

26 April 2017

Any Mayer
Victor Ages Vallance LLP
112 Lisgar Street
Ottawa, Ontario
K2P 0C2

VIA EMAIL

Dear Ms. Mayer:

RE: Ross v. Holmes – Parenting Schedule

I refer to your correspondence dated April 24, 2017.

It is clear that your client is not providing you an accurate state of affairs. First, the “medication mix up” your client refers to was actually your client being involved in a car accident while driving to pick up the children when he was impaired by both alcohol and a drug. Further, your client failed to stop and fled the scene. Additionally, your client refused to cooperate with the police and refused to comply with their requests without reasonable excuse.

Still further, your client is facing criminal court proceedings related to the incident. Neither the police nor the prosecutors are treating this as a “medication mix up” as your client alleges. The consequences of your client’s actions could have been much worse had the accident happened after your client picked up the children while driving under the influence of both alcohol and a drug. I am forwarding your client’s Information Sheet which shows all of the above.

As previously noted, I understand your client was also involved in a car accident in November 2016. Our prior requests for a copy of the police reports and accident reports related to both incidents remain unanswered. I also note that your client has refused to sign the release/authorization allowing the Children’s Aid Society to provide information directly to both counsel.

Secondly, my client has not been withholding the children during your client’s parenting time without any justification as he alleges. As previously noted, your client appeared drunk and, given your client’s recent history with alcohol and drugs and vehicular accidents, my client was concerned about the children’s safety. My client requested your client to undertake to refrain from the use and consumption

of non-medically prescribed drugs or alcohol during any parenting period and for the period of 24 hours preceding any parenting period. He refused.

You should also be aware that members of Mr. Ross's family have contacted Ms. Holmes stating that they have concerns about Mr. Ross's well being and mental health. Further they have advised that his family is attempting to convince him to go to a treatment centre for his alcohol abuse.

On April 22nd, Mr. Ross showed up to pick up the children at my client's home. My client unequivocally smelled alcohol on his breath and he was slurring his speech. The incident was immediately reported to the Society. He does not have the authority to place the children at risk citing the parenting schedule. My client was not prepared to knowingly allow the children in Mr. Ross's care while he was clearly intoxicated. In case you were not aware, my client has continued to encourage and facilitate the relationship between Mr. Ross and the children by dropping them off and picking them up from his home. Given all of the above, my client is not willing to place the children in a potentially dangerous situation when Mr. Ross appears for his parenting time while he is drunk.

Therefore, kindly have your client provide the following information all of which are relevant to the issues at hand.

1. A copy of the police report and accident report from your client's accident on or about March 1, 2017;
2. A copy of the police report and accident report from your client's accident in or about November 2016;
3. A copy of the bills and work orders, including any photographs, related to the car body repairs as a result of each of the above-noted accidents of November 2016 and March 2017;
4. The Signed Disclosure Release Form allowing the Children's Aid Society to liaise with and provide information to both counsel.

Ms. Holmes has informed me that your client is currently on medical leave from his employment at Algonquin College. Kindly provide me with all details and supporting documents related to the medical leave including the reason for the leave and the expected duration.

My client has a right to know the status of your client's mental ability to care for the children and she has the right to know if there are any alcohol abuse or substance abuse issues which affect the safety of the children. Clearly, my client cannot rely on your client's version of events. If your client is not forthcoming with the above, I will be seeking instructions to obtain a disclosure Order.

Based on your client's recent conduct, at this time, Ms. Holmes is seeking a change in the access schedule so she may remain the primary caregiver of the children. Please rest assured that it is not my client's intention to frustrate access but she is concerned about the safety and well-being of the children. As such, my client suggests that Mr. Ross has access supervised by a mutually agreed member of his family. Ms. Holmes would propose Mr. Ross's step father, Tod and his wife Cindy.

Kindly have your office contact me so that I may obtain your availability to book a Case Conference. Should you choose to proceed with an urgent motion before the Case Conference, I will raise all the issues outlined above, among others, as well as seek full indemnity of costs.

I look forward to receiving your disclosure.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alison Boyce', with a stylized flourish at the end.

