosecution has proven beyond a reasonable doubt what the crime is.

32

33 DR. TIBU: Yeah.

34

35 THE COURT: That standard does not necessarily mean you
36 have lied when you laid this charge or that you defamed the person, it means that that
37 standard of proof has not been met.

38

39 So, if Mr. Behiels laid an Information and the Information --

40

41 DR. TIBU: No, he --

1
2 THE COURT: -- was dismissed, or a charge, to use your
3 words --
4
5 DR. TIBU: He laid the charge through RCMP.
6
7 THE COURT: I am sorry?
8
9 DR. TIBU: He laid a charge through RCMP, Camrose.
10
11 THE COURT: Yes, it does not matter who -- where -- who he
12 lays it to.
13
14 DR. TIBU: Yeah.
15
16 THE COURT: If he lays that charge and ultimately ends up
17 being dismissed, that does not, by that act, constitute a defamatory liable.
18
19 DR. TIBU: Okay.
20
21 THE COURT: So the -- again, the objective -- and I am -- the
22 subjective basis is you believe he defamed you --
23
24 DR. TIBU: Because I'm --
25
26 THE COURT: -- but the objective --
27
28 DR. TIBU: Because I'm innocent, you know, I didn't do
29 anything to him --
30
31 THE COURT: I understand that.
32
33 DR. TIBU: -- and I was all over the place in media,
34 Dr. Tibu is a criminal.
35
36 THE COURT: All right. And you know, of course, that many
37 people get charged with offences and are acquitted. There are some very famous cases,
38 like --
39
40 DR. TIBU: Zimmerman.
41

1 THE COURT: -- Don Marshall, David Milgaard, cases like
2 that, who were charged with offences and ultimately acquitted. Some of them were found
3 to be innocent after. But that does not -- because there is the contest there between those
4 two parties, it does not mean one is defaming the other party.

5
6 DR. TIBU: No, I understand.

7
8 THE COURT: It simply means the burden of proof is not met.

9
10 DR. TIBU: Okay.

11
12 THE COURT: So I am not satisfied on that count.

13
14 Now, the next count is 264.1 of the *Criminal Code*, and that is the offence of uttering
15 threats. It is on page 571 of your *Code* --

16
17 DR. TIBU: Yeah.

18
19 THE COURT: -- if you want to read it. And it says:

20
21 Every one commits an offence who, in any manner, knowingly
22 utters, conveys or causes any person to receive a threat

23
24 (a) to cause death or bodily harm to any person;

25
26 The threat of which you complained was that he was going to walk on your back, I think.
27 Were those the words that he used?

28
29 DR. TIBU: Yes, I'm going -- now I'm going to walk all
30 over you. And he's a big guy, around -- I would say around 1 metre, 90 centimetres.
31 He's a big tall -- tall guy, a muscular guy. And if he would have done so, he would have
32 just squeezed me out. And I strongly believe that he would have done so unless -- unless
33 that brave man would stop and, you know, watch him. And the -- the man, the fire --
34 and, by the way, he's a fireman and he actually called the ambulance, not the sheriff, he
35 called the ambulance on my behalf. So -- because he said, I'm fireman, I know -- I know
36 that you are entering in a shock, so I called the ambulance.

37
38 This is not okay to say this.

39
40 THE COURT: Okay. What you have told me about is what I
41 would call a threat to assault you.

- 1
- 2 DR. TIBU: M-hm.
- 3
- 4 THE COURT: But --
- 5
- 6 DR. TIBU: But he can actually -- you know, if he would
7 have walked all over me as promised, I would have been dead, Your Honour. If that man
8 wouldn't -- wouldn't -- wouldn't stop there to save my life --
- 9
- 10 THE COURT: I thought you said he did walk on you.
- 11
- 12 DR. TIBU: He did walk -- that's what I believe, but he
13 walk with his knees, he put his knees like this --
- 14
- 15 THE COURT: Oh, I see.
- 16
- 17 DR. TIBU: -- and he walk with his knees on my back.
18 And I have two witnesses, Your Honour, that -- that actually say the same, that they saw
19 him with pressing his knees.
- 20
- 21 THE COURT: And was it your impression that he did that to
22 immobilize you, to keep you pressed against the ground?
- 23
- 24 DR. TIBU: I -- my impression is this -- is the fact that
25 Behiels is a psychopath.
- 26
- 27 THE COURT: All right.
- 28
- 29 DR. TIBU: I strongly believe that, so . . .
- 30
- 31 THE COURT: All right. I think I know what you are getting
32 at, but the key elements of the crime in paragraph 264.1(1)(a) of the *Criminal Code* is that
33 the threat has to be to kill you, which there was no threat to kill you, at least overtly, or a
34 threat to cause bodily harm.
- 35
- 36 DR. TIBU: Threat to cause bodily harm. And I have had
37 bodily harm because I have --
- 38
- 39 THE COURT: Remember --
- 40
- 41 DR. TIBU: -- injuries.

