

Feb 6, 2014.

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Dear Minister Gerretsen

**RE: Fixing of transcripts and the obstruction of Justice by Mr. Justice R. Selkirk and court reporter(s) at the Pembroke, Ontario family court**

As a justice minded Canadian, I am seeking your intervention in what I verily believe was the obstruction of justice by a judge and at least one court reporter in my family court case involving the “fixing” of the official court transcripts and also the “fixing” of the official audio recording from the court. In my family court case both the written transcript and the official audio recording have been altered and fraudulently given to me as being an accurate record of the court proceedings.

**My experience with fixed transcripts in my family law matter**

On August 26, 2013 I attend the Ontario Court of Justice (Family Court) in Pembroke, Ontario and appeared before the Honourable Mr. Justice R. Selkirk. My court file is 00-0108. There was a short comment made by the judge during arguments which demonstrated judicial bias. As a justice minded Canadian, what the judge said disgusted and angered me. While not a significant factor in my overall matter, what the judge said was simply very wrong and an indication of his bias and lack of professionalism.

After the court I told the Crown Attorney that I wanted a copy of the transcripts as I wanted a copy of what the judge said in court. Clearly everyone knew why I wanted the transcript of my court hearing. While it took an unusual period of time to obtain the written transcript, I finally did obtain them from the Crown Attorney on January 7, 2014.

Upon review of the official court transcript I noticed immediately that the comment made by the judge which I wanted to confirm was not in the transcript. I immediately knew that something was wrong with the official transcript.

After receiving the fraudulent transcript I learned from a friend that a copy of the audio recording of the court could be obtained for a fee so a few days later, on or about January 10, 2014, I ordered the audio recording of the court proceeding. I just wanted to get to the truth. I ordered the audio recording believing that the audio recording would reveal the judge’s comment which was missing in the written transcript.

On or about January 15, 2014 I received a copy of the official court audio recording only to find that the judge's comment was removed from the audio recording as well. Upon listening to the recording very closely I could almost detect where the judges comment had been recorded over. However, both the audio recording and the written transcript reflected the same error.

I know what I heard in court that day. One witness who was present with me that day in court also knows what was said and is willing to come forth. The lawyers knew what was said as well but it seems that they are afraid to say anything. In fact, when I told my lawyer that I was going to order the audio recording, my lawyer cautioned me not to order the audio recording and inferred that I would be stirring up lot of trouble for myself. In other words I was warned to shut up about my "fixed" court transcripts. But in my mind, the principle of justice is more important and we as Canadians must stand up, especially when we believe the courts are being corrupt and not serving the people in an accountable and transparent manner. I verily believe that persons at the court conspired to have the official records altered in my case to hide the judge's comments.

I did a bit of research and did uncover that my experience with fixed transcripts of court hearings is not an isolated event and others have had similar experiences. I have copied just a couple of the many documents I uncovered during my research.

The fixing of court transcripts and audio recordings brings the reputation of Canada and the administration of justice in all family courts in Canada into disrepute. The "fixing" and altering of official court transcripts and audio recording in a manner to conceal judicial bias, judicial incompetency and/or to prevent litigants from appealing their cases is simply unacceptable and a unwritten practice which must not be allowed to continue in a free and democratic society.

I believe that the fixing this problem is very simple and solving this problem would likely save a lot of taxpayer dollars. The simple fix is to install video cameras in all the family courtrooms in the province and that video recordings with the time stamp on the recording be readily available to parties in a court proceeding. Videotapes should be available at a reasonable cost. The installation of video cameras would put an end to the fixing of court transcripts and significantly increase public confidence in the family court system.

Your feedback on this issue would be greatly appreciated. I await your written response.