Alison Boyce

CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO
EAST/DE L'EST

(Region / Région)

Information of

Dénonciation de :

of OTTAWA POLICE SERVICE

de

CONSTABLE

(occupation / profession)

The informant says that he/she believes on reasonable grounds that
Le dénonciateur déclare qu'il a des motifs raisonnables de croire que

17-S8998

(1) ROSS, Darryl J, M DOB: 05 Feb. 1979
768 MAYFLY CRES, OTTAWA, ON K2J0E3

COUNT 1

Darryl J, M ROSS

on or about the 1st day of March in the year 2017 at the City of Ottawa in the East/De L'Est Region did, having the care, charge or control of a vehicle on 120 Riocan Drive that was involved in an accident with a vehicle, and with intent to escape civil or criminal liability, fail to stop the vehicle and give his name and address, contrary to Section 252, subsection (1.1) of the Criminal Code of Canada.

COUNT 2 AND FURTHER THAT

Darryl J, M ROSS

on or about the 1st day of March in the year 2017 at the City of Ottawa in the East/De L'Est Region did, while his ability to operate a motor vehicle was impaired by alcohol and a drug, operate a motor vehicle and thereby commit an offence under Section 253, subsection (1), clause (a) of the Criminal Code, contrary to Section 255, subsection (1) of the Criminal Code of Canada.

COUNT 3 AND FURTHER THAT

Darryl J, M ROSS

on or about the 1st day of March in the year 2017 at the City of Ottawa in the East/De L'Est Region did, without reasonable excuse, refuse to comply with a demand made to him by an evaluating officer to provide urine to enable a proper analysis to be made to determine if a drug was in his body and thereby commit an offence under Section 254, subsection (5) of the Criminal Code, contrary to Section 255, subsection (1) of the Criminal Code of Canada.

Generated Date: March 14, 2017 09:03 AM

(Long Form - One or More Accused. / Formule Intégrale - Un ou plusieurs acc.)

CCO-2-000-4 (rev. 09/13) CSD

- ☐ Language Notification Issued / *Langue de notification*
☐ Interpreter / *Interprète*

**APPEARANCES – ADJOURNMENTS
COMPARUTIONS – AJOURNEMENTS**

Page "A"

Date Date	Accused Accusé(e)	Adjournment Ajournement	Parties Consent Consentement des parties	Appearance Details Détails de la comparution	Reason for Adjournment Raison de l'ajournement	Counsel as Agent Avocat(e) mandataire	Fails to Appear Omet de comparaître	Bench Warrant Mandat du tribunal	Discretion Discretion	Certificate of Default Certificat de défaut
MAR 23 2017	ROSS	APR 13 / 17	✓	8305 ST 1P	ALP	Ⓚ	✓			

Date Date	Clerk Greffier	Reporter Sténographe	For Crown Pour la Couronne	For Accused Pour l'accusé(e)	Justice's Initials Initiales du juge
MAR 23 2017	S. DAWAY / A. S. HEND	S. CAMPBELL	TALLIN	N/P W. MURRAY / RAC	KB

Accused / Accusé(e) _____ Notice Given Under H.T.A. ☐ Suspension ☐ Impoundment
Avis en vertu du Code de la route *Suspension* *Mise en fourrière*

Accused / Accusé(e): _____
515(9.1) Detained in custody primarily because of a previous conviction Yes ☐ No ☐ Date: _____
Détention sous garde fondée principalement sur une condamnation antérieure *Oui* *Non* *Date :* _____

Confirmed and initialled by the Judge/Justice of the Peace in the appropriate box above /
Confirmer et parapher par un(e) juge/juge de paix dans la case appropriée ci-haut

At the Bail Review dated: _____, 515(9.1) was ☐ confirmed ☐ rescinded ☐ made (see application)
Au moment de la révision du cautionnement, le : _____, 515 (9.1) a été *confirmé* *révoqué* *exécuté (voir la requête)*

Accused / Accusé(e): _____
515(9.1) Detained in custody primarily because of a previous conviction Yes ☐ No ☐ Date: _____
Détention sous garde fondée principalement sur une condamnation antérieure *Oui* *Non* *Date :* _____

Confirmed and initialled by the Judge/Justice of the Peace in the appropriate box above /
Confirmer et parapher par un(e) juge/juge de paix dans la case appropriée ci-haut