1
2 THE COURT: -- it is not the effect, necessarily, it is the threat
3 we are talking about.
4
5 DR. TIBU: Okay.
6
7 THE COURT: The fact that it did cause bodily harm does not
8 automatically, and in every case, mean that when a person says they are going to do that,
9 that they have threatened to do that.
10
11 Some cases are obvious. If somebody points a gun to your head and says, I am going to
12 shoot; obviously. Or --
13
14 DR. TIBU: Yeah.
15
16 THE COURT: -- a knife or something like that. But the threat
17 that you have described is not a threat within the narrow confines of this particular --
18
19 DR. TIBU: However, he --
20
21 THE COURT: -- provision.
22
23 DR. TIBU: -- did cause injuries on myself, he did cause
24 back injuries. At this moment, I work part time, I cannot work full time anymore.
25
26 THE COURT: All right. And remember that we are not
27 disputing the fact that you were injured. We went through all of those injuries. What this
28 section says to me is I can only find that there is an objective belief --
29
30 DR. TIBU: M-hm.
31
32 THE COURT: -- your belief --
33
34 DR. TIBU: Yeah.
35
36 THE COURT: -- that this crime has been committed, if in fact
37 it pertains to the threat being to cause bodily harm.
38
39 DR. TIBU: Okay.
40
41 THE COURT: In other words, if he had said, I am going to

1 cut off your arm, that is a threat to cause bodily harm, I am going to poke out your eye,
2 that is a threat to cause bodily harm, but when he says I am simply -- in the terms you
3 described it is a threat to assault you, which you have said, of course, he did, and which I
4 have found you have reasonable grounds to believe he did --

5

6 DR. TIBU: M-hm.

7

8 THE COURT: -- but it is not a threat to cause bodily harm.

9 So I cannot swear that count.

10

11 Now, 214 --

12

13 DR. TIBU: I believe it is 217.

14

15 THE COURT: Yes, I think you have the wrong -- is that 217?

16

17 DR. TIBU: I believe so.

18

19 THE COURT: Section 217 does not create an offence. Let me

20 read to you what it says. It says:

21

22 Every one who undertakes to do an act is under a legal duty to do
23 it --

24

25 DR. TIBU: M-hm.

26

27 THE COURT:

28

29 -- if an omission to do the act is or may be dangerous to life.

30

31 That just talks about -- remember I talked about criminal negligence and a person --

32

33 DR. TIBU: Yes.

34

35 THE COURT: -- having the legal duty?

36

37 DR. TIBU: Yes.

38

39 THE COURT: This is what -- the legal duty --

40

41 DR. TIBU: Okay.

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THE COURT: -- it talk -- it does not create a crime. The crime would be criminal negligence, or something like that.

DR. TIBU: Okay.

THE COURT: So there is no basis for that charge.

And then your last one is 264(1) and (2). That is the offence of criminal harassment. It is on page 568 --

DR. TIBU: Yes.

THE COURT: -- of your *Criminal Code*, and it says:

No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

Now, remember, it is not just one element that has to -- you have to have an objective basis for, it is all of them. For instance, when it says the person has to reasonably, in all the circumstances, fear for their safety, on the basis of what you have told me I would say you had that fear, and that it would --

DR. TIBU: Yeah.

THE COURT: -- be reasonable in the circumstances, but that is only one element. The other thing is the conduct referred to in subsection (2). So we will go through that conduct to --

DR. TIBU: Okay.

THE COURT: -- see if there is an objective basis for that.

Sub -- or paragraph (a) of subsection (2) says repeatedly following a person from place to place. That does not really apply here.

DR. TIBU: No. No.

1 THE COURT: (b) says: "repeatedly communicating with,
2 either directly or indirectly, the other person, know to them".

3

4 DR. TIBU: He communicated with me indirectly, through
5 his friends in a Facebook called exposed, and he put his friends to contact me there --

6

7 THE COURT: I am sorry, he which?

8

9 DR. TIBU: He -- I -- he put his friends -- Behiels'
10 friends --

11

12 THE COURT: With you?

13

14 DR. TIBU: Yeah, Behiels' friends, and they -- actually I
15 have proofs of these, and they were forwarded to Camrose police, but Camrose police is
16 just trying to gang with him.