Yours truly



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Attachments:

- 1) Newspaper article – Judge Marvin Zuker gets a slap on the wrist for altering transcripts.
- 2) Letter to Attorney General Michael Bryant dated January 8, 2007 re fixed transcripts in the Hamilton, Ontario courthouse (3 pages)
- 3) Letter to Attorney General Nov 26, 2009 regarding transcripts (3 pages)
- 4) Letter to Attorney General Dec 17, 2007 re fixed transcripts at 47 Sheppard Ave. (5 pages)



# Judge gets a slap on wrist

By KEVIN CONNOR

May 24, 2007 – Sun Media

An Ontario Court judge was given a warning yesterday for a "slip from grace" in tampering with court transcripts.

Family court Justice Marvin Zucker admitted to the Ontario Judicial Council that he committed judicial misconduct by making deletions and additions to court transcripts in a case where paralegal Harry Kopyto was trying to represent a woman battling a supervision application by Jewish Family and Children's Services.

In July 2005, Zucker refused to allow Kopyto to represent the women because of his history and for being "adversarial" in court -- remarks Zucker later removed from transcripts.

Zucker apologized to the OJC, admitting it was wrong, but he stuck to his guns about not letting Kopyto represent the woman.

"She faced the possibility of losing her children," Zucker said. "I had grave concerns proceeding with Mr. Kopyto and I felt it was imperative for her to have legal counsel." Kopyto was disbarred in 1989 for bilking Ontario Legal Aid of more than \$150,000, said Zucker's lawyer, Phil Epstein, who sat on the disciplinary panel that disbarred Kopyto.

Zucker made a "slip from grace," said OJC chairman Justice Robert Blair, who issued Zucker a warning and ordered him to write a letter of apology to Kopyto and his client.

Calling the outcome "outrageous," Kopyto said it proves judges are above the law.

26<sup>TH</sup> November 2009

JoHanna DeSantos  
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The Honourable Chris Bentley, Attorney General of Ontario  
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Dear Mr. Bentley

**RE: Obstruction of Justice and delays caused by the actions of Mr. Justice Wood of the Barrie, Ontario court to “edit” my official court transcripts**

I would like to file my complaint to what is clearly an obstruction to justice as a result of the actions of the court reporters in the Barrie, Ontario courthouse who are acting upon the unwritten and unrecorded instructions of Mr. Justice J. Wood who was the presiding judge in my family court trial held in May of 2009.

Several weeks ago I ordered court transcripts of my court trial from May of 2009. The trial lasted about three weeks. An additional \$8,000 lien was put on my home by Ontario Legal Aid on top of the almost \$80,000 in previous liens put on my home by Ontario Legal Aid. When I called the court reporter to ask why it was taking so long to get the transcripts finished, I was informed by the court reporter, Ms. Knelson, that the release of the transcripts of my court matter had been delayed by Justice J. Wood who instructed that they be given to himself first so that he could “edit” them before released. All of this “editing” of course was to be done in secret behind closed doors with Justice Wood and the court reporter being the only ones to have access to and to know what was recorded on the court audio tapes which are used as the basis for the transcripts.

As a justice-minded and taxpaying citizen of Ontario all I can say when I heard this is to ask the question as to what kind of judicial nonsense is this? I suspect that the actions of Justice Wood to delay my transcripts in order for him to “edit” them is without any foundation in the law.

In addition to Justice Wood believing that he has the God given right to “edit” my court transcripts he even seems to believe that he has the God given right to violate my rights which are legislated under the law in Ontario. At the beginning of my trial, I informed Justice Wood of my intention to audiotape my own court proceedings under Section 136(b) of Ontario’s Courts of Justice Act which gives citizens who represent themselves in court the right to record their own court proceedings for the purpose of supplementing their notes. The law allows this and common sense is all that is needed to understand why this law exists.