At the Bail Review dated: _____, 515(9.1) was ☐ confirmed ☐ rescinded ☐ made (see application)
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Accused / Accusé(e): _____
515(9.1) Detained in custody primarily because of a previous conviction Yes ☐ No ☐ Date: _____
Détention sous garde fondée principalement sur une condamnation antérieure *Oui* *Non* *Date :* _____

Confirmed and initialled by the Judge/Justice of the Peace in the appropriate box above /
Confirmer et parapher par un(e) juge/juge de paix dans la case appropriée ci-haut

At the Bail Review dated: _____, 515(9.1) was ☐ confirmed ☐ rescinded ☐ made (see application)
Au moment de la révision du cautionnement, le : _____, 515 (9.1) a été *confirmé* *révoqué* *exécuté (voir la requête)*

79-81

**DESIGNATION AND ACKNOWLEDGMENT
OF COUNSEL OF RECORD**
(Pursuant to section 650.01 of the Criminal Code)

DESIGNATION

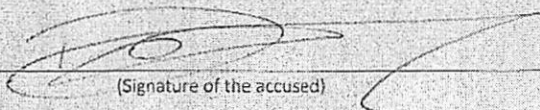
I, Darryl Ross hereby known as the accused in the matter of

R. v. Ross before the Ontario Court of Justice at Ottawa, Ontario designate

Will Murray
Barrister & Solicitor
1-224 Cooper Street
Ottawa, Ontario
K2P 0G4

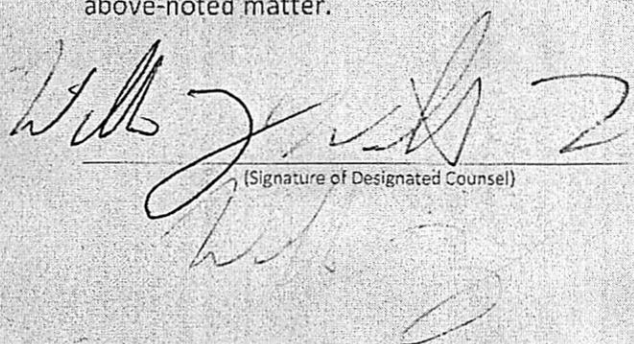
Office (613) 695-3005
Cell (613) 867-2992
Fax (613) 691-1240
Email Will@WillMurray.com

to represent me for any proceedings under the Criminal code in relation to this offence(s).

 , dated MAR 21 / 17
(Signature of the accused)

ACKNOWLEDGMENT

I, Will Murray, acknowledge the accused's designation of me as counsel of record for the above-noted matter.

 , dated March 23, 2017
(Signature of Designated Counsel)

Informant / Dénonciateur

Mackey

Justice of the Peace / Juge de paix

for 23 Mar., 20 17
pour le (day, month / jour, mois)

☐ Cancelled - Police to notify defendant
Annulé(e) – La police informera la partie défenderesse

☐ Cancelled - Warrant issued
Annulé(e) – Mandat délivré

☐ Cancelled - Summons
Annulé(e) – Sommotion

☒ Confirmed on 15th MARCH, 20 17
Confirmé(e), le (day, month / jour, mois)

Justice of the Peace / Juge de paix

Date Date	Crown Elects to Proceed Choix de la Couronne	<input type="checkbox"/> Summarily Procédure sommaire	<input type="checkbox"/> By Indictment Acte d'accusation	<input type="checkbox"/> Summary Conviction Offence(s) Infraction(s) punissable(s) sur déclaration de culpabilité par procédure sommaire	<input type="checkbox"/> Indictable Offence(s) Infraction(s) punissable(s) par mise en accusation
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[illegible]

☐ Victim Surcharge \$ _____ Time to Pay _____
Suramende compensatoire \$ *Délai de paiement* _____ Judge / Juge _____

77-01
No. of Information / N° de la dénonciation
17-S8998
Return Date / Date à laquelle le document est rapporté
MAY 23/17, 20

INFORMATION Against / DÉNONCIATION visant
ROSS, Darryl J, M

Address / Adresse

768 MAYFLY CRES
OTTAWA, ON K2J0E3

CHARGE / ACCUSATION

LEAVE ACCIDENT SCENE/VEHICLE/FAIL TO GIVE NAME
IMPAIRED OPERATION/MOTOR VEHICLE/DRUG
FAIL TO PROVIDE ORAL FLUID OR URINE/EVALUATING OFFICER DEMAN