17

18 So I was contacted by Behiels' friends and one of them told me that I -- they -- be careful
19 because I'm a powerful sorcer -- sorcerer. One of them attacked -- you know, in this
20 Facebook account I placed -- you know, I was commenting about my grandfather
21 experiencing the World War II, where my grandfather was taken away by Nazi and what
22 he -- what happened to him, and then the other guy is -- he's -- Behiels' friends comment
23 - and I have everything in writing, I took pictures of the Facebook - he says, Oh, you are
24 a lunatic, what holocaust?

25

26 I don't believe this is fair. I don't know why people want to forget about holocaust, I
27 don't know why --

28

29 THE COURT: Sorry --

30

31 DR. TIBU: -- Behiels contacted his friends to contact me
32 and --

33

34 THE COURT: And what was -- what did --

35

36 DR. TIBU: -- attack my family.

37

38 THE COURT: -- the friend say?

39

40 DR. TIBU: His friend, Behiels' friend --

41

1 THE COURT: Yes, his friend, what did he say?
2

3 DR. TIBU: Oh, you lied, you -- you -- you be careful
4 because I'm a powerful sorcerer and you lunatic, what holocaust, you lunatic? What
5 Hitler? He call me lunatic. What holocaust, you lunatic? That's what he told me.
6

7 THE COURT: What whorehouse you what?
8

9 DR. TIBU: He told me --
10

11 THE COURT: Yes.
12

13 DR. TIBU: -- as I paragraph his word -- words, What
14 holocaust, you lunatic? He was telling me that what holocaust, and he was calling me a
15 lunatic.
16

17 THE COURT: All right.
18

19 DR. TIBU: His friends.
20

21 THE COURT: All right. What he was doing, he was insulting
22 you?
23

24 DR. TIBU: He -- and my -- my family. And I have
25 actually --
26

27 THE COURT: And your family.
28

29 DR. TIBU: -- papers to prove --
30

31 THE COURT: Okay.
32

33 DR. TIBU: -- my statements.
34

35 THE COURT: All right. I understand what you are saying.
36

37 DR. TIBU: And he had a restraining order to stop
38 communicating with me indirectly as well. Obviously, he ignored the judge decision.
39

40 THE COURT: All right.
41

1 DR. TIBU: The judge in the previous --
2
3 THE COURT: And how do you know it was Mr. Behiels that
4 asked this fellow to do that.
5
6 DR. TIBU: This is something I don't know. I'm assuming.
7
8 THE COURT: And I think that is fair, I think that is fair
9 comment on your part.
10
11 DR. TIBU: Yeah. I'm assuming, yeah.
12
13 THE COURT: What you have done is you have inferred that
14 because of this interaction with Mr. Behiels --
15
16 DR. TIBU: That's right.
17
18 THE COURT: -- that he asked his friend --
19
20 DR. TIBU: And my family has been hurt as well.
21
22 THE COURT: All right.
23
24 And I understand the basis for you drawing your subjective inference --
25
26 DR. TIBU: Yeah.
27
28 THE COURT: -- but it does not amount to an objective basis
29 to believe that that was an additional communication by Mr. Behiels. Remember, the
30 friend is not charged with an offence, it is Mr. Behiels.
31
32 DR. TIBU: Okay.
33
34 THE COURT: So let us look at the last paragraph in
35 subsection (2)(d) -- yes, subsection (2), that is (d), "engaging in threatening conduct
36 directed at the other person or any member of their family."
37
38 So he has not contacted any members of your family, has he?
39
40 DR. TIBU: No. No.
41

1 THE COURT: Okay. So we are dealing with engaging in
2 threatening conduct directed at you. And other than the occurrence that took place, was
3 there any other interaction between him --

4

5 DR. TIBU: No.

6

7 THE COURT: -- and you?

8

9 Let me give you an example. Do you know what this section is designed to -- in legal
10 terms what we say, the mischief against which Parliament enacted this, what the bad stuff
11 is Parliament is getting at here? These are for those people who follow, for instance,
12 women around --

13

14 DR. TIBU: M-hm.

15

16 THE COURT: -- sit outside their house and are watching them
17 all the time, or phone them at their place of work or constantly text message them.
18 Sometimes there is subtle threatening behaviour and things. That is generally what this is
19 designed to cover. What you are talking about is direct action on Mr. Behiels' part, an
20 assault, a sexual assault, that type of thing.

21

22 DR. TIBU: Okay.

23

24 THE COURT: I am not satisfied we have the type of conduct
25 that is addressed, or you have an objective basis for a belief that this type of conduct is
26 taking place.