When I spoke of exercising my lawful right to record, the lawyer for the Simcoe Children’s Aid Society quickly jumped up and objected. It seems as if the lawyer for the CAS was afraid of a audio recording being taken which was not under the backroom control of the court. After being financially destroyed by the family court process and the Simcoe CAS, I was forced to represent myself in court. I needed to exercise my right to audio record my proceedings so that I could go

back to my home at the end of the trial day and to use my recordings to help me prepare for the next day of trial. As a non lawyer I can only say that it is impossible to listen to testimony, to deal with the logistics of the courtroom and to make handwritten notes at the same time. Audio recording are crucial to a fair process.

To add insult to injury, the lawyer from the Simcoe CAS with a grin on his face and in an insulting and degrading manner pushed a tiny memo note pad over to me and jokingly said to use the notepad to take notes. The court and the CAS lawyers literally mocked me as if to say, “Who are you to think that you have any rights in OUR courtroom?” It was a gross display of arrogance and abuse of power by the court and the CAS lawyer to say the least.

Justice Wood told me that I could not record in his court. The Ontario Courts of Justice Act meant nothing to him. He did not give reasons but simply refused to recognize my rights under the law. He simply ignored the law and violated my rights like a judicial bully and tyrant! The fact that Justice Wood had now taken it upon himself to have his own private and secret access to the transcripts of my court hearing and is allowed to “edit” them speaks volumes about the Justice system in this Province. A transparent and just court system cannot exist, when judges can violate clearly written laws in their courtroom and then get to cover up their misdeeds by having secret access to the official transcripts such as Justice Marvin Zuker in a Toronto court matter.

Let me only say in closing that as a citizen of Ontario, I am absolutely disgusted with the way in which the court system has handled my matter regarding my court transcripts. It is nothing but an abuse of power and control. The current process reeks of cover-up and lack of accountability.

There would appear to be an abundance of information where other citizens of Ontario have encountered the same problem with court transcripts being altered by judges. Justice Marvin Zuker made front page news when he got caught fixing transcripts and from what I have heard in the public domain, court transcripts are being altered in other courts in Ontario. Some recent references to the problem of “fixing” court transcripts can be easily found on the internet:

<http://www.vimeo.com/4549754>

<http://www.vimeo.com/1858526>

<http://www.vimeo.com/843808>

The fact that complaints about transcripts in our courts being “fixed” by the judges continue to come in is unacceptable considering the fact that a special panel was appointed by a former Attorney General, Michael Bryant, with the mandate to look into this problem just a few years ago and in their report “Justice and the Media” reaffirmed the rights of citizens of Ontario to record their own court hearing. The Justice and the Media report is posted on your own website at:

<http://www.paneljusticeandmedia.jus.gov.on.ca/pjm/en/rpj-m-EN.pdf>

Why does the Attorney General’s Office continue to ignore a report by its own appointed expert panel which including lawyers, media experts and judges? The recommendations in this report clearly will help to promote justice, offer greater protection to the people of Ontario and significantly improve on the justice system in Ontario. Why is the Government of Ontario not implementing these recommendations for the benefit of all citizens of Ontario? Why does the Attorney General’s Office of this Province continue to allow the judges in Ontario to violate the law with impunity and to allow the judges to trample on the rights of the citizens of Ontario which are clearly written in law. The Attorney General’s office is supposed to be working to protect the

people of Ontario and to make the Justice system work towards justice and for the people of Ontario, not against them.

In regards to my own case, I would kindly ask that you instruct the court reporter to immediately prepare my transcripts and that the transcripts not be altered in any way whatsoever at the instruction of Justice Wood. This delay is unnecessary holding up my appeal and keeping me from seeing my own children. I have been told that if court reporters from the private sector were providing the same services that they could have the transcripts finished and delivered in less than two weeks. Why is Justice Wood allowed to impede me moving my case forward and pursuing justice for my children?

In regards to this whole mess regarding the transcript process at the courts, I would suggest that you, as the Attorney General of Ontario, take steps to implement the recommendations in your own Justice and the Media Report. Significant tax dollars and resources were spent to prepare this report so why does the Attorney General's office let dust collect on this report which has many very sensible and cost saving recommendations?

