

## Sorry, Mr. Barrett

Aug. 28, 2008

By Gary McHale

MPP Toby Barrett did a press release today regarding our recent news story that he was being threatened and intimidated by Commissioner Fantino. Mr. Barrett has confirmed that Commissioner Fantino has tried to intimidate him.

Mr. Barrett also stated in this press release that he believes I tried to intimidate him by subpoenaing him for my Bail Review hearing back on Dec. 24, 2007. I am personally surprised to hear this since Mr. Barrett has never shared this with me.

A subpoena is commonly used for almost everything in court. In fact, I am receiving three subpoenas from the Crown regarding three separate trials for the people who assaulted me on Dec. 1, 2007. As the victim of these crimes I have a vested interest in showing up to court and testifying, but the Crown followed their standard procedures and issued subpoenas to me to make sure that I do in fact show up.

Now if I fail to show up it is a criminal offence, but at no time did I believe the Crown was trying to intimidate me by issuing subpoenas. Mr. Parkinson has received two subpoenas from the Crown and so will many others. I have never heard of anyone thinking a subpoena was intimidation and I doubt the Crown in Cayuga is issuing these to intimidate us.

On Dec. 24, 2007 I had a Bail Review regarding my travel restrictions that the OPP placed on me. I subpoenaed Mayor Trainer, MPP Toby Barrett, a Hamilton Police Officer and OPP Inspector McLean. It is standard procedure to issue subpoenas and in fact provides complete freedom to the person being subpoenaed.

For example, the Hamilton Police Officer was suddenly free to speak his mind without fear that Fantino would try to get Hamilton Police Services to have him fired. What choice did the Hamilton Officer have but to tell the truth as required by law? Therefore, no one could hold him accountable for showing up in court to speak the truth – the subpoena forced him and thus freed him to speak his mind.

This is equally true of Mayor Trainer. No one in Haldimand County could complain to her about appearing in court and testifying, because she was subpoenaed and forced to appear. Therefore, she was completely free to speak the truth in open court without the whiners and complainers trying to pressure her into silence – she had to speak because she was forced to speak.

I have an OPP officer telling me he wants me to subpoena him so he can will be free to speak. His superiors can do little about it other than try to have the subpoena lifted. Once in court this officer is free to speak the truth, in fact, he is required to by law. If an officer is asked what he thinks about something then he is free to give his personal opinion regardless what OPP policies are. There are many OPP officers willing to tell the truth and a subpoena gives them complete cover to speak their minds.

Mr. Barrett, as an MPP, has many people pressuring him and as such a subpoena frees him up from being accountable to anyone for appearing in court because he was forced to. Fantino and McGuinty cannot bad mouth him for doing it because the Law forced him to be there. In fact, the subpoena provided Mr. Barrett the perfect answer to anyone who questioned him on this. He could proudly say he didn't want to do it, but he was not about to break the law.

OPP Inspector McLean was also subpoenaed to appear in court on Dec. 24, 2007 but he refused to appear. Judge Marshall rebuked McLean during a Judicial Review to get the courts to address why McLean refused to appear. Mr. McLean chose to disobey a subpoena, whereas Mr. Barrett demonstrated due respect for the court by appearing, thereby showing that unlike the OPP Mr. Barrett believes in the law.

So you see, a subpoena is standard practice throughout the court system – even the victims of crime are subpoenaed. Anyone in a sensitive position is suddenly free to speak openly due to a subpoena because they are speaking as forced by the subpoena.

It is unfortunate Mr. Barrett did not see my logic that a subpoena gives him freedom to speak the truth without any cost to him. As an MPP he is free to stand up at Queen's Park and can say anything he wants without risk of lawsuits, etc. The same is true about a subpoena... you are free to speak your mind in court because the law requires you to show up and tell the truth.

I would like to apologize to Mr. Barrett for any misunderstand about why he was subpoenaed and that subpoenas are commonplace. As the MPP for the area, like Mayor Trainer, he is the elected official and his point of view of the OPP is important to the public and to the court. His voice, not Gary McHale's, is what is important and I believed I was giving him the opportunity to speak freely because he was forced by a subpoena.

Sorry for the misunderstanding and I wish you would have called me earlier because we could have cleared this up.

CANACE has worked hard to be advocates for the people and will continue to expose the lies and failings of the McGuinty Government. As such, we have done the PC Party a great service by continuing this battle. In the end, we share the same beliefs in the restoration of Law and Order and ending Two Tier Justice by re-establishing One Law for All in Ontario.

On that we can unite.

Gary McHale