27

28 DR. TIBU: I understand.

29

30 THE COURT: So I cannot swear that.

31

32 DR. TIBU: Okay.

33

34 THE COURT: So -- all right. So what I am left with is this,
35 what you are saying is that on August the 3rd of 2013 --

36

37 DR. TIBU: Yes.

38

39 THE COURT: That is the right year, is it not?

40

41 DR. TIBU: Yes, that's right.

1
2 THE COURT: Yes.
3
4 DR. TIBU: Yes.
5
6 THE COURT: -- at or near Camrose, Alberta --
7
8 DR. TIBU: Yeah.
9
10 THE COURT: -- Mr. Behiels sexually assaulted you --
11
12 DR. TIBU: On -- on the range road, you know, on --
13
14 THE COURT: Yes.
15
16 DR. TIBU: -- the highway.
17
18 THE COURT: That is fine.
19
20 DR. TIBU: Yeah.
21
22 THE COURT: That is fine. The *Criminal Code* only requires
23 that there be the territorial --
24
25 DR. TIBU: Okay.
26
27 THE COURT: -- jurisdiction, not the exact location.
28
29 And, secondly, that on that same date, at the same place, he assaulted you. Okay?
30
31 (NO AUDIBLE RESPONSE)
32
33 THE COURT: All right. So I have that in relation to
34 Mr. Behiels.
35
36 DR. TIBU: So he --
37
38 THE COURT: Which one would you like to deal with next?
39
40 DR. TIBU: So, just my understanding, Behiels will be --
41 will be investigated for assault and sexual assault?

1
2 THE COURT: No. I will get to that at the end. This is a
3 complicated process.
4
5 DR. TIBU: Okay.
6
7 THE COURT: We are just going to deal with, frankly, what
8 my function is --
9
10 DR. TIBU: Okay.
11
12 THE COURT: -- here today, and then I will tell you what the
13 next step is going to be.
14
15 DR. TIBU: Okay.
16
17 THE COURT: Okay?
18
19 (OTHER MATTERS SPOKEN TO)
20
21 THE COURT: This is what we are left with at this particular
22 point. The first Information that we started with was Mr. Behiels, and you told me, and I
23 want you to correct me if I am wrong, that, generally speaking, when people lay
24 Informations --
25
26 DR. TIBU: M-hm.
27
28 THE COURT: -- it follows a particular wording, and you have
29 not done that here.
30
31 DR. TIBU: Okay.
32
33 THE COURT: All right. But what I am going to do is, this is
34 what the charge would sound like if it was correctly worded: On or about the 3rd day of
35 August, 2013, at or near Camrose, in the Province of Alberta, Mr. Behiels did commit a
36 sexual assault upon Simona Gabriela Tibu --
37
38 DR. TIBU: Yeah.
39
40 THE COURT: -- Tibu, contrary to section 271 of the *Criminal*
41 *Code of Canada*.

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And secondly: On or about the 3rd day of August, 2013, at or near Camrose, in the Province of Alberta, did assault Simona Gabriela Tibu and thereby cause bodily harm, contrary to section 266 of the *Criminal Code of Canada*.

Now, is the date and the place correct in that?

The date is --

It was --

-- August the 3rd, yeah.

-- August the 3rd. And it --

And the place is --

-- was near --

-- on the highway close to Camrose.

-- near Camrose. All right.

Yeah.

That is just an element that puts it within Alberta someplace.

I understand.

It does not have to --

Okay.

-- be the street and avenue or anything.

Okay. So I find that there -- you do have reasonable grounds to believe that those offences are going to be committed -- or have been committed.

The clerk is going to type that up in the proper form and then I am going to have you attend back in court here --

1
2 DR. TIBU: Yeah.
3
4 THE COURT: -- and we will swear that Information.
5
6 DR. TIBU: Thank you very much, Your Honour.
7
8 THE COURT: Okay. Now, that is just -- remember, I told you
9 this is a complicated process?
10
11 DR. TIBU: Okay.
12
13 THE COURT: My role in this is -- will be complete when that
14 is done.
15
16 Let me tell you what the next step is though so --
17
18 DR. TIBU: Okay.
19
20 THE COURT: -- so you are not confused about how the
21 process goes.
22
23 Now, if you turn to section 507.1 of the *Criminal Code*. That is on page 1043.
24
25 DR. TIBU: Yes.
26
27 THE COURT: Do you have that?
28
29 DR. TIBU: Yeah.
30
31 THE COURT: All right. That section says: "A justice" -
32 which includes me as a judge - "who receives an information laid under section 504" -
33 that is the one that I read to you a little bit earlier --
34
35 DR. TIBU: May I interrupt you. I still don't see it, which
36 section is?
37
38 THE COURT: It is 507.1 of the *Criminal Code*. It is on the
39 upper right-hand --
40
41 DR. TIBU: Oh, yes, I see it now.