To put an immediate end to these courthouse shenanigans by these hooligan judges who "fix" court transcripts, I would suggest that you simply send a notice out to all court reporters advising them that all court transcripts are **NOT** the property of the judge and that there is no legislation that allows judges to secretly edit court transcripts behind closed doors. Court reporters work for the Attorney General's office and are not supposed to be working as private secretaries and personal editors under the influence of the judges. You, as the Attorney General of Ontario, have the power to immediately do this without any legislative changes whatsoever. **Court transcripts and the court audio tapes are the property of the Attorney General's Office, not the judges.**

As the Attorney General of Ontario, it's time for you to put your foot down with the judges and court reporters and to get them straight as to who they work for. This problem should have been fixed a long time ago. The judges are supposed to be taking their orders from the law as written in legislation and the court reporters are supposed to be taking their orders from court services under the Attorney General's office and not taking direct orders the judges. In order for the justice system to be transparent and to be seen as transparent, court reporters and control of their transcripts and court audio recordings must be kept at arm's length from the influence of judges. It seems however, that the judges want to be accountable to no one, not even the citizens whom they are supposed to protect.

Another factor which must be looked at is the tremendous cost that Justice Wood is burdening the taxpayers with. Justice Wood is being paid thousands of dollars to read and edit transcripts which will take considerable time. Yet the system complains how it needs more judges and more resources. Just getting the judges out of the business of "editing" transcripts will free up a lot of valuable resources and save the Province lots of money.

Your response in writing would be appreciated.

Sincerely,



JoHanna DeSantos  
A mother denied justice by the Ontario family court system

December 17, 2007

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Dear Justice Minister

**RE: Obstruction of Justice and Breach of Public Trust by Deputy Judge Harold Goldkind and Ms. Latoya Duncan – RE: court file #SC-05-24884-00 as well as the obstruction of justice by others within the judiciary**

I would kindly request the intervention of the Attorney General of Canada and the Royal Canadian Mounted Police to investigate what I verily believe are indictable offences committed in violation of the Criminal Code of Canada by a Deputy Judge Harold Goldkind and by at least one court reporter, Ms. Latoya Duncan. Both of these persons work in positions of public trust at the court at 47 Sheppard Ave. E. in Toronto. I would request that Deputy Judge Goldkind and Ms. Latoya Duncan, the persons whom I believe are responsible for these criminal offences, be duly charged as is required under the Criminal Code of Canada and brought to justice.

I verily believe that if I bring my complaint to the attention of provincial authorities, arrangements will be made protect these people by further tampering with evidence which may prove that a judge and workers at the court have violated the Criminal Code of Canada and have knowingly conspired to tamper with evidence in a judicial proceeding.

The violations of the Criminal Code of Canada relate to the proceedings surrounding my own civil court trial held on September 7, 2006 (Mati Aharouni v. Alfred Kwinter). The specific offences which I believe were violated are as follows:

- 1) Section 139 - Obstruction of Justice**
- 2) Section 133 – Breach of Public Trust**

At the root of my complaint is the fact that approximately 15-20 minutes of my court trial of September 7, 2006, have been removed from the official court transcripts and conveniently made to “vanish” from the official court record. In addition, all attempts by myself to obtain the correct information (eg request to compare the original court audiotape of the trial with the written transcripts) have been deliberately thwarted by court officials. I have been given the run-around and brushed aside by court workers at every attempt to obtain fair justice and reasonable services from the Sheppard Ave. E. courthouse. I have evidence in my possession from official court documents which support my claim that a significant and crucial portion of the trial proceedings were omitted from the official written court transcripts. The portion that was removed would clearly provide evidence that a lawyer whom was the defendant in the matter, Mr. Alfred Kwinter,

provided false and misleading evidence to the court in spite of his duty as an officer of the court, to tell the truth. I verily believe that the court records were deliberately altered to remove sections of the court records which would support an appeal of the judge's decision in this matter and to keep crucial evidence concealed from the record. I verily believe that there was collusion by officers of the court to removed evidence from court records as part of a plan to subvert the course of justice. Deputy Judge Goldkind also works as a lawyer outside of the courthouse and I verily believe that there was some collusion between Deputy Judge Goldkind and the defendant. To my knowledge, both the Deputy Judge and the defendant, Mr. Kwinter, work as lawyers outside of the court in the same judicial region.