Occ#: 17-48572

FOR ADMINISTRATIVE PURPOSES ONLY À DES FINS ADMINISTRATIVES SEULEMENT									
<input type="checkbox"/> Summons Somation	<input type="checkbox"/> Show Cause Audience de justification	<input type="checkbox"/> Warrant 1 st Mandat en 1 ^{re} instance	<input type="checkbox"/> Re-laid Information Dénonciation déposée de nouveau						
<input type="checkbox"/> Reportable M.V. Offence (H.T.A. 199) Infraction V.M. à déclarer (Code de la route 199)		C.V.O.R. No (Commercial Vehicles Only) Numéro C.E.C.V.U. (véhicules utilitaires seulement)							
Sex Sexe	Birth Date / Date de naissance Day / Jour Month / Mois Year / Année			Was defendant owner? La partie défenderesse était-elle propriétaire?					
M	05	02	1979	<input type="checkbox"/> Yes / Oui <input checked="" type="checkbox"/> No / Non					
Driver's License Number / Numéro du permis de conduire									
R 6 7 2 6 1 5 6 5 7 9 0 2 0 5									
Plate No. / Numéro de plaque BTWE413				<input type="checkbox"/> Involves a Collision Infraction reliée à un accident					
Informant Dénonciateur <u>Heather Santon</u> LORRAINE WILSON									
Date Sworn Date d'assermentation MAR. 15th, 2017									
Officer / Agent de police BROWNRIGG, JOSE				No. / N° 1569					
Div.				Dist.					
Courtroom / Salle d'audience Room: 5									
At / À(Au) ONTARIO COURT OF JUSTICE 161 ELGIN STREET, OTTAWA, ONTARIO									

No. of Information / N° de la dénonciation
Return Date / Date à laquelle le document est rapporté
, 20

INFORMATION Against / DÉNONCIATION visant

Address / Adresse

CHARGE / ACCUSATION
Advised of section 530 rights ☒

FR ☐ ENG ☒ Interp. ☐

FOR ADMINISTRATIVE PURPOSES ONLY À DES FINS ADMINISTRATIVES SEULEMENT									
<input type="checkbox"/> Summons Somation	<input type="checkbox"/> Show Cause Audience de justification	<input type="checkbox"/> Warrant 1 st Mandat en 1 ^{re} instance	<input type="checkbox"/> Re-laid Information Dénonciation déposée de nouveau						
<input type="checkbox"/> Reportable M.V. Offence (H.T.A. 199) Infraction V.M. à déclarer (Code de la route 199)		C.V.O.R. No (Commercial Vehicles Only) Numéro C.E.C.V.U. (véhicules utilitaires seulement)							
Sex Sexe	Birth Date / Date de naissance Day / Jour Month / Mois Year / Année			Was defendant owner? La partie défenderesse était-elle propriétaire?					
				<input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non					
Driver's License Number / Numéro du permis de conduire									
Plate No. / Numéro de plaque									
<input type="checkbox"/> Involves a Collision Infraction reliée à un accident									
Informant Dénonciateur									
Date Sworn Date d'assermentation									
Officer / Agent de police				No. / N°					
Div.				Dist.					
Courtroom / Salle d'audience									
At / À(Au)									

No. of Information / N° de la dénonciation
Return Date / Date à laquelle le document est rapporté
, 20

INFORMATION Against / DÉNONCIATION visant

Address / Adresse

CHARGE / ACCUSATION

FOR ADMINISTRATIVE PURPOSES ONLY À DES FINS ADMINISTRATIVES SEULEMENT									
<input type="checkbox"/> Summons Somation	<input type="checkbox"/> Show Cause Audience de justification	<input type="checkbox"/> Warrant 1 st Mandat en 1 ^{re} instance	<input type="checkbox"/> Re-laid Information Dénonciation déposée de nouveau						
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				<input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non					
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Plate No. / Numéro de plaque									
<input type="checkbox"/> Involves a Collision Infraction reliée à un accident									
Informant Dénonciateur									
Date Sworn Date d'assermentation									
Officer / Agent de police				No. / N°					
Div.				Dist.					
Courtroom / Salle d'audience									
At / À(Au)									