- 1
- 2 THE COURT: You have --
- 3
- 4 DR. TIBU: Sorry.
- 5
- 6 THE COURT: -- that?
- 7
- 8 DR. TIBU: Yeah, m-hm.
- 9
- 10 THE COURT: So:
- 11
- 12 A justice who receives an information laid under section 504,
13 other than an information referred to in subsection 507(1) --
- 14
- 15 You do not have to worry about that because that deals with police officers laying
16 charges.
- 17
- 18 -- shall refer it to a provincial court judge or, in Quebec, a judge
19 of the Court of Quebec, or to a designated justice, to consider
20 whether to compel the appearance of the accused on the
21 information.
- 22
- 23 Now, in this -- so that you understand a judicial hierarchy.
- 24
- 25 DR. TIBU: Okay.
- 26
- 27 THE COURT: At the bottom of the judicial hierarchy are
28 justices of the peace, above them are judges of the Provincial Court - that is what I am --
- 29
- 30 DR. TIBU: Okay.
- 31
- 32 THE COURT: -- above me are justices of the Court of
33 Queen's Bench, that is a superior court of criminal jurisdiction, and above them is the
34 Court of Appeal of Alberta, and above that is the Supreme Court of Canada.
- 35
- 36 Now, this section refers to a justice, because I am above that person in the hierarchy, I
37 have the powers of a justice.
- 38
- 39 DR. TIBU: Okay.
- 40
- 41 THE COURT: All right? So, ordinarily, someone like me --

1 you would not be appearing, necessarily, in front of somebody like me. You might be
2 appearing in front of a justice but we --

3

4 DR. TIBU: M-hm.

5

6 THE COURT: -- do not have that luxury here, so you are
7 going to -- you have appeared before me.

8

9 I also have the jurisdiction to take the next step in this because it says you refer it to a
10 provincial court judge in order to consider whether to compel the appearance of the
11 accused on the Information. In other words, if a justice had heard this and decided there
12 were charges, as I have found here --

13

14 DR. TIBU: Yeah.

15

16 THE COURT: -- then he has to refer it to me or to a
17 provincial --

18

19 DR. TIBU: Okay.

20

21 THE COURT: -- court judge, and that that person has to
22 decide whether there is -- whether or not the accused, Mr. Behiels, should even have to
23 answer to the charge.

24

25 DR. TIBU: Okay.

26

27 THE COURT: All right. Sometimes your Information is sworn
28 because you have reasonable grounds to believe --

29

30 DR. TIBU: That's right.

31

32 THE COURT: -- but a judge says I am not going to compel
33 this person to come to court, it is over.

34

35 DR. TIBU: M-hm.

36

37 THE COURT: And a judge has the discretion to do that.
38 But -- and if you go down to subsection (3), it says:

39

40 The judge or designated justice may issue a summons or warrant
41 only if he or she

1
2 (a) has heard and considered the allegations of the
3 informant and the evidence of the witnesses;
4

5 (b) is satisfied that the Attorney General has received a
6 copy of the information;
7

8 And that is what these are.
9

10 DR. TIBU: Okay.

11
12 THE COURT: Well, of course, he has not because it has not
13 even been sworn yet.
14

15 DR. TIBU: Yeah.

16
17 THE COURT: All right.
18

19 And:
20

21 (c) is satisfied that the Attorney General has received
22 reasonable notice of the hearing under paragraph (a);
23

24 All right. That is --
25

26 DR. TIBU: Yeah.
27

28 THE COURT: -- whether or not Mr. Behiels is going to be
29 summoned to come to court to answer to the charge, and
30

31 (d) has given the Attorney General an opportunity to attend
32 the hearing under paragraph (a) and to cross-examine and
33 call witnesses and to present any relevant evidence at the
34 hearing.
35

36 It is a bit wordy. What it means is before the next step can be taken, the Crown
37 prosecutor, not Mr. Taylor, it will be somebody else --
38

39 DR. TIBU: Yeah.
40

41 THE COURT: -- but somebody -- a lawyer acting for the

1 Attorney General, has to get a copy of the charges and a hearing has to be set where the
2 Attorney General can appear and call witnesses and hear all of the evidence that you have
3 given at this hearing and then, like you would be asking the judge to issue a summons,
4 the Attorney General's representative would likely be saying do not issue a summons.
5