**In order to prevent further tampering of the court records, I would strongly suggest that a search warrant be obtained at a federal level and that the court records in my matter, specifically the court reporter's tapes be seized before court workers at the court at 47 Sheppard Ave. E. are given the opportunity to tamper with the tapes or make the audio tapes of the hearing conveniently "disappear."** I verily believe that there are persons in positions of power and authority at the court who would not want the criminal activities by court workers and judges exposed and who do hold influence over workers to make evidence of illegal activities at the court difficult, if not impossible, to find. I believe that the tapes in question in my case are court tapes #346-06, #348-06 and #349-06 (as per court reporter's sworn statement of accuracy).

I believe that intervention in this criminal matter at a federal level is required because evidence would reasonably suggest that provincial authorities at the highest level, including judges and the Canadian Judicial Council, are aware that official court records are being illegally tampered with at the Sheppard Ave. E. court but are turning a blind eye to it, likely because of interference by persons of power and authority within the court itself. The case involving Justice Marvin Zuker fixing transcripts at the Sheppard Ave. courthouse is a good example of this. I have heard stories of other citizens whose court tapes have been recorded over by court workers in order to remove selected sections of court proceedings in other court hearings.

I verily believe that tampering of official court documents has become an unwritten accepted practice at the court at 47 Sheppard Ave. E. in Toronto and that to stop the administration of justice from being put any further into disrepute by court workers and judges, that this unwritten and unlawful practice be put to an end. As proof that official court documents are being illegally tampered with at this courthouse, I have enclosed a copy of an article regarding a Mr. Justice Marvin Zuker, a senior judge at the Sheppard Ave. E. court, who got caught earlier this year for altering official court records in contravention of the Criminal Code of Canada. Justice Marvin Zuker has been allowed to get away with violating the Criminal Code of Canada on not just one, but two indictable offences. Yet in spite of this judge breaking the law, he is free to continue on with his duties as a judge at the Sheppard Ave. courthouse. The fact that altering transcripts cannot be done by just one person acting alone, it can only be concluded that a conspiracy to violate the Criminal Code of Canada has occurred on more than one occasion at the Sheppard Ave. E. court. It appears that we have one set of laws for Canadians and another set of unwritten laws for these unelected and unaccountable Judges and Deputy Judges who seem to feel that they can just ignore the laws of this land and make up their own rules and laws to suit themselves.

The bottom line is that I know what I heard said during my trial and I do know that the official court transcripts are significantly deficient in being an accurate record of what was said in court. I have

been given nothing but the run-around and broken promises by court workers during what I believe was a conspiracy to tamper with my court trial proceedings.

I do not believe that the tampering with my court records was any form of accident or error. It is clear to me that forces within the court at 47 Sheppard Ave. E. are at work covering up the truth and interfering with the Administration of Justice. My lawyer knows as well what was said in court but has made it very clear to me that he wants nothing more to do with this matter. From his actions, it is clear that he is afraid of what will be the consequences to him and his legal practice by the judges and court workers who clearly have a vested interest in protecting themselves by keeping an iron clad grip over the content of official court records.

I know that I am not alone and that there is a growing number of Canadians who are beginning to see that the courts in Canada are becoming corrupted and that the courts are not the fair and just places that Canadians are being told they are. In fact, on one of my visits to the Sheppard Ave. E. courthouse I encountered a significant public crowd demonstrating with large eight foot signs in front of the court about the subject of fixing transcripts and court recordings at this very court. The citizens were kind enough to provide me with copies of a petition asking members of provincial parliament to arrest Justice Marvin Zuker who has violated the law.