6 DR. TIBU: M-hm.

7
8 THE COURT: So there will be a contest there and the
9 presiding judge is going to have to resolve that contest. Okay? What that means is, you
10 are going to have come back to court again.
11

12 DR. TIBU: That's -- that's okay with me, yeah.
13

14 THE COURT: Okay. Well, we do not like to inconvenience
15 people if we do not have to, but this is a mandatory procedural requirement --
16

17 DR. TIBU: Yes.
18

19 THE COURT: -- there is no option --
20

21 DR. TIBU: Yeah.
22

23 THE COURT: -- you have to go that way.
24

25 So what is going to happen now is, as I said, the clerk is going to type up the charges,
26 you are going to come back into court and --
27

28 DR. TIBU: Sign.
29

30 THE COURT: -- it will be sworn --
31

32 DR. TIBU: Yeah.
33

34 THE COURT: -- then the clerk's office will be sending a copy
35 of those charges to the Attorney General --
36

37 DR. TIBU: Okay.
38

39 THE COURT: -- and a date will be set to have this hearing.
40

41 DR. TIBU: Okay.

1
2 THE COURT: Okay. You are going to be required to ensure
3 that the clerk's office knows your phone number --
4
5 DR. TIBU: M-hm.
6
7 THE COURT: -- and your correct address so --
8
9 DR. TIBU: Yeah.
10
11 THE COURT: -- they can make sure you are notified when
12 that hearing is going to be because you have --
13
14 DR. TIBU: Yeah.
15
16 THE COURT: -- you are the one who is asking for the
17 summons.
18
19 DR. TIBU: Yeah.
20
21 THE COURT: Okay?
22
23 DR. TIBU: Yeah.
24
25 THE COURT: I know we discussed this at the beginning, and
26 you have exercised your right to appear on your be -- your own behalf. These are
27 complicated things and I would encourage you - there is a booklet and I am going to get
28 the clerks to give you this booklet --
29
30 DR. TIBU: M-hm.
31
32 THE COURT: -- it is called "Instructions for Self-Represented
33 Litigants" --
34
35 DR. TIBU: M-hm.
36
37 THE COURT: -- and it gives you some information, including
38 some numbers where you can get free legal advice to help you with things like this.
39
40 DR. TIBU: Okay.
41

1 THE COURT: All right.
2
3 If you elect not to do so, that is your right.
4
5 DR. TIBU: No, I would like to have information but I'm --
6 I'm still on my position on -- of representing myself.
7
8 THE COURT: All right. And, again, it is not my position to
9 tell you --
10
11 DR. TIBU: I understand.
12
13 THE COURT: -- what to do, but I --
14
15 DR. TIBU: I will take legal advices and I will look in your
16 recommendations. I am going to come, though, by myself. I won't hire a lawyer to come
17 with me.
18
19 THE COURT: And that is fine.
20
21 DR. TIBU: Yeah.
22
23 THE COURT: That is your right to do that.
24
25 DR. TIBU: Yeah.
26
27 THE COURT: I just want to make sure that you know these
28 are not simple things.
29
30 DR. TIBU: Okay.
31
32 THE COURT: This type of thing is complicated even for
33 lawyers.
34
35 DR. TIBU: Okay.
36
37 THE COURT: In any event, I am going to leave it at that, we
38 will adjourn briefly, the clerk will go and type up the charges --
39
40 DR. TIBU: Yeah.
41

1 THE COURT: -- then you will come back in court and I will
2 get you to come up on the witness stand here and we will swear the Information.
3
4 DR. TIBU: Thank you --
5
6 THE COURT: Okay.
7
8 DR. TIBU: -- very much, Your Honour.
9
10 THE COURT: All right.
11
12 Oh, madam clerk, would you mark these as Exhibit A - For Identification on this hearing,
13 please.
14
15 What I am going to do to make sure that whoever hears the next matter, it may be me, I
16 am not sure --
17
18 DR. TIBU: Okay.
19
20 THE COURT: -- but whoever hears it knows what the
21 documents were we were referring to, so she is going to mark that as an exhibit. Okay?
22
23 **EXHIBIT A - FOR IDENTIFICATION - Information of Dr. Simona Gabriela Tibu of**
24 **Camrose, Alberta, Collectively (11 Pages)**
25
26 THE COURT CLERK: And, Your Honour, those photos were to go
27 back to the accused --
28
29 THE COURT: I am sorry?
30
31 THE COURT CLERK: -- or the complainant? The -- those photos --
32
33 THE COURT: Yes?
34
35 THE COURT CLERK: -- go back to --
36
37 THE COURT: Oh, yes, return them to her.
38
39 You make sure you get those photos. You may need them for your trial or something.
40
41 DR. TIBU: Oh, I have them as well. If you need them I

1 can leave them because I have --

2

3 THE COURT: No, you --

4

5 DR. TIBU: Okay.

6

7 THE COURT: -- you keep copies of those. At the next --
8 make sure to bring all of that information to the next hearing --

9

10 DR. TIBU: I will.

11

12 THE COURT: -- too.

13

14 DR. TIBU: Yeah.

15

16 THE COURT: Okay?

17

18 DR. TIBU: Thank you.

19

20 THE COURT: All right. We will just be a few minutes.

21

22 (ADJOURNMENT)

23

24 THE COURT: Please be seated.

25

26 Now, Ms. Tibu --

27

28 DR. TIBU: Yeah.

29

30 THE COURT: -- could I have you come forward here, just up
31 beside me in the witness stand here.

32

33 Just up here.

34

35 That is what is -- that is the new Information. You can read through those if you want.
36 (INDISCERNIBLE) it says that you - you are called the informant for the purpose of
37 these charges --

38

39 DR. TIBU: Okay.

40

41 THE COURT: -- have reasonable grounds to believe, and do

1 believe --

2

3 DR. TIBU: Yes.

4

5 THE COURT: -- that Oscar Rob Behiels committed these
6 offences.

7

8 DR. TIBU: That's right, yeah.

9

10 THE COURT: So read through those offences carefully and
11 make sure you are satisfied that that is correct.

12

13 DR. TIBU: Okay.

14

15 Yeah, that's correct, yeah.

16

17 THE COURT: Is that correct?

18

19 All right. Take the Bible in your right hand.

20

21 Do you swear that the contents of this your Information are true, so help you God?

22

23 DR. TIBU: Yes, I do.

24

25 THE COURT: All right. What I will do is I will get you to
26 sign here where it says "Signature of Informant."

27

28 Your signature is even shorter than mine.

29

30 DR. TIBU: I think (INDISCERNIBLE)

31

32 THE COURT: Well, remember this is just the first step --

33

34 DR. TIBU: I understand.

35

36 THE COURT: -- in a long process. I will tell you a little bit
37 more than about that --

38

39 DR. TIBU: Thank you.

40

41 THE COURT: -- before you go today.

1

2 Okay. You can go back to the table now.

3

4 Madam clerk, here is the sworn Information.

5

6 THE COURT CLERK: Thank you, Your Honour.

7

8 THE COURT: Okay. Now, what is going to happen at this
9 point --

10

11 DR. TIBU: M-hm.

12

13 THE COURT: -- is that the clerk's office is going to set a date
14 for the return of this. It will be, I think, six weeks from today's date, or approximately
15 that much. Make sure that you get a date that you are available.

16

17 DR. TIBU: Yeah.

18

19 THE COURT: That date you will not have a hearing, it is just
20 for the purpose --

21

22 DR. TIBU: Okay.

23

24 THE COURT: -- of setting the hearing date.

25

26 DR. TIBU: Okay.

27

28 THE COURT: Okay? And that will be probably a half day,
29 more or less like what we had today.

30

31 DR. TIBU: Okay.

32

33 THE COURT: All right. It will be a different judge.

34

35 You will show that I am disqualified from this, madam clerk.

36

37 There will be a different judge presiding on that date --

38

39 DR. TIBU: Okay.

40

41 THE COURT: -- and that judge's function is to determine

1 whether or not Mr. Behiels should be summoned to court to answer to the charge.

2

3 DR. TIBU: M-hm.

4

5 THE COURT: Okay?

6

7 DR. TIBU: Yeah.

8

9 THE COURT: All right. And as I mentioned to you, a copy
10 of that Information is going to be sent to the Attorney General and then they will prepare
11 for the hearing.

12

13 When you get the date for hearing, that will probably be two or three months hence. It
14 could be longer than that.

15

16 DR. TIBU: Yeah.

17

18 THE COURT: Make sure you fully prepare for that so that you
19 are in a position to be able to satisfy the judge that Mr. Behiels should be summoned to
20 attend court. So all of those materials you very wisely brought to court today, make sure
21 you do so on the next occasion as well.

22

23 DR. TIBU: Okay.

24

25 THE COURT: Okay?

26

27 DR. TIBU: Also I have witnesses.

28

29 THE COURT: I am sorry?

30

31 DR. TIBU: I also have witnesses. And I -- I just found
32 another witness that -- that comes for a while to help me, that saw and heard many things.