**Attached, please find copies of two pages of signatures from a public petition which shows that other Canadians are outraged with Judges fixing transcripts at the Sheppard Ave. E. courthouse and are demanding action.**

If the practice of criminally tampering with official court transcripts by judges and officers of the court is not dealt with effectively and swiftly, Canadians will lose all respect for the courts and under such circumstances, create huge problems not only for the courts but for law enforcement officials right across Canada. Democracy, freedom and the Rule of Law cannot exist in a society where the justice system is not transparent and where judges, lawyers and court workers are allowed to manipulate and control the flow of evidence in judicial proceedings to suit their own personal interests. There have already been enough innocent Canadians put in jail based on the manipulation of evidence by those who are supposed to enforce the law fairly, so let's not kid ourselves in saying that people in position of power and authority at Canadian courts can be totally trusted.

I am a Canadian who believes that each and every citizen of Canada has a duty to speak up and to stand up to ensure that our justice system is made accountable for the benefit of all Canadians. This is why I am filing this complaint about what I clearly see has been an injustice against not only upon myself, but against every Canadian who believes in Justice. I verily believe that if federal authorities do not step in to enforce the integrity of our justice system and to enforce the Criminal Code of Canada equally upon all Canadians, that Canada's justice system and Canada as we know it today, will totally collapse. I remind you of a quote from one of Canada's great former Conservative Prime Ministers:

*We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.*

**- John Diefenbaker 1895-1979 -**

I believe that if federal authorities do not intervene to investigate and charge those at the Sheppard Ave. Court who were responsible for illegally altering my court records and to also arrest Justice Marvin Zuker for his altering of court transcripts in another similar case at the same courthouse, then this government will have failed in its mandate to uphold the principles of justice and failed in it's mandate to protect the interests and well-being of the Canadian people including democracy itself.

For your information, I have attached a more detailed background summary of the events connected with the illegal tampering of court records in my court matter by officials at the courthouse at 47 Sheppard Ave. E. in Toronto. The attached information will help to make clear and to better understand the circumstances surrounding the obstruction of justice in my court matter and how I have been screwed around by what would appear to be incompetent and unprofessional court staff. There is a small, yet important piece of evidence which those who fixed my transcripts missed during their illegal "editing" of my transcripts which clearly supports my claims of a conspiracy to obstruct justice by court officials at 47 Sheppard Ave.. I will be glad to disclose this evidence to investigators with the RCMP but am afraid to disclose the actual evidence in this correspondence. The evidence I have in hand serves as a good example to show how those who try to lie and try to cover-up their lies and unlawful activities sometimes get careless and make mistakes which others find by accident.

On behalf of those remaining Canadians who still hold some little faith that justice does prevail in Canada's courts, I ask that you take swift and prompt action in my matter and to bring those who have violated Canadian law to face swift justice, whether they are judges, lawyers or court workers. Those who gave their lives in defence of this country in the belief that they were fighting to bring freedom and democracy to this country would be outraged if they were alive today to see how our courts, which are supposed to be the pillars of a free and democratic society, have brought shame to the word "Justice."

Our current Prime Minister, the Honourable Stephen Harper, promised Canadians accountability at the last election. Having the Justice Department take steps to clean up the criminal activity in our courts and to make those who work in the court system accountable for their actions, would certainly send a strong message to the Canadian people that Prime Minister Harper is a leader who follows up on his words with action in spite of opposition from the dark and corrupt forces which oppose the principle that transparency and accountability must be applied to judges and court workers. Corruption with our judiciary and within the courts must be stamped out as this is a disgrace to a free and democratic Canada.