33

34 THE COURT: All right. Make sure you bring that witness.
35 Not to the first date because it is only --

36

37 DR. TIBU: Okay.

38

39 THE COURT: -- setting the hearing date, but once the hearing
40 date is set --

41

1 DR. TIBU: Okay.
2
3 THE COURT: -- after your next appearance, make sure all of
4 the witnesses come.
5
6 And you know that booklet that I gave you --
7
8 THE COURT CLERK: It is actually right there.
9
10 THE COURT: Or this booklet here?
11
12 DR. TIBU: Thank you.
13
14 THE COURT CLERK: (INDISCERNIBLE)
15
16 THE COURT: Inside that booklet --
17
18 DR. TIBU: Yeah.
19
20 THE COURT: -- you will find information on how to make
21 sure your witnesses are required to attend court.
22
23 DR. TIBU: Okay.
24
25 THE COURT: Okay? It will give you the information there
26 and you can liaise with the clerk's office.
27
28 DR. TIBU: Okay.
29
30 THE COURT: Okay?
31
32 DR. TIBU: Thank you.
33
34 THE COURT CLERK: Your Honour, would be easier just to set the
35 date in here, just --
36
37 THE COURT: Certainly.
38
39 THE COURT CLERK: -- (INDISCERNIBLE)
40
41 THE COURT: Do you have a date?

1
2 THE COURT CLERK: Just -- I believe just any Tuesday and Thursday
3 about six weeks down the road would be good.
4
5 DR. TIBU: Yeah.
6
7 THE COURT: Let us take a look. Today is the --
8
9 THE COURT CLERK: 30th.
10
11 THE COURT: -- 6th of -- sorry.
12
13 THE COURT CLERK: That would bring us to around March 13th,
14 would be the Thursday about 6 weeks from now.
15
16 THE COURT: Is that convenient to you?
17
18 DR. TIBU: Yeah, it's good, yeah.
19
20 THE COURT: All right. This is going to be heard then on
21 March the 13th --
22
23 DR. TIBU: Okay.
24
25 THE COURT: -- and that is in the morning, is it not, madam
26 clerk?
27
28 THE COURT CLERK: Yes.
29
30 DR. TIBU: Can I have a pen, please.
31
32 THE COURT: -- at 9:30 AM.
33
34 DR. TIBU: So March 13th?
35
36 THE COURT: March 13 --
37
38 DR. TIBU: M-hm.
39
40 THE COURT: -- at 9:30 AM.
41

1 And will that be in this courtroom or 102?

2

3 THE COURT CLERK: 102.

4

5 THE COURT: 102. That is the big courtroom right next door.

6

7 DR. TIBU: Okay.

8

9 THE COURT: Okay?

10

11 DR. TIBU: Yeah.

12

13 THE COURT: All right. You can close court, madam clerk.

14

15 DR. TIBU: Thank you very much.

16

17 _____

18 PROCEEDINGS ADJOURNED UNTIL 9:30 AM, MARCH 13, 2014

19 _____

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41

1 Certificate of Record

2

3 I, Michelle Frank, certify that this recording is the record made of the evidence in the
4 proceeding in Provincial Court, held in courtroom 102, at Wetaskiwin, Alberta, on the
5 30th day of January, 2014, and that my Michelle -- that myself and Michelle Reeves were
6 the court officials in charge of the sound-recording machine during the proceedings.

7

8 B.D. Rosborough was the judge during the proceedings.

9

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1 Certificate of Transcript

2

3 I, Pam Simmons, certify

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the
6 best of my skill and ability and the foregoing pages are a complete and accurate transcript
7 of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record
10 and is transcribed in this transcript.

11

12

13

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14

Pam Simmons, Transcriber

15

Order No. 1488-14-1

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35 Pages: 88

36 Lines: 3724

37 Characters: 88900

38

39 File Locator: e2b068d08d9d11e3b3330017a4770810

40 Digital Fingerprint: 9a49b4a94b0a7aad9fa605a54ff8691fc8b2ca0e61018afb6808ca6f21e5331e

41

Detailed Transcript Statistics	
Order No. 1488-14-1	
Page Statistics	
Title Pages:	1
ToC Pages:	1
Transcript Pages:	86
Total Pages:	88
Line Statistics	
Title Page Lines:	52
ToC Lines:	5
Transcript Lines:	3667
Total Lines:	3724
Visible Character Count Statistics	
Title Page Characters:	511
ToC Characters:	183
Transcript Characters:	88206
Total Billable Characters:	88900
Multi-Take Adjustment: (-) Duplicated Title Page Characters	88389