Please be advised that if those who have a duty to enforce the Criminal Code of Canada equally upon all Canadians do not take action in this matter, then in the interest of the Canadian public, I shall put out this letter into the public domain including copying this letter to all members of the House of Commons, the Senate of Canada and to all Members of the Ontario Provincial Legislature within the next 30days.

I verily believe that the integrity of our justice system and the interests of all Canadians are at grave risk if Judges, Deputy Judges and court workers are allowed to continue to break the law with impunity and are allowed to enjoy special privilege to commit criminal acts without any reasonable consequences to their actions. It's time for authorities in this country to get things straightened out

in our courts and to make these judges and court workers understand that their duty is to work in the best interest of the people of Canada, not for themselves or for their friends who are members of the various law societies in this country!

The practice of Judges being allowed access and to work in secret behind closed doors with court reporters on transcripts and keeping court audio tapes a well guarded secret is a practice which must be put to an end NOW! Obstruction of Justice by our judges and court workers is no less than an affront to democracy, freedom and the Rule of Law in Canada.

Clearly, information from the public domain shows that I am not the only Canadian who has encountered the problem of deliberate transcript tampering by Judges and court workers and the shenanigans by judges to violate the law and to keep court proceedings secret. I have attached other pieces of evidence which support my statements.

The solutions to this problem are simple enough that even a young child would know how to solve them. Simply providing audio or preferably video tapes of court hearings to all parties will put an end to this corruption and cover-up. In addition, getting judges out of the practice of reviewing transcripts in secret will save the taxpayers a significant amount of money and give Canadians greater faith in our Canada's justice system. Getting judges like Justice Goldkind and Justice Zuker arrested and charged may be a good start in restoring public confidence in our court system.

I await your response.

Yours truly



Mati Aharouni  
Tel: (416) 787-2669

**Enclosures:**

- 1) Background summary information about my court matter including exhibits (6 pages)
- 2) Copy of an article regarding the tampering with official court documents by Justice Marvin Zuker at the Sheppard Ave. E. courthouse (1page)
- 3) Copies of sample pages from petition signed by the citizens of Ontario to have Justice Marvin Zuker arrested and charged (2 samples pages included)
- 4) Sample article about Justice Lydia Olah obstructing justice (2 pages)
- 5) Copy of a letter from Mr. Kapetanovic regarding official court transcripts being illegally altered at the Hamilton, Ontario court. (3 pages)
- 6) Copy of a letter from Mr. Gil Labossiere regarding official court transcripts being illegally altered at the Jarvis St. courthouse in Toronto.
- 7) Copy of a letter from Mr. Sykes regarding threats against himself by court security staff to obstruct his lawful rights to record his own court hearing as permitted under Ontario's Courts of Justice Act. (10 pages)

cc: The Honourable Stephen Harper, Prime Minister of Canada

January 8, 2007.

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Dear Mr. Bryant

## **RE: Altered Court Transcripts**

I am filing a complaint regarding the altering of the transcripts in my family court matter which was held at the Superior Court of Justice in Hamilton, Ontario before the Honourable Madame Justice L. Walters on January 8, 2004.

During the court hearing, in a mean spirited and malicious manner, Justice Walters ordered my witnesses out of the court, even though they were professionals and had come to provide evidence in person to the hearing. One witness was a police officer and two were professional teachers. These witnesses could only submit evidence in person as they were barred by their professional bodies from submitting affidavit materials. They were significant witnesses and I considered their evidence crucial for determining the best interest of my child who was being abused by his mother. Yet, Justice Walters chose to ignore these important witnesses and instead turned away the valuable assistance they were offering to the court.

The section of the transcripts in which the judge ordered my witnesses out of the court was removed (altered?) from the transcripts. I have been told that this section of the transcripts which clearly showed that the judge refusing to accept evidence relevant to my child, and a mean spirited and malicious manner of doing that, would have given grounds for an appeal in my case.

I did not file a complaint about my transcripts being altered before now because I did not know how to deal with this issue. Last week, a friend of mine told me that another Judge in Toronto was the subject of an investigation involving the “fixing” of transcripts to remove statements which would have assisted another party in an appeal. I have attached a copy of this article from the Globe and Mail. I was told that I should file a complaint in my case for the record and for getting to the bottom of this incident, including but not limited to, finally obtaining the true/correct version of the transcript which I need in my forthcoming court applications/cases.

I was also told by a lawyer who advised me that it was well-known in the legal community that Madame Justice Walters was a feminist judge and extremely biased against fathers. This comment from a experienced member of the Law Society certainly reinforced my own observations that something is terribly wrong with our family justice system.

Needless to say, the ruling by Justice Walters only reinforced the mother's absolute control over my son and allowed her to perpetrate further psychological abuse on him. I have not seen or heard from my son in more than two years. The mother's first objective after obtaining custody of our son was to destroy my son's relationship with his father and to thwart access to my son. From what a number of other lawyers have told me, getting mothers to obey family court orders in regards to access provisions is a joke in Canada with mothers being routinely allowed to destroy their children's relationship with the fathers with impunity.

I would appreciate it if the Attorney General's office could arrange to have the Court Operations department of your Ministry provide me with accurate transcripts. If the Court Operations department of your Ministry claims that the transcripts that they already done are accurate, then I would ask that the Ministry arrange to have me sit with the court reporter and to listen to the original audio recording of the proceedings. I know what I heard in court that day and the transcripts simply do not reflect what was said by the judge in court. Witnesses in court also said that the transcripts are not true.

As an immigrant Canadian who came to this country many years ago for a better life, I am shocked to learn by my own experience with the courts that transcripts are being significantly altered by the very institution that is supposed to be ensuring truth and justice to the people of Canada. It seems that this interference is to protect the judges and to help make them unaccountable and above the law.

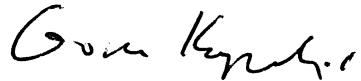
A number of lawyers and court workers also told me the judges get to review and to "approve" transcripts prior to being released to the parties in court. I find this shocking. The preparation of transcripts should be done without any involvement of the judge. What is said in court is what should be what is written on the transcripts. If any party in court, including the judge, says something inappropriate, then the record should show this. Judges should not be allowed to go anywhere near the transcripts or have any kind of relationship with those who do the court transcripts. Judges have a vested personal interest in changing transcripts so the judges should have no prior access to them before they are released to the parties in court. If the judges get to review and to "approve" transcripts prior to being released, it, among others, directly undermines the very appeal process and renders the fundamental process of Complaint to the Judicial Council impossible. Allowing judges to have access to transcripts does not help to maintain a justice system which is transparent and accountable as you have promised to promote in Ontario.

To avoid the possibility of transcripts being altered or "fixed" by judges, I would suggest that procedures be implemented immediately which would ensure that transcripts are protected from judicial tampering. Indeed, the tapes and the transcripts are in the custody of provincial government, in the Court Operations department of the Ministry of the Attorney General, and thus (being in Executive branch of government) has to not to be contaminated by the Judicial brunch of government.

As an additional measure of safety, I would also suggest that all courts should clearly advise people of their rights to record their own court hearing as currently permitted under section 136 of the Courts of Justice Act. Maybe if the judges and court reporters know that there is a second record of the hearing in the possession of the parties, that some of the court workers and judges may be less inclined to obstruct justice by removing or altering portions of transcripts. The integrity of the transcripts must be upheld and all opportunities to judicial tampering removed through effective procedures.

I await your written response.

Yours truly



Goran Kapetanovic

Attachment: Article from Globe and Mail October 6, 2006 - Judge to face misconduct probe

cc: Prime Minister of Canada  
Premier of Ontario, Dalton McGuinty  
Various members of the Provincial Legislature and the House of Commons.  
Ombudsman of Ontario